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The Memoranda Roll
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for 3 Edward II

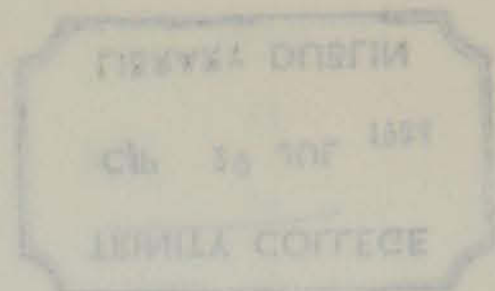
Volume I

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THE MEMORANDA ROLL OF
 THE IRISH EXCHEQUER
 FOR 3 EDWARD II



(in two volumes)

Volume I: INTRODUCTION AND INDEX

Edited By

DAVID VICTOR CRAIG

Submitted for the degree of Ph.D.

University of Dublin

March 1984

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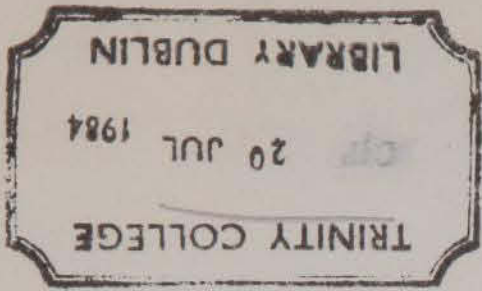
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Secondly I wish to acknowledge the assistance received from the staffs of the various libraries and archives in which I have done my research. In particular I wish to thank two of my colleagues in the Public Record Office of Ireland. Mr. Breandan Mac Giolla Choille, Deputy Keeper of Public Records, has facilitated my research in many ways, not least by his readiness to recommend that I be granted special leave in order to complete my thesis. Dr. Phil Connolly was always willing to share her extensive knowledge of the Irish exchequer and its records, and she also undertook the task of checking the typescript of the index.

Thirdly I would like to thank all those who had a part in the typing of the thesis. In this regard I owe a special debt to Peter Craig, who organised the typing of the text and appendixes by students of the Dept. of Mathematics, and did much of the typing himself. I am also very grateful to the staff of Wordplex Wordprocessing Bureau for the exemplary efficiency with which they typed the index. And I wish to thank Anita Craig for her assistance in making manuscript additions to the typescript of the introduction.

Finally I am especially grateful to my mother Mrs. Joyce Craig. Without her help, it is doubtful whether this thesis would ever have been completed.

David Victor Craig

DECLARATIONS

I hereby declare that this thesis has not been submitted as an exercise for a degree at any other university.

David V. Craig

DAVID VICTOR CRAIG

I also declare that this thesis is entirely my own work.

David V. Craig

DAVID VICTOR CRAIG

SUMMARY

The Irish exchequer was the financial department of the government of the king of England's lordship of Ireland. The memoranda rolls were used to record proceedings in the exchequer and correspondence received or issued by it. Only two original rolls now survive, but there are manuscript calendars of about 150 rolls. This thesis is an edition of the earlier of the two original rolls, that for 3 Edward II (30 September 1309 - 29 September 1310, abbreviated as 1309/10). It contains the text of the memoranda roll, three appendixes, a lengthy introduction, and an index of persons and places.

According to the published lists there were two memoranda rolls for the year 1309/10, but the second roll was in fact the first plea roll covering a full year ever kept by the exchequer. As it was an offshoot of the memoranda roll, and since the contents of one roll cannot be fully understood without reference to the other, a calendar of the plea roll has been appended to the text of the memoranda roll.

The organisation, functions and procedures of the exchequer are discussed in the first part of the introduction. This is the first detailed and systematic study ever made of the medieval Irish exchequer, and should be of interest not only to Irish historians but also to those concerned with the English exchequer and its records. The second part of the introduction begins with a general survey of the memoranda and plea rolls, in which it is shown that the Irish exchequer, unlike the English exchequer, never kept more than one series of memoranda rolls. The contents of the different sections of the rolls for 1309/10 are then analysed in turn.

The final part of the introduction outlines the editorial practices and conventions followed in preparing the text, calendar and index. In general the recommendations made by Hunnisett in Editing records for publication and Indexing for editors have been accepted.

LIST OF ABBREVIATIONS USED IN THE
INTRODUCTION

<u>Cal. charter rolls</u>	<u>Calendar of the charter rolls</u> ¹
<u>Cal. close rolls</u>	<u>Calendar of the close rolls</u> ¹
<u>Cal. doc. Ire.</u>	<u>Calendar of Documents relating to Ireland, 1171-1307</u> , ed. H.S. Sweetman, 5 vols. (H.M.S.O., London, 1875-86.)
<u>Cal. fine rolls</u>	<u>Calendar of the fine rolls</u> ¹
<u>Cal. justic. rolls Ire.</u>	<u>Calendar of the justiciary rolls on proceedings in the court of the justiciar of Ireland, 1295-1314</u> , 3 vols. (H.M.S.O. or Stationery Office, Dublin, 1905-56)
<u>Cal. mem. rolls, 1326/7</u>	<u>Calendar of memoranda rolls (exchequer), Michaelmas 1326-Michaelmas 1327</u> (H.M.S.O., London, 1968)
<u>Cal. pat rolls</u>	<u>Calendar of the patent rolls</u> ¹
<u>Doc. affairs Ire.</u>	<u>Documents on the affairs of Ireland before the king's council</u> , ed. G.O. Sayles (Irish Manuscripts Commission, Dublin, 1979)
E 101	P.R.O., London, records of the English exchequer, king's remembrancer's accounts various (including receipt rolls, issue rolls and other records of the Irish exchequer)
E 159	P.R.O., London, records of the English exchequer, king's remembrancer's memoranda rolls
E 368	P.R.O., London, records of the English exchequer, lord treasurer's remembrancer's memoranda rolls

1. Calendars of rolls of the English chancery in P.R.O., London, published by H.M.S.O.

E 372

P.R.O. London, records of the English exchequer, pipe rolls (containing enrolled accounts of treasurers of the Irish exchequer)

Eng. Hist. Rev.

English Historical Review

EX 1

P.R.O.I., records of the Irish exchequer, memoranda rolls

EX 2

P.R.O.I., records of the Irish exchequer, calendars of memoranda rolls prepared in P.R.O.I

Foedera

Foedera, conventions, litterae et cujuscumque generis acta publica, ed T. Rymer, 4 vols. in 7 (Record Commission, London, 1816-69)

H.M.S.O.

His or Her Majesty's Stationery Office

Hand, Eng. law in Ire.

G.J. Hand, English law in Ireland, 1290-1324 (Cambridge, 1967)

Hist. and mun. docs. Ire.

Historic and municipal documents of Ireland, 1172 - 1320, ed. J.T. Gilbert, Rolls Series, 53, (H.M.S.O., London, 1870)

Ir. Hist. Stud.

Irish Historical Studies

KB 1/1

P.R.O.I., records of the justiciar's court (later the Irish king's bench), justiciary roll for 6-7 Edward II.

KB 2

P.R.O.I., records of the justiciar's court, calendars of justiciary rolls prepared in P.R.O.I.

Lydon, 'Enrolled account of Alexander Bicknor'

J.F. Lydon, 'The enrolled account of Alexander Bicknor, 1308-14', Analecta Hibernica, 30 (1982), pp. 9-46

Lydon, 'Memoranda rolls'

James F. Lydon, 'Survey of the memoranda rolls of the Irish exchequer, 1294 - 1509', Analecta Hibernica, 23 (1966), pp. 49-134

Madox, Exchequer

Madox, Thomas, The history and antiquities of the exchequer of the kings of England (folio edition, London, 1711)

N.L.I.	National Library of Ireland
Otway - Ruthven, <u>Med. Ire.</u>	A.J. Otway - Ruthven, <u>A history of medieval Ireland</u> (London, 1968, reprinted 1980)
<u>P.R.I. rep. D.K. 1 - 59</u>	<u>First to fifty-ninth reports of the Deputy Keeper of Public Records in Ireland</u> (H.M.S.O. or Stationery Office, Dublin, 1869 - 1962)
P.R.O.I.	Public Record Office of Ireland
P.R.O., London	Public Record Office, London
RC 7	P.R.O.I., records of the Irish Record Commission, calendar of plea rolls of the Dublin bench and other courts prepared for the commission
RC 8	P.R.O.I., records of the Irish Record Commission, calendar of memoranda rolls of the Irish exchequer prepared for the commission
<u>R.I.A. Proc.</u>	<u>Proceedings of the Royal Irish Academy</u>
<u>R.S.A.I. Jn.</u>	<u>Journal of the Royal Society of Antiquaries of Ireland</u>
Reaney, <u>Dictionary of British Surnames</u>	P.H. Reaney, <u>A dictionary of British Surnames</u> , 2nd ed., with corrections and additions by R.M. Wilson (London, 1976)
<u>Rec. Comm. Ire. reps.</u>	<u>Reports of the Irish Record Commission, 1811-25</u> 3 vols. (London, 1815-25)
<u>Red book of the exchequer, iii</u>	<u>The red book of the exchequer, iii</u> , ed. Hubert Hall, Rolls Series, 99 (H.M.S.O., London, 1896)
Richardson and Sayles, <u>Admin. Ire.</u>	H.G. Richardson and G.O. Sayles, <u>The Administration of Ireland, 1172-1377</u> (Irish Manuscripts Commission, Dublin, 1963)
Richardson and Sayles, <u>Ir. Parl. in middle ages</u>	H.G. Richardson and G.O. Sayles, <u>The Irish Parliament in the middle ages</u> (Philadelphia, 2nd ed., 1964)

Rot. canc. Hib.

Rotulorum patentium et clausorum
cancellariae Hiberniae calendarium,
Henry II - Henry VIII (Irish Record
Commission, Dublin, 1828)

Select cases in exchequer

Select cases in the exchequer of pleas,
ed. Hilary Jenkinson and Beryl E.R.
Formoy, Selden Society, 48 (1931)

Stat. Ire., John-Hen. V

Statutes and ordinances, and acts of
the parliament of Ireland, King John
to Henry V, ed. Henry F. Berry
(H.M.S.O., Dublin, 1914)

Wood, Guide to records
in P.R.O.I.

Herbert Wood, A guide to the records
deposited in the Public Record Office
of Ireland (H.M.S.O., Dublin, 1919)

The Irish exchequer in the

early fourteenth century

INTRODUCTION

The exchequer was the financial centre of the government of the King of England's lordship of Ireland. It supervised the collection of the revenues of the lordship, and itself received the greater part of that revenue. It paid the wages of officials and the other expenses of central government, authorized local levies, and made a substantial contribution towards the cost of the war in Ireland. It audited the accounts of officials collecting and spending money under its authority. It was also a court of law. Legal actions related in any way to its financial functions were heard by it, as were actions, debt, insurance and

PART I

The Irish exchequer in the early fourteenth century

The exchequer was ultimately responsible to the king himself. The treasurer and his other senior officers were appointed by the king.¹ Most orders from the king or the English council were conveyed in writs from the English chancery under the great seal. A few orders from the king were conveyed in writs from the wardrobe or privy seal office under the privy seal.² The Irish treasurer was obliged to account for receipts and issues of the Irish exchequer at the English exchequer.³ Orders concerning the treasurer's account were usually conveyed in writs from the English exchequer under the great seal.

Within Ireland the exchequer reported to the chief governor and the Irish council. The chief governor was usually a jurist, although when Robert Devonau was chief governor he held the title of king's

1. See below, pp. 7-10.
2. See below, pp. 1-11.
3. For an analysis of writs from England and the Irish chancery see below, pp. 11-23.
4. See below, pp. 18-19.

THE IRISH EXCHEQUER IN THE EARLY FOURTEENTH CENTURY

The exchequer was the financial department of the government of the king of England's lordship of Ireland. It supervised the collection of the revenue of the lordship, and itself received the greater part of that revenue. It paid the fees of officials and the other expenses of central government, authorised local expenditure, and made a substantial contribution towards the cost of the war in Scotland. It audited the accounts of officials collecting and spending money under its authority. It was also a court of justice. Legal actions related in any way to its financial functions were heard by it, as were actions^{of} debt, trespass and account in which one of the parties was an exchequer official, an accountant, a debtor of the king or a person specially licensed to sue in it.¹

The exchequer was ultimately responsible to the king himself. The treasurer and its other senior officers were appointed by the king.² Most orders from the king or the English council were conveyed in writs from the English chancery under the great seal. A few orders from the king were conveyed in writs from the wardrobe or privy seal office under the privy seal.³ The Irish treasurer was obliged to account for receipts and issues of the Irish exchequer at the English exchequer.⁴ Orders concerning the treasurer's account were usually conveyed in writs from the English exchequer under its own seal.

Within Ireland the exchequer answered to the chief governor and the Irish council. The chief governor was usually a justiciar, although when Peter Gavaston was chief governor in 1309-9 he had the title of king's

-
1. See below, pp. 7 — 106.
 2. See below, pp. 7 — 12.
 3. For an analysis of writs from England and the Irish chancery see below, pp. 142 — 59.
 4. See below, pp. 18 — 19.

lieutenant.⁵ The membership of the council varied, but it must normally have included the chief governor, the chancellor and the treasurer.⁶ Many of the orders of the chief governor or the council to the exchequer must have been given orally to the treasurer. Those that had to be put in writing were conveyed in writs from the Irish chancery under ^{the} Irish great seal.

Major decisions concerning financial matters were sometimes made by or at the time of meetings of parliaments or great councils.⁷ It seems that a number of such decisions were made by the justiciar and council immediately following the parliament held by Kilkenny in February 1310. Unfortunately only part of an ordinance concerning the appointment of unsuitable persons as sheriffs is included in the surviving records of the parliament.⁸ However the council's decision that the exchequer should appoint a receiver of the king's money in each county was almost certainly made on this occasion.⁹ And it is probable that the implementation in Ireland of provisions of the Statute of Rhuddlan of 1284 relating to dividend tallies and inquests concerning debts was a result of a decision made at this meeting of council.¹⁰

5. Richardson and Sayles, Admin. Ire., pp. 8-14.

6. Richardson and Sayles, Ir. parl. in middle ages, pp. 20-38. The council later became known as the privy council (secretum consilium), in order to distinguish it from great councils, which were similar to parliaments in composition and function (ibid., pp. 104-10).

7. See list of parliaments and councils in ibid., pp. 332-65. The parliament listed as being held at Kildare during the year beginning 25 March 1310 probably met in Dec. 1310 (Cal. justic. roll Ire., 1308-14, pp. 163-4). At least four parliaments or great councils held in the early fourteenth century are not included in the list. In the year beginning 30 Sept. 1307 a sum of £666 13s. 4d. was paid to the earl of Ulster per ordinationum prelatorum, procerum et magnatum Hibernie (E 101/235/9). A parliament was held on the Monday after the Decollation of St. John the Baptist (31 Aug.) 1310 at Cashel (RC 8/5, pp. 279-80). A parliament was held on the morrow of St. Martin (12 Nov.) 1311 at Dublin (RC 8/6, p. 208). And a parliament was held sometime during the year commencing 8 July 1322 at Dublin (RC 8/13 pp. 540-1). It is likely that there were other parliaments not recorded in the surviving sources.

8. Stat. Ire., John-Hen. V, pp. 276-7.

9. See below, p. 38.

10. See below pp. 22, 94.

Many of the lesser officials of the lordship were answerable to the exchequer. The sheriffs and receivers of counties were generally appointed in the exchequer by the treasurer. The seneschals of the major liberties and the mayors of a number of cities and boroughs had to be presented in the exchequer after their appointment or election. The collectors of customs and purveyors of victuals were usually appointed in the exchequer or elected in accordance with instructions given in letters from it. The escheator was too senior an official to be appointed in the exchequer, but he was still obliged to answer to it for his receipts and payments.¹¹ The exchequer's orders to these and other officials were generally conveyed in writs issued under its own seal.¹²

Throughout most of its history the exchequer was based in Dublin, although it was based in Carlow for most of the period 1361-94.¹³ By the early fourteenth century the exchequer had its own buildings in the king's manor in the suburbs of Dublin near the modern Exchequer Street.¹⁴ These buildings were among those destroyed when the suburbs were burnt by the citizens in 1317 when they feared an attack by the army of Robert Bruce.¹⁵ To replace them the exchequer rented premises in the city from Robert Willoughby. These premises were retained after Robert's death, the rent being paid to his widow Alice up to 1339.¹⁶

11. See below, pp. 36 - 41.

12. See below, pp. 210 - 47.

13. Otway-Ruthven, Med. Ire., pp. 160, 287, 327; Philomena Mary Connolly, "Lionel of Clarence and Ireland, 1361-1366" (Ph.D. thesis, University of Dublin, 1977), pp. 194-6.

14. Dublin c. 840 to c. 1540: the medieval town in the modern city, map prepared by Howard B. Clarke for The Friends of Medieval Dublin (Ordnance Survey, Dublin, 1978); "Calendar of Christ Church deeds", nos. 517, 539-42, 544, 573, 638, 1197, 1407 (in P.R.I. reps. D.K. 23-4); John Thomas Gilbert, A history of the city of Dublin, iii (Dublin, 1859, reprinted, Shannon, 1972), pp. 181-2, 184.

15. Doc. affairs Ire., no. 140; Otway-Ruthven, Med. Ire., p. 238; J.F. Lydon, "The Bruce invasion of Ireland"; Historical Studies: papers read before the Irish conference of historians; iv (London, 1963), pp. 111-25.

16. E 101/237/8; E 101/239/7; E 101/240/1, 13, 18.

At some date between then and 1346 either the exchequer moved or the ownership of the premises changed, as in 1346-7 the rent was paid to Walter Islip.¹⁷ From the summer of 1347 the rent was paid to John Tailor for buildings which seem to have been in Nicholas Street.¹⁸ These buildings were retained until June 1364, when they were surrendered to Tailor.¹⁹

The exchequer was open during the usual four law terms, although as in England²⁰ its terms were rather longer than those of other courts. It was closed during vacation and on those Sundays and major feast days which fell within term. Michaelmas term opened on the morrow of Michaelmas (30 September), and generally ended on a Saturday about a week before Christmas Day; it was normally about 11 weeks long. The vacation at Christmas was usually about three and a half weeks long. Hilary term began on the morrow of Hilary (14 January), and generally ran into the first week of Lent, ending shortly before or after Quadragesima Sunday; it could be as short as four weeks or as long as eight weeks. The vacation at Easter was six to seven weeks long. Easter term opened on the morrow of the close of Easter (the second Monday after Easter Sunday), and ended on the Saturday before Whit Sunday, a period of six weeks. The vacation of Whit lasted two weeks. Trinity term opened on the octave of Trinity, and generally ended in early August, although in 1308 it continued until 23 August; it varied in length between six and ten weeks. The vacation in autumn was between five and six weeks long.²¹

The year commencing on the morrow of Michaelmas (30 September) is commonly referred to as the exchequer year. As H.G. Richardson has shown,

17. E 101/241/12.

18. *ibid.*; *Doc. affairs Ire.*, p. 196.

19. Connolly, "Lionel of Clarence", pp. 194-6.

20. *Handbook of dates for students of English history*, ed. C.R. Cheney, (London, 1945, reprinted with corrections, 1970), pp. 65-70.

21. This paragraph is based on the receipt and issue rolls of the exchequer for the period 1305-14 (E 101/234/7, 9, 16, 17; E 101/235/5, 9, 12, 13, 18, 20, 22, 24, 24; E 101/236, 1 3, 4, 6-8, 11, 12).

this year was not used to date individual events. Normally the regnal year was used for this purpose.²² In the reign of Edward II the regnal year ran from 8 July to 7 July.²³ However the year beginning on 30 September was of great importance in the work of the exchequer. Most of its records were kept on the basis of this year. Thus the memoranda roll for 3 Edward II covers the year 30 September 1309 - 29 September 1310.²⁴

After Nicholas 1285 the issue rolls and treasurers' accounts generally came only the treasurer, barons, chancellor, chamberlains and usher.

1. For what is known about the most important officials see Richardson and Taylor, *op. cit.*, pp. 11-12.
2. For lists of issue rolls, service rolls and treasurers' accounts, 1285-1305, see *ibid.*, pp. 107-108. See also the views of *ibid.*, pp. 111-112, 113-114, 115-116, 117-118, 119-120, 121-122, 123-124, 125-126, 127-128, 129-130, 131-132, 133-134, 135-136, 137-138, 139-140, 141-142, 143-144, 145-146, 147-148, 149-150, 151-152, 153-154, 155-156, 157-158, 159-160, 161-162, 163-164, 165-166, 167-168, 169-170, 171-172, 173-174, 175-176, 177-178, 179-180, 181-182, 183-184, 185-186, 187-188, 189-190, 191-192, 193-194, 195-196, 197-198, 199-200, 201-202, 203-204, 205-206, 207-208, 209-210, 211-212, 213-214, 215-216, 217-218, 219-220, 221-222, 223-224, 225-226, 227-228, 229-230, 231-232, 233-234, 235-236, 237-238, 239-240, 241-242, 243-244, 245-246, 247-248, 249-250, 251-252, 253-254, 255-256, 257-258, 259-260, 261-262, 263-264, 265-266, 267-268, 269-270, 271-272, 273-274, 275-276, 277-278, 279-280, 281-282, 283-284, 285-286, 287-288, 289-290, 291-292, 293-294, 295-296, 297-298, 299-300, 301-302, 303-304, 305-306, 307-308, 309-310, 311-312, 313-314, 315-316, 317-318, 319-320, 321-322, 323-324, 325-326, 327-328, 329-330, 331-332, 333-334, 335-336, 337-338, 339-340, 341-342, 343-344, 345-346, 347-348, 349-350, 351-352, 353-354, 355-356, 357-358, 359-360, 361-362, 363-364, 365-366, 367-368, 369-370, 371-372, 373-374, 375-376, 377-378, 379-380, 381-382, 383-384, 385-386, 387-388, 389-390, 391-392, 393-394, 395-396, 397-398, 399-400, 401-402, 403-404, 405-406, 407-408, 409-410, 411-412, 413-414, 415-416, 417-418, 419-420, 421-422, 423-424, 425-426, 427-428, 429-430, 431-432, 433-434, 435-436, 437-438, 439-440, 441-442, 443-444, 445-446, 447-448, 449-450, 451-452, 453-454, 455-456, 457-458, 459-460, 461-462, 463-464, 465-466, 467-468, 469-470, 471-472, 473-474, 475-476, 477-478, 479-480, 481-482, 483-484, 485-486, 487-488, 489-490, 491-492, 493-494, 495-496, 497-498, 499-500, 501-502, 503-504, 505-506, 507-508, 509-510, 511-512, 513-514, 515-516, 517-518, 519-520, 521-522, 523-524, 525-526, 527-528, 529-530, 531-532, 533-534, 535-536, 537-538, 539-540, 541-542, 543-544, 545-546, 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769-770, 771-772, 773-774, 775-776, 777-778, 779-780, 781-782, 783-784, 785-786, 787-788, 789-790, 791-792, 793-794, 795-796, 797-798, 799-800, 801-802, 803-804, 805-806, 807-808, 809-810, 811-812, 813-814, 815-816, 817-818, 819-820, 821-822, 823-824, 825-826, 827-828, 829-830, 831-832, 833-834, 835-836, 837-838, 839-840, 841-842, 843-844, 845-846, 847-848, 849-850, 851-852, 853-854, 855-856, 857-858, 859-860, 861-862, 863-864, 865-866, 867-868, 869-870, 871-872, 873-874, 875-876, 877-878, 879-880, 881-882, 883-884, 885-886, 887-888, 889-890, 891-892, 893-894, 895-896, 897-898, 899-900, 901-902, 903-904, 905-906, 907-908, 909-910, 911-912, 913-914, 915-916, 917-918, 919-920, 921-922, 923-924, 925-926, 927-928, 929-930, 931-932, 933-934, 935-936, 937-938, 939-940, 941-942, 943-944, 945-946, 947-948, 949-950, 951-952, 953-954, 955-956, 957-958, 959-960, 961-962, 963-964, 965-966, 967-968, 969-970, 971-972, 973-974, 975-976, 977-978, 979-980, 981-982, 983-984, 985-986, 987-988, 989-990, 991-992, 993-994, 995-996, 997-998, 999-1000, 1001-1002, 1003-1004, 1005-1006, 1007-1008, 1009-1010, 1011-1012, 1013-1014, 1015-1016, 1017-1018, 1019-1020, 1021-1022, 1023-1024, 1025-1026, 1027-1028, 1029-1030, 1031-1032, 1033-1034, 1035-1036, 1037-1038, 1039-1040, 1041-1042, 1043-1044, 1045-1046, 1047-1048, 1049-1050, 1051-1052, 1053-1054, 1055-1056, 1057-1058, 1059-1060, 1061-1062, 1063-1064, 1065-1066, 1067-1068, 1069-1070, 1071-1072, 1073-1074, 1075-1076, 1077-1078, 1079-1080, 1081-1082, 1083-1084, 1085-1086, 1087-1088, 1089-1090, 1091-1092, 1093-1094, 1095-1096, 1097-1098, 1099-1100, 1101-1102, 1103-1104, 1105-1106, 1107-1108, 1109-1110, 1111-1112, 1113-1114, 1115-1116, 1117-1118, 1119-1120, 1121-1122, 1123-1124, 1125-1126, 1127-1128, 1129-1130, 1131-1132, 1133-1134, 1135-1136, 1137-1138, 1139-1140, 1141-1142, 1143-1144, 1145-1146, 1147-1148, 1149-1150, 1151-1152, 1153-1154, 1155-1156, 1157-1158, 1159-1160, 1161-1162, 1163-1164, 1165-1166, 1167-1168, 1169-1170, 1171-1172, 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2083-2084, 2085-2086, 2087-2088, 2089-2090, 2091-2092, 2093-2094, 2095-2096, 2097-2098, 2099-2100, 2101-2102, 2103-2104, 2105-2106, 2107-2108, 2109-2110, 2111-2112, 2113-2114, 2115-2116, 2117-2118, 2119-2120, 2121-2122, 2123-2124, 2125-2126, 2127-2128, 2129-2130, 2131-2132, 2133-2134, 2135-2136, 2137-2138, 2139-2140, 2141-2142, 2143-2144, 2145-2146, 2147-2148, 2149-2150, 2151-2152, 2153-2154, 2155-2156, 2157-2158, 2159-2160, 2161-2162, 2163-2164, 2165-2166, 2167-2168, 2169-2170, 2171-2172, 2173-2174, 2175-2176, 2177-2178, 2179-2180, 2181-2182, 2183-2184, 2185-2186, 2187-2188, 2189-2190, 2191-2192, 2193-2194, 2195-2196, 2197-2198, 2199-2200, 2201-2202, 2203-2204, 2205-2206, 2207-2208, 2209-2210, 2211-2212, 2213-2214, 2215-2216, 2217-2218, 2219-2220, 2221-2222, 2223-2224, 2225-2226, 2227-2228, 2229-2230, 2231-2232, 2233-2234, 2235-2236, 2237-2238, 2239-2240, 2241-2242, 2243-2244, 2245-2246, 2247-2248, 2249-2250, 2251-2252, 2253-2254, 2255-2256, 2257-2258, 2259-2260, 2261-2262, 2263-2264, 2265-2266, 2267-2268, 2269-2270, 2271-2272, 2273-2274, 2275-2276, 2277-2278, 2279-2280, 2281-2282, 2283-2284, 2285-2286, 2287-2288, 2289-2290, 2291-2292, 2293-2294, 2295-2296, 2297-2298, 2299-2300, 2301-2302, 2303-2304, 2305-2306, 2307-2308, 2309-2310, 2311-2312, 2313-2314, 2315-2316, 2317-2318, 2319-2320, 2321-2322, 2323-2324, 2325-2326, 2327-2328, 2329-2330, 2331-2332, 2333-2334, 2335-2336, 2337-2338, 2339-2340, 2341-2342, 2343-2344, 2345-2346, 2347-2348, 2349-2350, 2351-2352, 2353-2354, 2355-2356, 2357-2358, 2359-2360, 2361-2362, 2363-2364, 2365-2366, 2367-2368, 2369-2370, 2371-2372, 2373-2374, 2375-2376, 2377-2378, 2379-2380, 2381-2382, 2383-2384, 2385-2386, 2387-2388, 2389-2390, 2391-2392, 2393-2394, 2395-2396, 2397-2398, 2399-2400, 2401-2402, 2403-2404, 2405-2406, 2407-2408, 2409-2410, 2411-2412, 2413-2414, 2415-2416, 2417-2418, 2419-2420, 2421-2422, 2423-2424, 2425-2426, 2427-2428, 2429-2430, 2431-2432, 2433-2434, 2435-2436, 2437-2438, 2439-2440, 2441-2442, 2443-2444, 2445-2446, 2447-2448, 2449-2450, 2451-2452, 2453-2454, 2455-2456, 2457-2458,

THE OFFICIALS OF THE EXCHEQUER

Little is known about the officials of the Irish exchequer before 1270,¹ but from Michaelmas 1270 to Michaelmas 1285 it is possible to prepare fairly complete lists of officials from the treasurers' accounts and the issue rolls of the exchequer.² These records show that the establishment of the Irish exchequer was broadly similar to that of the English exchequer.³ The most important difference was that in Ireland there was only one chamberlain, while in England there were two. Also the Irish receiver or treasurer's clerk was better paid than the chamberlain, while in England the chamberlains were better paid than the treasurer's clerk. The Irish exchequer ordinance of 30 April 1292 brought the Irish exchequer into line with that of England in this regard.⁴ It ordered that in future there be two chamberlains, and that the fee of the treasurer's clerk be reduced. Apart from making these changes, the main purpose of the ordinance was to regulate the fees paid to exchequer officials. Thereafter payments of fees recorded in the issue rolls and treasurers' accounts were warranted by reference to the ordinance.⁵

After Michaelmas 1285 the issue rolls and treasurers' accounts generally name only the treasurer, barons, chancellor, chamberlains and usher.

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1. For what is known about the most important officials see Richardson and Sayles, Admin. Ire., pp.21-7.
 2. For lists of issue rolls, receipt rolls and treasurers' enrolled accounts, 1274-1384, see *ibid*, pp. 199-220. See also the views of account in Cal.doc. Ire., 1252-84, nos. 891, 1038, 1294, 1389 and 1496 (E 101/230/2 and 12).
 3. For the establishment of the English exchequer see Madox, Exchequer, pp. 21-55, 133-40, 713-42, and Dorothy Mary Broome, 'The exchequer in the reign of Edward III, 1327-1377' (Ph.D. thesis, University of Manchester, 1922), pp. 68-129.
 4. The version of the ordinance in Mary Bateson, 'Irish exchequer memoranda of the reign of Edward I, Eng. Hist. Rev., xviii (1903), pp. 512-13, is more complete than that in Red book of the exchequer, iii, pp. 974-6. For the date of the ordinance as 1292 see Cal.doc. Ire., 1293-1301, no. 183. The ordinance refers to the treasurer's clerk as received before 1292. The usage is confirmed by the issue rolls and treasurers' accounts, although the report on the state of the exchequer, c. 1284, refers to him as the treasurer's clerk (Cal.doc. Ire., 1285-92, p.4).
 5. e.g. Cal.doc. Ire., 1293-1301, no. 183.

However, many of the lesser officials were entitled by custom to fixed annual payments in addition to their fees. After 1292 these had to be paid by assignment as they were not authorised by the ordinance. Lists of the officials concerned can therefore be prepared from entries relating to assignments in the memoranda and pipe rolls of the exchequer.⁶ And the calendars of the patent rolls of the English and Irish chanceries and the memoranda rolls of the Irish exchequer provide information concerning the appointments of many of the officials. In the early fourteenth century the only officials whom it is generally difficult to identify are the treasurer's clerk, the clerk of common pleas, the under-ushers and the messengers. A list of the officials in 1309/10 is contained in Appendix III.⁷

It is more difficult to define the functions of the various officials. It is also difficult to determine the extent to which their incomes from official sources were supplemented by payments by accountants and litigants. Some of their duties are implied by the titles of their offices or are made clear in entries recording payments and assignments to them. But for clarification of many problems we must rely on chance references in the records. The report on the state of the exchequer in c.1284 is of great value in this context, although the fact that it was drawn up before the reforms of the early 1290s means that it must be used with caution.⁸

The two exchequers

The exchequer had two divisions, referred to in the ordinance of 1292 as the great and small exchequers.¹ They were exactly equivalent to the upper and lower exchequers described in the English Dialogus de scaccario.² The great or upper exchequer is generally referred to in the records simply as the exchequer.³ It dealt with all matters relating to accounts and legal proceedings.⁴ The exchequer's

6. See below, pp. 28-31.

7. 2440-63 (notes in this form refer to entries in vol.ii below).

8. Cal.doc. Ire., 1285-92, pp. 1-7.

1. Eng. Hist. Rev., xviii (1903), p. 512-13; Red book of the exchequer, iii, pp. 974-6.

2. Dialogus de scaccario, ed. Charles Johnson (London, 1950), pp. 5-61.

3. e.g. 198, 201, 234.

4. See below, pp. 82-106.

secretariat was contained within it, and commissions, writs and summonses were issued by it.⁵ The pipe rolls, memoranda rolls and plea rolls were all records of the upper exchequer.⁶ The small or lower exchequer is generally referred to as the receipt (recepta) in its own records⁷ and as the treasury (thesauraria) in the records of the upper exchequer.⁸ It received revenue, issued money to pay fees and other expenses, and was responsible for the safe-keeping of money and records. The receipt rolls and issue rolls were records of the lower exchequer.⁹ Most of the officials of the exchequer worked in the upper exchequer. Only the chamberlains, the treasurer's clerk and an under-usher normally worked in the lower exchequer.¹⁰

The treasurer

The treasurer was the official in charge of the exchequer. He was appointed by letters under the English great seal.¹¹ He was personally responsible for the exchequer's receipts and issues, and since 1285 he had had to account for them at the English exchequer.¹² He normally presided over the upper exchequer during the audit of accounts and the hearing of pleas and verdicts in legal actions.¹³ Commissions of offices and lands made under the exchequer's seal were normally witnessed by him, as were writs ordering the assignment of revenue.¹⁴ Letters to the exchequer were usually addressed to the treasurer and either the barons or the chamberlains.¹⁵ He was paid a fee of £40 per year.¹⁶ He probably also received substantial sums from debtors and defendants seeking respites or other favours.¹⁷

5. See below, pp. 170 - 80, 210 - 47.

6. See below, pp. 12 - 13, 84 - 6, 107 - 25.

7. e.g. E 101/235/24.

8. e.g. 64, 648.

9. See below, pp. 20, 24 - 25. See 1052 for a good illustration of the responsibility of the lower exchequer for the safe-keeping of records.

10. See below, pp. 10, 16.

11. Richardson and Sayles, Admin. Ire., pp. 98 - 104.

12. See below, pp. 18 - 19.

13. See below, p. 88.

14. See below, p. 173.

15. See below, pp. 143 - 4.

16. e.g. E 101/235/24.

17. e.g. Doc. affairs Ire., no. 64, p. 52.

The treasurer's clerk

The treasurer was represented in the lower exchequer by a clerk known as the treasurer's clerk. The clerk was probably appointed by the treasurer himself. He wrote the treasurer's receipt and issue rolls, and wrote and cut the tallies recording individual receipts.¹ He kept the treasurer's key to the chests containing records and, presumably, money.² It seems likely that he weighed and counted money received as his precursor, the receiver, had done.³ Since 1294 he had been paid a fee of 5d. per day during term,⁴ which amounted to about £4 10s. per year.⁵ In the 1330s he was paid additional sums by assignment for work done in vacations.⁶

The chamberlains

The two chamberlains were normally appointed by letters under the English great seal.⁷ They were the senior officials in the lower exchequer. Writs of liberate ordering the payment of fees and other expenses were addressed to the treasurer and chamberlains.⁸ Each of the chamberlains kept counter-rolls of receipts and issues,⁹ and had a key to the chests containing records and money.¹⁰ One of them was expected to be present when the treasurer rendered accounts at the English exchequer.¹¹ Deposits of money were recorded in indentures made between the depositor and the chamberlains.¹² Each chamberlain was paid a fee of 10 marks (£6 13s.4d.) per year.¹³

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1. See below, pp. 20 - 5.
 2. 1052.
 3. e.g. Cal.doc.Ire., 1252-84, p. 387.
 4. Eng.Hist.Rev., xviii (1903), p. 513; Red book of the exchequer, iii, p.976.
 5. e.g. E 101/235/24.
 6. e.g. RC 8/16, pp. 52-3.
 7. Richardson and Sayles, Admin, Ire., pp. 118-24.
 8. See below, p. 24.
 9. See below, pp. 20, 25.
 10. 1052.
 11. See below, p. 19.
 12. See below, pp. 31 - 3.
 13. e.g. E 101/235/24.

The barons

In the late thirteenth and early fourteenth centuries these were two barons. One was senior to the other and became known as chief baron. Both were normally appointed by letters under the English great seal.¹ They were the senior officials in the upper exchequer. Together with the treasurer they presided during the audit of accounts and the hearing of pleas and verdicts in legal actions.² Writs concerning the business of the upper exchequer were addressed to the treasurer and barons.³ The chief baron often deputised for the treasurer during the latter's absence.⁴ Each baron received a fee of 20 marks (£13 6s.8d.) per year.⁵ Like the treasurer they probably also received substantial payments from persons seeking respites or other favours.⁶

The chancellor of the exchequer

The chancellor of the exchequer was normally appointed by letters under the English great seal.⁷ Formally he came next in seniority to the barons. In practice he might be more important. In 1309 John *Holtham* deputised for the treasurer during the latter's absence in England.⁸ The chancellor was the head of the exchequer's secretariat. He held the exchequer seal, with which all writs and summonses issued by the exchequer were sealed.⁹ He was presumably responsible for seeing that writs were correctly worded and may well have drafted the less routine ones himself. Later in the fourteenth century he was sometimes known as the chancellor of the green wax because exchequer writs and summonses were sealed with green wax.¹⁰ He was paid a fee of £10 per year.¹¹ He probably also received payments from litigants for the sealing of writs purchased by them in the course of legal proceedings.

1. Richardson and Sayles, Admin.Ire., pp. 105-14.

2. See below, p. 88.

3. See below, pp. 143 - 4.

4. Richardson and Sayles, Admin.Ire., pp. 98-104.

5. e.g. E 101/235/24.

6. See above, p. 9, n.17.

7. Richardson and Sayles, Admin.Ire., pp. 115-17.

8. 2441.

9. 204, 945.

10. RC 8/28, p. 562; EX 2/4, p. 133.

11. e.g. E 101/235/24.

The engrossers

There were two engrossers. Both were normally appointed by letters under the English great seal.¹ The chief engrosser enrolled the audited accounts of sheriffs and other officials on the great or pipe roll. The second engrosser enrolled a second copy of each account on his counter-roll.² The chief engrosser was much the more important of the two. In the upper exchequer he ranked next in seniority to the chancellor. He had a clerk to assist him who acted as his deputy in his absence.³ Each engrosser was paid a fee of 5d. per day during term and £1 per year for robes,⁴ which amounted to about £5.10s. per year.⁵ The chief engrosser was paid a further £7 per year by assignment.⁶ It seems that they were also entitled to 6s.8d. for every account engrossed and 2s. for acquittance of every fine for trespass exceeding 20s. in value.⁷

The remembrancers

Some remembrancers were appointed by letters under the English great seal,⁸ but most were probably appointed in Ireland. Their main duty was to write the memoranda roll, which was used to record copies of writs received, abstracts of writs issued, and memoranda of a wide variety of proceedings in the upper exchequer.⁹ They must also have written the writs whose issue was recorded by them, as there is no evidence that any other officials were employed to do this. They probably also wrote the rolls of attermined debts¹⁰ and the estreats of fines and amercements recorded in the memoranda rolls.¹¹ They kept the files of writs from England,¹² the files of extents and inquisitions,¹³ and the

1. e.g. Cal.pat.rolls, 1307-13, pp. 3,12.

2. See below, p. 84.

3. 2450.

4. Eng.Hist.Rev., xviii (1903), pp. 512-13; Red book of the exchequer, iii, p. 975.

5. e.g. E 101/235/24.

6. e.g. 1327.

7. RC 8/18, pp. 29-31. cf. Cal.doc.Ire., 1285-92, p.2.

8. e.g. Cal.pat.rolls, 1307-13, p. 76.

9. See below, pp. 108 - 247.

10. See below, p. 43.

11. cf. below, p. 13.

12. e.g. EX 1/2, m. 31.

13. e.g. EX 1/2, m. 34.

relevant files of writs returned.¹⁴ Before 1295 there was only one remembrancer, but thereafter there were two. However, it is virtually certain that only one series of memoranda rolls was kept in the Irish exchequer, and that the second remembrancer was the chief remembrancer's assistant rather than his controller.¹⁵ They shared a fee of £5 per year, and a mark (13s.4d.) per year for robes.¹⁶ They were paid further sums by assignment which in the early fourteenth century probably amounted to two marks (£1.6s.8d.) per year for the chief remembrancer and one mark (13s.4d.) per year for the second remembrancer.¹⁷ They probably also received payments for enrolling recognisances.¹⁸

The clerk of the common pleas of the exchequer

Before 1309 all pleas in the exchequer were recorded by the remembrancers in the memoranda rolls.¹ Early in that year a new officer of clerk of the common pleas of the exchequer was created. The clerk was at first known as clerk of the chancellor of the exchequer.² He was presumably appointed by the chancellor, as his admission to office was sometimes recorded on the memoranda rolls,³ but his appointment was not. He wrote the rolls of common pleas which in fact consisted largely of entries of writs issued. He also wrote the estreats of fines and amercedments recorded in the rolls of common pleas.⁴ In addition he must have written the writs whose issue was recorded by him, and have kept the relevant files of writs returned.⁵ The chancellor of the exchequer was paid 5 marks (£3.6s.8d.) per year for the support of the clerk.⁶ From 1329 at the latest the clerk was paid small sums by assignment for writing estreats.⁷

14. e.g. EX 1/2, m 9d.; EX 2/4, p. 64.

15. See below, pp. 109 - 112.

16. e.g. E 101/235/24.

17. e.g. RC 8/7, p. 213.

18. See below, p. 166.

1. See below, pp. 115 - 16.

2. See below, p. 120.

3. e.g. RC 8/7, p. 38.

4. e.g. RC 8/18, p. 355.

5. cf. above, pp. 12 - 13.

6. e.g. E 101/235/24.

7. RC 8/15, pp. 417-18.

The summoner

In the early fourteenth century the summoner was often referred to as the clerk writing the summonses.¹ He wrote the summonses which ordered the collection of fines, amercements and other debts payable to the king arising from the work of the exchequer, the chancery and the courts.² He probably also kept the estreats from which the summonses were prepared. At least one summoner was appointed by letters under the Irish great seal.³ This may have been normal, but it is equally possible that most summoners were appointed by the treasurer. The summoner was paid a fee of 4 marks (£2.13s.4d.) per year,⁴ and was paid a further £1 per term by assignment.⁵

The transcriber of estreats

The transcriber prepared transcripts of estreats used to charge sheriffs, seneschals, mayors and bailiffs during the audit of their accounts. The transcripts were probably also used during inquests concerning debts.⁶ The first definite reference to the office of transcriber dates from Michaelmas term 1309 when Alan Clondalkin was described as the clerk writing transcripts of estreats.⁷ The office may have been created several years earlier as Alan was paid for writing summonses and estreats in 1303 or 1304 (he cannot have been summoner as John de Ideshale was paid 20s. for writing summonses).⁸ It is almost certain that the officer existed in 1307/8, as summonses made from old transcripts in the 1320's include a number made from transcripts of estreats used in accounts audited in that year.⁹ In the only case where evidence is available the transcriber was appointed by the treasurer.¹⁰ He was paid 1 mark per term (£2.13s.4d. per year) by assignment.¹¹

1. e.g. 227.

2. See below, pp. 42, 242.

3. EX 2/2, p. 245.

4. e.g. E 101/235/24.

5. e.g. 629.

6. See below, pp. 91, 94.

7. 359.

8. P.R.I. rep. D.K. 38, p. 77.

9. e.g. RC 8/13, pp. 193, 419-20.

10. RC 8/15, p. 486.

11. e.g. 359.

The marshal

In the early fourteenth century the marshal of the exchequer was normally a lieutenant of the marshal of Ireland appointed by the latter.¹ The marshalcy of Ireland was a hereditary office. From 1207 to 1316 it was held by a junior branch of the Marshal family. In 1316 it passed to the Morley family.² It was in the king's hand from 1307 to 1309.³ Presumably the king appointed the marshal of the exchequer while the office was in hand. The main function of the marshal of the exchequer was the custody of prisoners.⁴ As in the English exchequer, he probably also took charge of writs and vouchers brought by accountants; presumably these are the incoming writs referred to in the report of c.1284.⁵ On the other hand affidavits to the marshal were not a normal feature of the procedure of the Irish exchequer.⁶ He was not paid a fee by the exchequer, but he received a half mark (6s.8d.) per day from debtors committed to his custody.⁷

The usher and his subordinates

The office of usher was granted for life.⁸ It was normal for the usher to perform his functions by deputy.⁹ His primary duty was to guard the door of the exchequer.¹⁰ He was responsible for the delivery of writs and summonses to sheriffs and other local officials. He purchased furnishings and supplies of parchment, green wax and other materials. He saw to the carriage of money and records from Dublin Castle to the exchequer at the beginning of term, and from the exchequer back to the castle at the end of term.¹¹ He was paid a fee of 1½d. per day throughout the year, which amounted to about £3 5s. per year.¹² The office was clearly profitable as Martin Fisacre paid 20

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1. RC 8/6, pp. 70-1; RC 8/9, p. 242; RC 8/10, pp. 436-7; RC 8/14, pp. 83-4.
 2. The Complete Peerage, new edition (London, 1910-59), viii pp. 525-9; ix, pp. 211-27, and appendix H. pp. 58-60; Cal.pat.rolls, 1327-30, p. 267.
 3. EX 2/2, p. 254; Cal.close rolls, 1307-13. p.116.
 4. See below, pp. 91, 186-7, 206.
 5. Madox, Exchequer, pp. 725-6; Cal.doc.Ire., 1285-92, p.3.
 6. See below, p.183.
 7. Cal.doc.Ire., 1285-92, p.2; Stat.Ire., John-Hen.V, p. 357.
 8. 2460; Cal.justic.rolls.Ire., 1295-1303, p. 309.
 9. 2461-2.
 10. EX 2/2, p. 304.
 11. e.g. E 101/235/24.
 12. *ibid.*

marks (£13 6s.8d.) to be the lieutenant or attorney of the usher for the year 1309/10.¹³

The usher probably had a number of subordinates. There are occasional references to officials called under-ushers or sergeants.¹⁴ One of the under-ushers served in the lower exchequer.¹⁵ There are also occasional references to messengers.¹⁶ The first reference to a cryer dates from 1334.¹⁷

Other officials and special commissions

A chaplain was paid £2 10s. per year for celebrating divine services in the exchequer chapel.¹ None of the chaplains of the early fourteenth century have been identified, and it is impossible to say whether they had other duties as well. There are occasional references to other clerks performing special duties.² probably there was always a number of clerks who held no formal office but were available to perform special duties. There is no evidence that the constable of Ireland, Thomas de Verdon,³ had any functions in the exchequer, although his English counterpart certainly did.⁴

Officials of the exchequer were often given special commissions in addition to their ordinary duties. In 1310 the chamberlains were commissioned to hear accounts of the goods and the issues of the lands of the Templars in counties Dublin, Meath and Louth.⁵ They and the barons were also commissioned to hold inquests concerning debts in the Leinster counties, while the treasurer himself held inquests in Munster.⁶

13. 226.

14. e.g. John Colewell who was called under-usher in 1321 and 1329, and sergeant (serviens) in 1331 (RC 8/12, p. 551; RC 8/15, p. 415; RC 8/16, p. 62).

15. 2461.

16. e.g. 215.

17. RC 8/18, p. 358.

1. e.g. E 101/235/24.

2. e.g. Thomas Ashbourne who was paid 6s. 8d. in 1322 for transcribing certain rolls of the biennial tenth (RC 8/13, pp. 70-1).

3. RC 8/5, p. 198.

4. Madox, Exchequer, pp. 724-5.

5. 645.

6. See below, p. 93.

INCOME AND EXPENDITURE

This section of the introduction will be concerned mainly with the work of the lower exchequer. Most of the income of the lordship was received there, and most of its expenditure consisted of issues from the king's treasure held there. Only expenditure by the assignment of revenue was primarily a matter for the upper exchequer, and even this was sometimes recorded in the records of the lower exchequer. The different ways in which money was received and spent will be discussed in turn, and an attempt will be made to estimate the total income of the lordship. Particular attention will be paid to assignments, as it has been suggested that an increase in the volume of assignments may partly explain the fall in exchequer receipts in the early fourteenth century.¹ However consideration must first be given to the treasurer's account. This will not be examined in detail as it has already been examined by others,² but the main facts must be stated as they influenced both the procedure of the lower exchequer and the survival of its records.

The treasurer's account

For most of the thirteenth century both the justiciar and the treasurer had been expected to account to the king for their receipts and payments. The accounting procedures were fairly informal. In many cases a view of the account in Ireland was considered sufficient. However the discovery of major irregularities in the accounts of Stephen Fulbourn and Nicholas Clere resulted in reform.³ In the parliament held at Westminster at Easter 1293 it was ordered that the account of the treasurer of Ireland should be audited at the English exchequer once a year.⁴

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1. J.F. Lydon in Ir.Hist.Stud., xviii (1962-3), p. 262, reviewing H.G. Richardson and G.O. Sayles, 'Irish revenue, 1278-1384', R.I.A. Proc., Ixii (1961-2), C, pp. 87-100.
 2. Richardson and Sayles, Admin. Ire., pp. 57-64.
 3. ibid., pp. 48-57.
 4. Rotuli parliamentorum, i (n.p.,n.d.), p.98, no. 11.

In practice few treasurers accounted for as short a period as a single year. Many accounted once for their period of office. In the early fourteenth century Richard Barford accounted twice, once for the period 7 July 1300 - 18 April 1305 and again for the period 18 April 1305 - 23 January 1308.⁵ Alexander Bicknor was ordered to be in the exchequer on 8 July 1310 to render account. However he was subsequently ordered to stay in Ireland to carry out the king's orders concerning purveyance.⁶ In fact he did not account until the 1320s, when he accounted for the whole of his period in office, 24 January 1308 - 15 April 1314.⁷

The treasurer had to answer in detail for all receipts and issues of the exchequer. One of the chamberlains was required to be present in order to charge the treasurer. Both the treasurer's rolls of receipts and issues and those of the chamberlain in question had to be sent to England. Sometimes the auditors called for all warrants for payments and all the associated receipts.⁸ Most of the rolls and some of the warrants and receipts for the late thirteenth century and the greater part of the fourteenth century survive today in the Public Record Office, London. These records and the treasurers' enrolled accounts contain detailed and exact information concerning the exchequer's receipts and issues.⁹

On the other hand the treasurer did not have to answer for assignments unless they were recorded as receipts and issues in the receipt and issue rolls. There was therefore no necessity for records of assignments to be sent to England. The surviving records of assignments are difficult to interpret. Consequently only estimates can be given for the value of assignments and their contribution to total income and expenditure.¹⁰

5. Richardson and Sayles, Admin.Ire., p. 217.

6. 1252, n. 8.

7. J.F. Lydon 'The enrolled account of Alexander Bicknor, treasurer of Ireland, 1308-14', Analecta Hibernica, 30(1982), pp. 9-46.

8. Richardson and Sayles, Admin. Ire., pp. 57-61.

9. The records including the accounts are listed in: ibid., pp. 199-220; List of various accounts and documents connected therewith formerly preserved in the exchequer, P.R.O., London, Lists and indexes, xxxv (H.M.S.O., London, 1912), pp. 152-60; List of foreign accounts enrolled on the great rolls of the exchequer, P.R.O., London, Lists and indexes, xi (H.M.S.O., London, 1900).

10. See below, pp. 27-31.

Receipts

Normally revenue was received in the lower exchequer. Almost all of it was received in money. Only a few rents of insignificant value were payable in kind. These payments in kind were reported to the upper exchequer by the chamberlains and recorded in the memoranda rolls.¹

Cash receipts were recorded in two different ways, in receipt rolls and tallies. Most receipts were recorded in annual rolls of great receipt, commonly known simply as receipt rolls.² Receipts of certain types of revenue were sometimes entered in special receipt rolls which covered more than one year. Thus when Alexander Bicknor was treasurer, special rolls were kept of receipts of the fifteenth of 1292, the goods of Nicholas Clere, royal services and the new custom on wines.³ The rolls were kept in triplicate, the treasurer's clerk and the two chamberlains each having a copy. They were journals, the entries being made day by day. A separate entry was made for each receipt. The name of the county, liberty, city or borough in question is given in the left-hand margin. The entry itself records the name of the debtor, the name of the payer if different from the debtor, the nature of the debt, and the sum received. The sums received were totalled by day, week, term and year in the right-hand margin. In entries of sums received during vacation the precise date of the receipt was not recorded.⁴

The few references to Irish exchequer tallies are not very informative, but there is no reason to think that they differed substantially from English exchequer tallies.⁵ The English exchequer tally was a squared

1. See below, pp. 186-7.

2. e.g. E 101/235/22.

3. E 101/235/15-16.

4. Receipts during vacation are discussed below, pp. 32-3.

5. The following description of English exchequer tallies is based on Hilary Jenkinson, 'Exchequer tallies', Archaeologia, lxxii, part 2 (1910-11), pp. 367-80, and 'Medieval tallies, public and private', Archaeologia, lxxiv (1923-4), pp. 289-351. We do know for certain that the details written on Irish tallies were similar to those written on English tallies (e.g. EX 1/2, m. 46).

stick usually made of hazel wood. In the early fourteenth century it was about eight inches long. Notches of varying size were cut into one side of the tally to indicate the sum received, the widest notch signifying a thousand pounds and the narrowest a penny. In addition the county or other place name, the debtor's name, the nature of the debt and the sum received were written twice on opposite sides of the tally, using the same wording as on the receipt roll. After about 1290 the term and year were added on the notched side.⁶ The tally was then split through the notches for about two thirds of its length, and cut horizontally from one side to the longitudinal split to produce two parts each of which was notched and carried a written description of the sum received. The larger part (the stock or tally) was given to the debtor and retained by him for production at the upper exchequer when seeking allowance for the debt in question. The smaller part (the foil or counter-tally) was retained by the exchequer so that it could be compared with the larger part when the latter was produced by the debtor in the upper exchequer.

In the Irish exchequer tallies were written and cut by the treasurer's clerk.⁷ In the thirteenth century he wrote and cut the tallies before making the corresponding entries on the receipt rolls. However the report of c.1284 criticised this practice, and it seems likely that in the early fourteenth century the entries on the rolls were made first as recommended by the report.⁸ Occasionally the debtor lost his part of the tally. In that event the tally could be renewed in accordance with an English exchequer ordinance of 1286.⁹ The old tally was cancelled and kept in a file of cancelled tallies.¹⁰ The fact of renewal was recorded in rolls of renovated tallies.¹¹

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6. It seems that Jenkinson thought that the term and year were written only once (Archaeologia, lxii, part 2, p. 375; lxxiv, p. 296). However the year appears twice on a miscut tally (Archaeologia, lxxiv, plate LXII, no. 2). It is more likely that the year and term were written twice so that they would appear on both parts of the tally when it was cut.
 7. e.g. 101/235/10.
 8. Cal.doc.Ire., 1285-92, p. 4
 9. Placita parliamentaria, ed. William Ryley (London, 1661), p. 450 (calendared in Cal.close rolls, 1279-88, pp. 384-5).
 10. RC 8/12, pp. 478-9.
 11. RC 8/5, pp. 533-4.

Often a sum received from a sheriff or other collector of revenue comprised payments in respect of a number of individual debts. In such cases the tally was called a dividend tally.¹² In England the Statute of Rhuddlan of 1284 had ordered that the chamberlains should not make a dividend tally for a sheriff or other collector unless he had given them particulars of the debt in question.¹³ This provision of the statute was brought into force in Ireland by order of the treasurer on 18 February 1310. He also instructed the engrossers not to give allowance for such tallies until they had inspected the particulars.¹⁴ In the case of a receipt from a sheriff, the particulars were to be the receiver of the county's part of the indenture made between him and the sheriff at the collection at which they received the debts in question.¹⁵ The treasurer's order was probably made in pursuance of a decision of the council at its meeting following the parliament at Kilkenny in February 1310.¹⁶

The surviving records of exchequer receipts commence in the 1270s. Total annual receipts varied greatly from year to year during the later thirteenth century, but the average was about £5,500.¹⁷ Annual receipts in the period 1300-20 are set out in Table I. From 1300 to 1309 they amounted to an average of about £5,000. They fell sharply to an average of just over £3,000 in the years 1309-15. And in the period 1315-20 they declined further to an average of less than £2,200.¹⁸

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12. The pipe roll for 1295, Surrey membrane, ed. Mabel H. Mills (Surrey Record Society, xxi, 1924), p.x.
 13. Stat. Ire., John-Hen.V, pp. 44-5; Statutes of the realm, i (Record commission, London, 1810), pp. 69-70.
 14. 618.
 15. See below, p. 39.
 16. See above, p. 3.
 17. H.G. Richardson and G.O. Sayles, 'Irish revenue, 1278-1384', R.I.A. Proc. lxi (1961-2), C, no. 4 (1962), pp. 87-100; David Craig, 'Irish revenues, 1285-1313' (B.A. thesis, Dublin University, 1973).
 18. The extent to which this decline represents a decline in total exchequer income and the reasons for the decline are discussed below, pp. 33-4.

TABLE I: TOTAL ANNUAL RECEIPTS OF THE EXCHEQUER
30 SEPTEMBER 1300 - 29 SEPTEMBER 1320¹⁹

<u>Year</u>	<u>Total receipts (£ s.d.)</u>
1300/1	5,417-13- 8½
1301/2	6,291-14- 4¾
1302/3	5,310-19- 8½
1303/4	4,164-14- 1¾
1304/5	4,752- 4- 2½
1305/6	3,641- 0- 7½
1306/7	5,894- 6- 6½
1307/8	6,016- 7- 7¾
1308/9	3,723-12- 2
1309/10	2,818-14- 7½
1310/11	3,032-17- 7
1311/12	2,872-16- 2½
1312/13	3,244-16- 9¼
1313/14	3,491-12-11¼
1314/15	2,968- 4- 9
1315/16	2,271- 5- 4
1316/17	2,122-18- 0¾
1317/18	2,018- 5-11¾
1318/19	2,194-16- 7¾
1319/20	1,906- 6- 4½

Issues

Money received in the exchequer was known as the king's treasure. Payments from the king's treasure were known as issues. No issue could

19. This table has been prepared from the treasurer's enrolled accounts (E 372/150, m. 40; E 372/153, m. 35; Lydon, 'Enrolled account of Alexander Bicknor', pp. 15-19; and E 372/166, mm. 25-6) and the surviving receipt rolls (E 101/233/15-16; E 101/234/2, 4, 5, 9, 10, 11, 16 and 18; E 101/235/5, 6, 12, 15, 18, 22 and 25; E 101/236/1, 4, 8, 10, 12 and 14; E 101/237/1, 3, 7 and 11, and E 101/239/13). The chamberlain's counter-roll has been used only if the treasurer's roll is not available. The figures relating to the account for the period 24 Jan. 1308-14 April 1314 differ from those given in Craig, 'Irish revenues, 1285-1313', p. 121, for two reasons. Firstly a sum of £1,333 6s. 8d. of the money of Peter Gavaston was received entirely in 1307/8 (schedule to E 101/235/11) rather than being split evenly between 1307/8 and 1308/9 as argued in Craig, 'Irish revenues, 1285-1313', p. 167. Secondly the figures in Table I include £400 11s. 11d. received in respect of the goods and issues of the lands of the Templars recovered in E 101/239/13. However they do not include a further £20 13s. of the goods of the Templars and £10 of the goods of John Bonneville because it is not clear when they were received. For the same reason the figures relating to the account for 15 April 1314 - 1 Aug. 1321 do not include £476 15s. 3½d. received in respect of goods of debtors, loans and other foreign receipts.

be made without due warrant. For most issues the warrant required was a sealed writ of liberate from the Irish or the English chancery ordering the treasurer and chamberlains to deliver a specified sum of money from the king's treasure to a named person for a stated purpose. The person to whom the issue was made had to give letters testifying to the receipt of the money. The writs of liberate and the letters of receipt were filed together and retained for production on the treasurer's account.¹

Only two kinds of issue could be made without a sealed writ of liberate from chancery. Both related to the business of the exchequer itself. Issues of fees of exchequer officials were warranted by reference to the exchequer ordinance of 1292.² Issues made to the usher for the purchase of parchment, wax and other supplies and the payment of messengers' expenses were warranted by unsealed writs of liberate witnessed by one of the barons of the exchequer. These writs were duplicated, one copy being given to the treasurer and chamberlains and the other to the marshal.³ They were sometimes enrolled on the memoranda rolls.⁴ In the 1330s they were enrolled on the close rolls of the Irish chancery.⁵

In the first instance issues must have been recorded day by day in journals similar in form to the receipt rolls. The issue rolls produced on the treasurer's account for the period 1278-85 appear to be journals, although the dates of issues are not recorded.⁶ And there are occasional references to journals of issues in the early fourteenth century.⁷ However after 1285 the journals of issues were not normally sent to England. Consequently no original journal of issues later than 1285 now survives, although there is a transcript of a journal of issues for the period Easter term 1374 - Easter term 1376.⁸

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1. e.g. E 101/233/23.
 2. See above, p. 7.
 3. Eng.Hist.Rev., xviii (1903), p. 513; Red book of the exchequer, iii, pp. 975-6.
 4. e.g. EX 1/2, m. 8d.
 5. Rot.canc.Hib., p. 42, nos. 51-3.
 6. e.g. E 101/230/8 (Cal.doc.Ire., 1252-84, nos. 1497, 1525, 1535 and 1570).
 7. e.g. EX 2/1, p. 151.
 8. E 101/245/7.

The entries in the issue rolls sent to England after 1285 are classified by type of expenditure. In the roll for 1309/10 the issues were recorded in the following order:

- (a) the fees of the justiciar, chancellor, justices and other officials of the justiciar's court and the Dublin bench, and constables of castles;
- (b) alms;
- (c) payments to clerks assigned to pay wages, the keeper of the works of Dublin Castle, and purveyors of victuals;
- (d) gifts and grants;
- (e) payments to Alexander and John MacDougal of Argyll;
- (f) the fees of exchequer officials;
- (g) payments to the usher of the exchequer for messengers' expenses and the purchase of supplies.⁹

The rolls for the early fourteenth century normally cover a single exchequer year each. Some, including the roll for 1309/10, make no distinction between the issues of the different terms, and cannot have been written until the end of the year at the earliest. In others the entries are arranged by term and may have been written at the end of the term in question.¹⁰ However in the 1330s the issue rolls were written specially for the treasurer's account, and this may always have been the case.¹¹ They were written in triplicate, the treasurer's clerk and the two chamberlains each having a copy.

Over any period of several years the total issues of the exchequer were of course roughly equal to its total receipts. However in any one year the total issues might be very much more or very much less than total receipts. In Table II total issues in the period 1306-13 are compared with total receipts in the same period. In 1306/7 issues were almost £2,000 greater than receipts, while in the following year receipts were almost £3,000 greater than issues. Only in 1310/11 were issues almost exactly the same as receipts.

9. E 101/235/24.

10. e.g. E 101/233/20 (Cal.doc.Ire., 1302-7, nos. 128, 281, 303, 306).

11. RC 8/16, p. 52; P.R.I. rep. D.K. 44, p. 52.

TABLE II: COMPARISON OF THE TOTAL ANNUAL RECEIPTS AND ISSUES OF THE EXCHEQUER, 30 SEPTEMBER 1306 - 29 SEPTEMBER 1313.¹²

<u>Year</u>	<u>Receipts</u> (£ s.d.)	<u>Issues</u> (£ s.d.)	<u>Excess of receipts</u>	<u>Excess of issues</u>
			<u>over issues</u> (£ s.d.)	<u>over receipts</u> (£ s.d.)
1306/7	5,894-6-6½	7,860-7-8½	-	1,966-1-2
1307/8	6,016-7-7¾	3,108-12-5½	2,907-15-2½	-
1308/9	3,723-12-2	5,616-4-2½	-	1,892-12-0½
1309/10	2,818-14-7½	2,314-18-4½	503-16-3	-
1310/11	3,032-17-7	3,057-11-7¾	-	24-14-0¾
1311/12	2,872-16-2½	2,621-11-2¾	251-4-11¾	-
1312/13	3,244-16-9½	2,096-1-5	1,148-15-¼	-

Loans and prests

The fact that issues were almost £2,000 greater than receipts in 1306/7 requires further comment. There may have been some cash in hand at the beginning of the year, but it is unlikely that there was as much as £2,000, as receipts had been lower than usual in the previous year.¹³ The explanation may be that the exchequer borrowed money in anticipation of income of the following year. Unfortunately there is very little evidence concerning loans made to the exchequer. They were not recorded in the receipt and issue rolls. There is proof that the exchequer borrowed almost £800 during the period 1300-5 and more than £300 during the period 1314-21.¹⁴ However we know about these loans only because they had not been repaid at the time of the treasurer's account. We have no way of knowing the number or size of loans which had been repaid.

The facts concerning prests are equally obscure. A prest was a loan made by the exchequer which had to be either repaid or converted into an issue. Prests were not recorded on the receipt and issue rolls. They were occasionally recorded on the memoranda rolls, although this was certainly not normal practice.¹⁵ And there is a list of prests made to

12. The annual totals of receipts and issues in this table have taken from Table I (see above, p. 23) and Table XIII (see below, pp. 67-8).

13. See above, p. 23, Table I.

14. Cal.doc.Ire., 1302-7, no. 409; Rot.canc.Hib., p. 6, no. 58; E 372/166, mm. 25-6; James Lydon, 'Edward I, Ireland and Scotland', in England and Ireland in the later middle ages: essays in honour of Jocelyn Otway-Ruthven, ed. J.F. Lydon (Blackrock, county Dublin, 1981), p. 55.

15. e.g. 360.

Alexander Bicknor as treasurer, which shows that in 1309/10 he received 11 prests amounting to a total of almost £200.¹⁶ But the evidence is not good enough for generalisations to be made.

Assignments

Not all revenue was physically received at the exchequer. Some was assigned in advance. Occasionally all the revenue from a particular source was assigned to an individual or group of individuals. The main example of this in the early fourteenth century was the assignment of revenue from the customs to creditors of the king for lengthy periods.¹ Also the revenue arising from a proclamation of royal service was sometimes assigned for a particular purpose and received by a specially appointed receiver.² However the assignment of specific sums of money to individuals occurred much more frequently. The discussion which follows will be concerned exclusively with assignments of the latter type.

In England most assignments were made in accordance with one or other of two systems. Under the older system a writ was sent to a collector of revenue ordering him to deliver money to a named person from whom he was to receive letters patent testifying to the receipt of the money. Before 1300 the writ usually said that the creditor would be given allowance for the sum paid when he accounted. After 1300 it generally said that the collector would be given a tally in exchange for the writ and letters patent. This change was merely one of wording, as even in the thirteenth century a tally was given to the collector when he accounted. This system has been described as the writ and letters patent system. It was the standard system in the thirteenth century, and remained in use alongside what has been called the writ and tally system. The latter system appears to have been introduced during the first decade of the fourteenth century. Under this system a tally recording receipt of the sum of money was cut in advance of payment. The tally and the writ ordering the assignment were given to the assignee who exchanged them with the collector for the money. Under both systems most assignments

16. E 101/235/17.

1. See below, pp. 51-2.

2. See below, pp. 59-60.

were made by exchequer writs, but some were made by writs under the great seal, and a few were made by writs under the privy seal.³

In Ireland assignments occurred on quite a large scale in the years 1278-85. The issue rolls contain numerous references to payments for which collectors of revenue or debtors had a tally or tallies. Corresponding entries can be found in the receipt rolls. For example, the issue rolls for Hilary term 1281 state that the justiciar, Stephen Fulbourn, bishop of Waterford, was paid £40 for which the bailiffs of Drogheda on the side of Louth had tallies on 20 February.⁴ The receipt roll for the same term records the receipt of £40 of the farm of Drogheda on the side of Louth.⁵ The precise system by which these assignments were made is uncertain. The assignment just cited would have been made by the writ and letters patent system. However the wording of other entries on the issue rolls suggests that the tally was given to the assignee and that a form of the writ and tally system was in use. Thus in Easter term 1281 the chancellor, Fromund le Brun, was paid £10 of his fee for which he had a tally for the farm of Newcastle Lyons by Walter de Adgo.⁶

For more than 20 years after 1285 there is little reliable evidence concerning assignments. The issue rolls of the classified form characteristic of the late thirteenth and fourteenth centuries make no mention of assignments. The Irish receipt rolls lack the marginalia which make the English receipt rolls such a valuable source for the study of assignment in the fourteenth and fifteenth centuries.⁷ The calendars of pipe rolls contain some information concerning assignments allowed on account, but all too often they fail to distinguish between payments into the exchequer and assignments.⁸ However the entries of

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3. J.F. Willard, Parliamentary taxes on personal property, 1290 to 1334: a study in medieval English financial administration (Medieval Academy of America, Cambridge, Massachusetts, 1934), pp. 233-49; Michael Prestwich, War, politics and finance under Edward I (London, 1972), pp. 157-8; Anthony Steel, The receipt of the exchequer, 1377-1485 (Cambridge, 1954), pp. xxix-xxx.
 4. E 101/230/13 and 15 (Cal.Doc.Ire., 1252-84, p. 373).
 5. E 101/230/16 (Cal.Doc.Ire., 1252-84, p. 372).
 6. E 101/230/13 and 15 (Cal.Doc.Ire., 1252-84, p. 386).
 7. Steel, Receipt of the exchequer, pp. xxx-xl, 1-36.
 8. P.R.I. rep. D.K. 35-54.

writs ordering assignments in the memoranda rolls for 1307/8 and subsequent years provide a great deal of information concerning assignments ordered by the exchequer.⁹ And beginning in 1308 the close rolls covered by the calendar of Irish chancery rolls give some indication of the extent of assignments ordered by the chancery.¹⁰ Also the rolls of the justiciar's court record occasional fines which were not entered in the estreats sent to the exchequer because they had been assigned.¹¹ Precise totals cannot be calculated, both because the value of an assignment is not always clear and because one cannot be certain that a particular assignment was actually paid. Nevertheless the memoranda, close and justiciary rolls enable one to make a reasonably satisfactory estimate of the total volume of assignments in the early fourteenth century.

Up to 1315 the assignments recorded in the memoranda, close and justiciary rolls were fairly small in amount and few in number. For example, the memoranda roll for 1309/10 contains entries of 27 writs ordering assignments for sums that amount to a total of about £175.¹² The calendar of the close roll for the same year contains entries of three writs ordering assignments with a total value of £12 5s.6d.¹³ The calendar of justiciary rolls for the period is incomplete, but it seems likely that fines amounting to at least £6 6s.8d. were assigned in 1309/10.¹⁴ The average annual total of assignments at this period (excluding assignments of revenue from the customs and royal services) was probably of the order of £200. Most assignments were made by a modified form of the writ and letters patent system. The writs recorded in the memoranda rolls generally ordered collectors of revenue to pay specific sums of money to named persons, receiving letters patent testifying to the receipt of the money which were to be produced at their account, when allowance would be made for the sum paid.¹⁵ In a few cases the letters patent were exchanged by the collector for a tally, and

9. See below, pp. 174-5.

10. Rot.canc.Hib.

11. Cal.justic.rolls Ire., 1295-1314; P.R.O.I., KB 1/1, and KB 2.

12. See below, pp. 174-5.

13. Rot.canc.Hib., p. 12, no.5, and p. 15, nos. 231, 248. In the calendar the roll is described as a patent roll, but it was in fact a close roll.

14. £1 6s. 8d. were assigned as alms on 24 Sept. 1310 (Cal.justic.rolls Ire., 1308-14, p. 158). A further £5 had probably been assigned to the clerk writing the estreats of the court, as this sum was paid by assignment in other years (*ibid.*, pp. 76, 199, 280, 314).

15. See below, pp. 174-5.

entries were made on the receipt and issue rolls.¹⁶ But as a rule no tally was cut and no entries were made on the receipt and issue rolls. Instead the payment was recorded as an allowance in the collector's enrolled account on the pipe roll.¹⁷ The main reason for this divergence from English and Irish practice must have been to make payments which would not have been passed by the auditors of the treasurer's account. Thus many assignments were for the customary payments to exchequer officials in addition to their fees.¹⁸ Assignments were also used to pay the fees of receivers of counties,¹⁹ justices of assize,²⁰ and certain constables of castles,²¹ and to pay alms to the Carmelite friars.²² In addition some of the expenses of purveyance were paid for by assignments.²³

The Bruce Invasion in May 1315 resulted in a dramatic increase in the number and value of assignments recorded in the memoranda rolls. Most of the additional assignments were for the payment of wages to men fighting the Scots. It is not possible to give a definite figure for the total value of assignments in any one year. Many assignments were ordered several times and may never have been paid, and in other cases the sum assigned is not stated in the calendar. But it can be said that the memoranda roll for 1315/16 contained more than 100 writs ordering assignments with a total value of more than £1,000.²⁴ Unfortunately the calendars of this and other memoranda rolls do not give the full wording of the writs. However the roll for 1319/20 survives,²⁵ and enables one to distinguish between two types of writ. Assignments of the kinds normal before 1315 continued to be made by writs ordering the production of letters patent on the collector's next account. But the great majority of assignments were made by writs ordering the collector to be in the exchequer on a stated date to exchange the letters for a tally. These assignments were recorded on the receipt and issue rolls.

16. e.g. 609.

17. e.g. 359.

18. e.g. 1327.

19. e.g. RC 8/6, p. 285.

20. e.g. Rot.canc.Hib., p. 15, no. 231.

21. e.g. 1078.

22. e.g. 503, 992, 1323.

23. e.g. 1044.

24. RC 8/10, pp. 411-812.

25. EX 1/2.

For example, on 25 March 1320 Pelegrine Bonoditi, keeper of customs, was ordered to pay £8 10s. to the attorney of a Gascon merchant for wine purveyed, receiving letters of acquittance which he was to have in the exchequer in the quindene of Easter (21 April 1320) to exchange for a tally. The receipt roll records the receipt of £8 10s. from Pelegrine on the latter date.²⁶ Since assignments of this kind were recorded on the receipt and issue rolls, they need not be considered when calculating the total income of the exchequer. Assignments not recorded on the receipt and issue rolls probably still amounted to about £200 per year.

In the early 1320s the number and value of assignments recorded in the memoranda rolls fell sharply. By 1325/6 they consisted largely of the kinds of payment which would not have been passed by the auditors of the treasurer's account and were not normally recorded in the receipt and issue rolls.²⁷ However it should not be assumed that the exchequer had ceased to make assignments of the kind recorded in the receipt and issue rolls. It is more likely that the exchequer was now making such assignments by giving the assignee a tally which he then gave to the collector in exchange for the money. Thus an entry on the memoranda roll for Michaelmas term 1331 stated that a tally for £100 from the sheriff of Cork was delivered to Peter Tintagel to be brought to the sheriff, who was to pay Walter Cardiff (de Kerdyf) the £100 which he had recently lent the king.²⁸ It seems probable that this assignment was recorded on the memoranda roll only because the tally was delivered to a third party rather than to the assignee. At any rate assignments of this kind had become standard practice by the 1370s, when they were referred to in the memoranda rolls only when they gave rise to dispute.²⁹

Deposits

Deposits of money in the exchequer were recorded in indentures made between the depositors and the chamberlains. The indentures do not normally survive, but a few deposits were also recorded in the memoranda rolls. Sometimes these were essentially private in character. For

26. EX 1/2, m. 24; E 101/237/12.

27. RC 8/14, pp. 606-25, 753-63, 825-54.

28. RC 8/16, pp. 39-40.

29. RC 8/30, pp. 378-83; RC 8/31, pp. 355-61.

example, John Barry deposited a sum for delivery to the merchants of the company of the sons of Bettori of Lucca, provided that they made him due acquittance.¹ However most of the deposits recorded in the memoranda rolls related to royal revenue. Several entries consisted of enrolments of indentures recording payments of royal service.² Generally the services in question were those assigned for receipt by special collectors.³

A good illustration of the nature of deposits is provided by a record of proceedings against Henry Walton, a chamberlain of the exchequer. He was found to have taken from the exchequer £19 17s.7 $\frac{3}{4}$ d. of the king's treasure and deposits amounting to £222 2s.6 $\frac{1}{2}$ d. The latter included £9 10s. of a carucage and £18 14s.2d. of a clerical subsidy levied in county Dublin for the war in Leinster, which had been deposited in the exchequer pending a decision by the justiciar and council because they had not been spent on the war. Also deposited pending a decision by the justiciar and council was a sum of £40 levied from William Fatinel, because a widow had recovered in dower against the king one third of a manor, the farm of which Fatinel had sold to the king for £120. A sum of £20 levied from the goods of Ralph Stanes after his death had been placed in deposit until his heirs or executor accounted for the time when he was a receiver. The mayor and bailiffs of Dublin had deposited £22 8s. in respect of forfeited goods of John Steel, because full acquittance in the form of a tally could not be given until the relevant estreats were delivered to the exchequer. And for the same reason, or because of the closure of the exchequer during vacations, various unspecified persons had deposited a further £111 10s.4 $\frac{1}{2}$ d.⁴

The fact that the exchequer was closed during vacations must have been a common reason for the making of deposits. During the vacation at Easter 1315 the chamberlains received various sums for which tallies could not be made in the absence of the treasurer's clerk. Tallies were made later and the receipts in question were entered on the receipt roll under the

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1. EX 2/2, p. 34.
 2. RC 8/7, pp. 38-9, 194.
 3. See below, pp. 60-1.
 4. E 368/79, m. 89d. cf. 64 and its cross references.

heading Recepta in medio tempore.⁵ The treasurer's clerk was paid by the day during term and was evidently not normally expected to be present during vacation.⁶ Presumably all sums received during vacation were recorded as deposits in the first instance, and were recorded in tallies and on the receipt rolls only when the treasurer's clerk returned at the beginning of the following term.

When the goods and lands of the Templars were taken into the king's hand, the resulting payments into the exchequer were recorded as deposits.⁷ However the auditors of the treasurer's account considered them to be receipts and they have been included as receipts in Table I.⁸ Most other deposits were private in character, were subsequently recorded as receipts, or related to revenue assigned for receipt by special collectors. Consequently it is not necessary to make specific allowance for deposits when calculating the total income of the lordship.

Total income

Any estimate of the total income of the lordship in the early fourteenth century must take account of four types of income in addition to the receipts of the exchequer listed in Table I.¹ The revenue from customs on wool and hides was assigned to creditors of the king for most of the period 1299-1314. It probably amounted to about £800 per year.² Income from royal services received entirely by special receivers probably amounted to about £400 per service. The services in question were proclaimed in 1304, 1305, 1306, 1311 and 1312. Some of the revenue from the service proclaimed in 1315 was also received by one or more receivers. This may have amounted to £200 or more.³ Revenue from other assignments not recorded as receipts and issues probably amounted to about £200 per year throughout the early fourteenth century.⁴ And allowances must be made for £476 15s.3½d. received between 15 April

5. RC 8/10, p. 13; E 101/237/1.

6. See above, p.10.

7. E 101/239/13; RC 8/7, pp. 38-9.

8. See above, p. 23, n.19.

1. See above, p. 23.

2. See below, pp. 51-2, 54-5.

3. See below, pp. 61-3.

4. See above, pp. 29-31.

1314 and 1 August 1321, which could not be included in Table I because it is not clear in which years its component sums were received.⁵

It is not possible to give a reliable estimate of total income for any one year. However it is clear that the decline in the value of exchequer receipts between Michaelmas 1300 and Michaelmas 1320 must have been paralleled by a similar decline in total income. During the period 1300-9 total income was probably of the order of £53,200,⁶ giving an annual average of almost £6,000 per year. Total income in the period 1309-15 was probably about £23,800,⁷ giving an annual average of slightly less than £4,000 per year. And in the period 1315-20 total income was probably about £12,100,⁸ giving an annual average of just under £2,500 per year.

The decline in both exchequer receipts and total income which took place in about 1309 cannot be explained by any single event. Presumably it was caused mainly by the growth in lawlessness and disorder within the lordship in the early fourteenth century.⁹ The further decline in receipts and income which occurred in about 1315 is much easier to explain. It is clear that it was a direct consequence of the invasion of Ireland by Edward Bruce in May 1315.¹⁰

5. See above, p. 23 n.19.

6. Made up of exchequer receipts of about £45,000, income from customs assigned of about £5,200, income from royal services received by special collectors of about £1,200, and income in respect of other assignments of about £1,800. The total income from customs was probably about £7,200, but of this about £2,000 were received in the exchequer (See sources for Table I listed above, p. 23, n. 19).

7. Made up of exchequer receipts of about £19,000, income from customs assigned of about £2,800, income from royal services received by special collectors of about £800, and income from other assignments of about £1,200. The total income from customs was probably about £4,800, but about £2,000 were received in the exchequer (See sources for Table I listed above, p. 23, n. 19).

8. Made up of exchequer receipts of about £10,500, income from royal services received by special collectors of perhaps £200, income from other assignments of about £1,000 and income from receipts not included in Table I of about £400.

9. Otway-Ruthven, Med.Ire., pp. 218-23.

10. ibid., p. 226.

Since most of the income of the lordship was received at the exchequer, the records of exchequer receipts can be used to identify the main types of revenue and to determine their relative importance. However the records do not provide the relevant information in an immediately usable form. All entries in the receipt rolls must be individually examined and classified, before one can establish totals for each of the main types of revenue. As this is a very slow process, totals have been calculated for only two years in addition to those for the year 1309/10. The totals for 1312/13 were already available.¹ Because 1312/13 was the third year after 1309/10, it was decided also to calculate totals for 1306/7, the third year before 1309/10.

The results of analysis of exchequer receipts in these three years are summarised in Table III. It will be seen that the three main types of revenue were the profits of justice, farms and rents, and the customs. Significant sums were also received in respect of wards and escheats. Very little was received in respect of royal service, but larger sums were received in other years, and of course much of the revenue from this source was assigned.² Subsidies were insignificant as a source of income in the period 1306-13, although they were quite important at earlier and later dates.³ Each of these types of revenue will be considered in turn, but the role of sheriffs and other local officials in the collection of revenue must be considered first, as they collected a number of different types of revenue.

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1. Craig, 'Irish revenues, 1285-1313', pp. 118-81.
 2. See below, pp. 59-61.
 3. See below, pp. 63-5.

**TABLE III: ANALYSIS OF EXCHEQUER RECEIPTS IN THE
YEARS 1306/7, 1309/10 AND 1312/13⁴**

	1306/7 (£ s.d.)	1309/10 (£ s.d.)	1312/13 (£ s.d.)
Profits of justice	2176-15- 2½	1165-10- 6¼	1257- 4- 9
Farms and rents	1743-16- 3¾	1152-14- 0¾	963-16- 0½
Customs and the price of wines	1052- 1- 6¾	146- 2-10½	746-18- 4
Profits of the escheatry and related revenue	612-19- 3	79-14- 7	198- 3- 6
Royal service	14- 3- 4	34-14- 0	0- 4- 0
Subsidies	45-15- 4½	6-12- 2	1- 6- 8
Other revenue	248-15- 6	233- 6- 5	77- 3- 6
TOTAL	5894- 6- 6½	2818-14- 7½	3244-16- 9½

The role of sheriffs and other local officials

The primary unit of local administration was the county.⁵ In 1309/10 there were twelve royal counties: Dublin, Louth (Uriel), Meath, Kildare, Carlow, Tipperary, Waterford, Cork, Kerry, Limerick, Connacht and Roscommon. Most of them were roughly equivalent to the modern counties of the same names.⁶ County Dublin included most of the modern county Wicklow and the crosslands lying within the liberties of Kilkenny, Wexford and Ulster (the crosslands were lands held by the church when the liberty in question was created).⁷ Strictly speaking the liberties themselves were also in county Dublin, although their seneschals normally answered directly to the exchequer.⁸ County Meath consisted of half

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4. This table has been prepared from the treasurer's enrolled accounts (E 373/153, m. 35; Lydon, 'Enrolled account of Alexander Bicknor', pp. 15-19) and the receipt rolls (E 101/234/11, 16 and 18; E 101/235/15, 22; E 101/236/4; E 101/239/13).
 5. For a general discussion of local administration see A.J. Otway-Ruthven, 'Anglo-Irish shire government in the thirteenth century', *Ir. Hist. Stud.*, v(1946-7), pp. 1-28.
 6. See the map 'Ireland circa 1300' in Otway-Ruthven, *Med. Ire.*, facing p. 408.
 7. Otway-Ruthven, 'Anglo-Irish shire government', pp. 7-8.
 8. e.g. 41.

the old liberty of Meath and the crosslands in the liberty of Trim, and was made up of scattered portions of the modern counties Meath, Westmeath, Longford and Offaly. County Kildare included parts of the modern counties Laois, Offaly and Wicklow. County Connacht comprised most of the modern counties Galway, Mayo and Sligo.

The senior official in each county was the sheriff. In the early fourteenth century sheriffs were normally appointed in the exchequer by the Irish treasurer, although they were sometimes appointed by letters under the English great seal.⁹ The sheriff had overall responsibility for the collection of revenue in his county. Writs and summonses ordering the debt to be levied were addressed to him. If he failed to carry out an order, the locally elected coroners might be ordered to act in his place.¹⁰ It seems that most sheriffs were entitled to levy an allowance for maintenance of at least 1 mark (13s.4d.) per year from each of the cantreds in their county¹¹ (the cantred was the equivalent of the English hundred and the modern Irish barony).

The sheriff did not normally levy debts in person. This was done by the sergeants. In most counties there was a hereditary chief sergeant. He appointed a sergeant for each cantred. The sergeant of each cantred had his own sub-sergeants.¹² Frequently chief sergeants were found to have been negligent or fraudulent in the performance of their duties. In such cases their bailiwick was taken into the king's hand and a chief sergeant was appointed by the exchequer.¹³ There seems to have been only one sergeant in county Roscommon who was appointed by the exchequer. The sergeants of crosslands were also appointed by the exchequer.¹⁴

Sums levied were received at collections held periodically by the

9. See below, pp. 158, 170

10. e.g. 1477, 1519, 1560.

11. e.g. Cal. doc. Ire., 1285-92, p. 316; Cal. justic, rolls Ire., 1295-1303, pp. 13-14; Doc. affairs Ire., no. 116.

12. Otway-Ruthven, 'Anglo-Irish shire government', pp. 21-6.

13. e.g. 131; EX 2/1, p. 145; EX 2/2, pp. 256, 269, 374.

14. See below, pp. 170-1.

sheriff.¹⁵ Until 1310 the sheriff had sole responsibility, as far as the exchequer was concerned, for the receipt of sums levied and their payment into the exchequer. However he must always have had subordinates to help him. There are occasional references to under-sheriffs, sheriff's clerks and receivers.¹⁶ Normally they must have been appointed by the sheriff, although the receiver in Co. Tipperary was appointed by the exchequer at least as early as 1308.¹⁷

In 1310 the Irish council decided that the exchequer should appoint a receiver of the king's moneys in each county.¹⁸ This decision was almost certainly made at the meeting of council held following the parliament at Kilkenny in February.¹⁹ Towards the end of the month five men were ordered to come to the exchequer on 5 March to do and receive as commanded on behalf of the king.²⁰ On 6 March two of them were given commissions as receivers in counties Louth and Meath.²¹ By July the exchequer had appointed receivers in counties Dublin, Kildare, Carlow, Tipperary, Waterford, Cork and Limerick.²² It was clearly intended to appoint receivers in counties Kerry and Connacht as well.²³ However the exchequer did not in fact appoint a receiver in county Kerry until 1315, and it is unlikely that it ever appointed receivers in counties Connacht and Roscommon.²⁴ The exchequer continued to appoint

15. e.g. Cal. justic. rolls Ire., 1295-1303, pp. 19-20, 47.

16. e.g. ibid., pp. 53, 349; EX 2/1, pp. 66, 203.

17. EX 2/2, pp. 296-7.

18. 1018, 1026.

19. See above, p. 3.

20. 755-9.

21. 648-9.

22. 967, 1018-19, 1026, 1271, 1330, 1348.

23. 786, 788.

24. In 1312 and 1313 writs sent to all counties concerning the collection of all outstanding debts were in most cases addressed to the sheriff and receiver, but those sent to counties Kerry, Connacht and Roscommon were addressed to the sheriff alone (RC 8/6, p. 319; RC 8/7, pp. 507-8). The exchequer commissioned Henry Hore as receiver in county Kerry on 31 Oct. 1315 (RC 8/10, pp. 441-2). He was already acting as sheriff's receiver on 26 Oct. 1314 (E 101/236/14/3), and may have held this post in 1310, as the exchequer had intended to give him his commission in April 1310 (786).

receivers in most counties until the late 1330s.²⁵

The duties of a receiver were outlined in the commission given to Hugh Clinton as receiver in county Louth on 6 March 1310. Collections were to be held only in the presence of the sheriff, the sergeants and the receiver. Money received was to be placed in the custody of a reliable and law-abiding man of the county in a chest locked with two keys, one of which was to be held by the sheriff and the other by the receiver. Details of receipts were to be recorded in an indenture, of which the sheriff was to have one part and the receiver the other. When money received was paid into the exchequer, the receiver's part of the indenture was to be given to the chamberlains.²⁶ Entries of other commissions state that the receiver was to make tallies and other acquittances for sums received.²⁷ And the receipt rolls of the exchequer show that from 1310 payments into the exchequer on behalf of a sheriff were normally made by the receiver.²⁸ His expenses were paid to him by assignment.²⁹

In addition to the counties, a number of liberties, cities and boroughs answered directly to the exchequer. In 1309/10 four major liberties were in private hands: Kilkenny, Wexford, Trim and Ulster. The first two were roughly equivalent to the modern counties bearing the same names. Trim was the second half of the old liberty of Meath. Ulster comprised the modern counties Antrim and Down and parts of counties Donegal and Londonderry.³⁰ The senior official in each liberty was the seneschal.

25. The precise date when the exchequer ceased to commission receivers cannot be determined because of gaps in both the memoranda rolls and the receipt rolls. The last payment by a receiver recorded in the receipt rolls was that made by Nicholas Abbot on 24 Feb. 1336 (E 101/240/9). In Trinity term 1335 writs ordering the assignment of revenue were still addressed to the sheriff and receiver (RC 8/18, p. 659), but by Michaelmas term 1338 they were addressed to the sheriff alone (RC 8/21, p. 36). The decision that the exchequer should no longer appoint receivers may have been made at the parliament or great council held at Dublin in January 1338 (Richardson and Sayles, Ir. parl. in middle ages, p. 338).

26. 648.

27. e.g. 1018-19.

28. E 101/235/25.

29. e.g. RC 8/7, p. 183.

30. See the map 'Ireland circa 1300' in Otway-Ruthven, Med. Ire., Facing p. 408.

He was appointed by the lord of the liberty, but his appointment had to be notified to the exchequer and he had to take an oath there.³¹ His subordinates need not be mentioned here, as the exchequer normally dealt only with the seneschal or his duly appointed lieutenant.³² Writs and summonses ordering that debts be levied were addressed to the seneschal in the first instance. Only if he or his subordinates failed to carry out the order, could the sheriff of Dublin be ordered to act in their place.³³

Apart from these major liberties there was a number of lesser liberties in private hands within the counties. Of these the most important was the archbishop of Dublin's liberty of Saint Sepulchre, which comprised a large part of the modern counties Dublin and Wicklow.³⁴ The archbishop appointed a bailiff who was roughly equivalent to the serjeant of a cantred, but who accounted directly at the exchequer with the sheriffs of Dublin and Meath.³⁵

In 1309 there were also two royal liberties: Carlow and Kildare. They adjoined each other and had a single seneschal. The liberty of Kildare had been surrendered to the king and made a county in 1297.³⁶ However when the liberty of Carlow fell into the king's hand in 1306,³⁷ the liberty of Kildare was recreated. Arnold Power (le Poer) was paid as seneschal of both liberties from 26 August to 16 October 1308,³⁸ and had probably been seneschal since 1306. In 1308 he was replaced by John Bonneville at the instance of Peter Gavaston.³⁹ They were evidently

31. e.g. EX 2/2, p. 295.

32. For an example of a seneschal's failure to appoint a lieutenant in due form see 168.

33. e.g. 1487 and its cross references.

34. Charles McNeill, 'The secular jurisdiction of the early archbishops of Dublin', R.S.A.I. Jn., xlv (1915), pp. 81-108.

35. e.g. P.R.I. rep. D.K. 39, p. 21.

36. A.J. Otway-Ruthven, 'The medieval county of Kildare', Ir. Hist. Stud., xi(1958-9), p.195.

37. W.F. Nugent, 'Carlow in the middle ages', R.S.A.I. Jn., lxxxv (1955), pp. 75-6.

38. Lydon, 'Enrolled account of Alexander Bicknor', p. 26.

39. Cal. pat. rolls, 1307-13, p. 147.

enemies. When Bonneville was killed in February 1310, Power was alleged to have been responsible.⁴⁰ Both Power and Bonneville were paid the exceptionally large fee of £100 per year (5s.6d. per day).⁴¹ It seems likely that their duties were at least partly military and that they were expected to use part of their fee to pay for a number of armed men. During the period 1306-10 both the seneschal and the sheriffs of Carlow and Kildare answered directly to the exchequer.⁴² After Bonneville's death Carlow and Kildare reverted to purely county status, but they were recreated as private liberties in 1312 and 1317 respectively.⁴³

Six cities and boroughs answered directly to the exchequer. They were Dublin, Drogheda on the side of Louth, Drogheda on the side of Meath, Waterford, Cork and Limerick.⁴⁴ The citizens or burgesses elected a mayor and two bailiffs (or seneschal and two bailiffs in the case of Drogheda on the side of Meath). The mayor of Dublin, the mayor and seneschal of the two Droghedas, and sometimes also the mayor of Waterford, were presented and took oath in the exchequer on 30 September each year.⁴⁵ The mayor of Dublin was not permitted to leave the city without first presenting his lieutenant in the exchequer.⁴⁶ Writs and summonses ordering that debts be levied were addressed to the mayor (or seneschal) and bailiffs in the first instance. Only if they failed to carry out the order would the sheriff of the county in which the city or borough lay be ordered to act in their place.⁴⁷

The profits of justice

The profits of justice fell into two main groups: the profits of the central courts of the lordship, and the profits of the county courts.

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40. Rot. canc. Hib., p. 13, no. 49; Cal. justic. rolls Ire., 1308-14, pp. 156, 163-4.
41. Lydon, 'Enrolled account of Alexander Bicknor', p. 26; Rot. canc. Hib., p. 8, no. 70. The fee paid to Power was apparently mistranscribed as 5s. per day in *ibid*, p. 7, no. 25.
42. 89 and its cross references.
43. Otway-Ruthven, 'Medieval county of Kildare', pp. 197-9; Nugent, 'Carlow in the middle ages', p. 76.
44. See below, pp. 46-7.
45. See below, pp. 140-1.
46. 76.
47. e.g. 1488 and its cross references.

The former were much the more important and will be considered first. The best evidence concerning their composition is provided by the entries of summonses issued in the memoranda rolls.¹ These show that the profits of the central courts consisted largely of fines and amercements arising out of proceedings in the justiciar's court, the Dublin bench and the exchequer, and before justices of assize and gaol delivery, the keeper of the market, and officials assigned to inquire concerning debts and the misdeeds of local officials. They also included the issues of the goods of convicted felons, payments for writs purchased in chancery, reliefs paid by heirs to tenements taken into the king's hand by the escheator, and cloth declared forfeit by the keeper of the alnage. Unfortunately the entries of summonses issued cannot be used to determine the relative importance of the different courts as sources of revenue, because they recorded only the first debt listed in each summons. Nevertheless there can be little doubt that fines made and amercements imposed in the justiciar's court must have formed the lion's share of the profits of the central courts, given the dominant role of the court in the administration of both civil and criminal justice.²

Each court prepared estreats of debts to the king incurred during its proceedings, and sent the estreats to the exchequer. There the summoner prepared summonses from each estreat for every county, liberty, city and borough from which debts were due. After a sheriff's, seneschal's, or mayor and bailiffs' account had been heard, he also prepared summonses of debts still owing from enrolled accounts, old estreats, transcripts of estreats and lists of debts removed from the account because they related to another locality. Each summons began with a command to the appropriate sheriff or other local official that he have the debts listed in question in the exchequer at the following Michaelmas or Easter.³

When a sheriff received a summons, he had estreats prepared from it for each cantred. These were delivered to the chief sergeant for execution by the sergeants of the cantreds.⁴ presumably a similar procedure

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1. See below, pp. 242-7.
 2. Hand, Eng. law in Ire., pp. 40-88.
 3. See below, pp. 242-7.
 4. e.g. EX 2/2, pp. 304-5.

applied in liberties, cities and boroughs. As already explained, sums levied were received at collections.⁵ Normally a number of such receipts were paid into the exchequer at the same time. In the resulting entry on the receipt roll they were referred to as "debts of divers".⁶

Of course not all debts were paid at local collections. Debtors living near Dublin evidently preferred to pay money directly into the exchequer. In 1309/10 the sheriff of Dublin paid only £9 18s. of debts of divers, while various individuals paid a total of £106 16s.2d.⁷ Also very large debts were not normally paid at collections. Most such debts were normally attermined. This meant that the exchequer gave the debtor terms for the payment of his debt by instalments, generally at Michaelmas and Easter. Provided the debtor paid at his terms, the appropriate sheriff or other local official was ordered not to levy the debt.⁸ The giving of terms was recorded in the roll of attermined debts. The roll for the first thirty years of the reign of Edward III survived long enough to be calendared.⁹

Little is known about the collection of the profits of the county courts. Presumably the sheriffs' clerks kept records of debts arising from proceedings in the courts, and made estreats which were delivered to the sergeants for execution. The sums levied must have been received at collections. A number of such receipts were paid into the exchequer at the same time. In the resulting entry on the receipt roll they were referred to simply as "profit of the county".¹⁰ Normally the sheriff must have supplied particulars of the profit of the county when he rendered his account. If he failed to do so, the amount of the profit had to be fixed by agreement with the treasurer and barons.¹¹ But even if he did supply particulars, the exchequer had no independent means of knowing whether they included all debts incurred in the county court.

5. See above pp. 37-9.

6. e.g. E 101/235/22.

7. *ibid.*

8. See below pp. 237-8.

9. RC 8/15, pp. 209-373.

10. e.g. E 101/235/22.

11. e.g. RC 8/13, p. 283.

Perhaps for this reason, the exchequer often preferred to farm the profits of the more remote counties for a fixed sum per year.¹²

Exchequer receipts of the profits of justice in the years 1306/7, 1309/10 and 1312/13 are analysed by type of revenue in Table IV. Even in 1312/13 the profits of the counties barely exceeded 2% of total receipts. Debts paid individually were substantially greater in value than debts of divers in 1306/7, but by 1312/13 debts of divers were more than twice as valuable as debts paid individually. Clearly the proportion of revenue received at local collections had increased. Presumably debtors had greater confidence in local collections as a result of the appointment of independent receivers by the exchequer. In 1306/7 almost 40% of the receipts consisted of the arrears of account of sheriffs and seneschals. This must in part explain the fact that total exchequer receipts in 1306/7 were much higher than in the immediately preceding years.¹³

TABLE IV: ANALYSIS BY TYPE OF REVENUE OF EXCHEQUER RECEIPTS OF THE PROFITS OF JUSTICE IN THE YEARS 1306/7, 1309/10 AND 1312/13¹⁴

	1306/7 (£ s.d.)	1309/10 (£ s.d.)	1312/13 (£ s.d.)
Profits of the counties	26- 9- 3	23-13-4	26-14- 8
Debts of divers	525- 4- 4 $\frac{1}{2}$	383-19-3	706- 1- 1
Debts paid individually	743- 5- 4 $\frac{3}{4}$	458-18-8	269-14-10
Arrears of account	881-16- 2 $\frac{1}{4}$	298-19-3 $\frac{1}{4}$	254-14- 2
TOTAL	2176-15- 2$\frac{1}{2}$	1165-10-6$\frac{1}{4}$	1257- 4- 9

The same receipts are analysed by locality in Table V. This gives some indication of the relative importance of different areas. Receipts from

12. e.g. P.R.I. rep. D.K. 38, p. 74.

13. See above, p. 23, Table I.

14. This table has been prepared from the receipt rolls (E 101/234/16; E 101/235/22; E 101/236/4). The arrears of account must have consisted largely of profits of the central courts, although they may have included small amounts of other revenues.

the counties were generally much higher than those from the liberties, cities and boroughs, due to the limitations on the jurisdiction of the central courts in the latter.¹⁵ The exceptionally large receipts from the liberty of Kilkenny in 1306/7 included £200 in respect of a single fine for trespass and £180 13s.4d. of arrears of account of the seneschal.

TABLE V: ANALYSIS BY LOCALITY OF EXCHEQUER RECEIPTS OF THE PROFITS OF JUSTICE IN THE YEARS 1306/7, 1309/10 AND 1312/13¹⁶

	<u>1306/7</u>	<u>1309/10</u>	<u>1312/13</u>
	(£ s.d.)	(£ s.d.)	(£ s.d.)
<u>Counties and liberties</u>			
Carlow	16- 0- 0	65- 6- 8	19-11- 2
Connacht	68- 6- 8	70-13- 4	59- 6- 8
Cork	224- 4- 1	50-13- 6	178- 6-10
Dublin	212-16- 9½	139- 5-10	129- 6- 4
Kerry	32- 2- 7	29-13- 4	29- 7- 0
Kildare	134-11-10	33- 6- 8	57- 0- 0
Kilkenny	400-13- 4	20- 0- 0	25-16- 8
Limerick	257-17- 9	85- 6- 8	128- 6- 8
Louth	118-17- 5	168- 5- 6	81- 1- 8
Meath	138- 3- 4½	133- 1- 9	65-18- 6
Roscommon	15-12- 2½	9-13- 0	0- 6- 8
Tipperary	310-11- 4	178- 6- 8	291- 1- 0
Trim	10-10- 0	5- 1- 0	9- 6- 8
Ulster	-	-	4-16- 8
Waterford	39-13- 4	19-13- 4	45- 6- 8
Wexford	<u>95-13- 4</u>	<u>48- 0- 0</u>	<u>74-12- 1</u>
TOTAL	2075-14- 0	1056- 7- 3	1199-11- 3
<u>Cities and boroughs</u>			
Cork	12- 3- 4	6- 0- 6	9-13-4
Drogheda (Louth)	20- 9-10½	16-16- 1½	11-12-4
Drogheda (Meath)	4-16- 8	10- 0- 0	11-11-2
Dublin	37- 8- 0	41- 6- 8	14-16-8
Limerick	26- 3- 4	35- 0- 0	3- 6-8
Waterford	-	-	6-13-4
TOTAL	<u>101- 1- 2½</u>	<u>109- 3- 3½</u>	<u>57-13-6</u>

15. Hand, Eng. law in Ire., pp. 113-34.

16. This table has been prepared from the receipt rolls (E 101/234/16; E 101/235/22; E 101/236/4). Receipts from the archbishop of Dublin's liberty of Saint Sepulchre have been included with those from county Dublin.

Farms and rents

The farms and rents under discussion here were sometimes referred to as the rents of assize.¹ They fell into three main groups: the fee farms of the cities and major boroughs, the farms and rents of manors answered for directly at the exchequer, and other rents payable to the king. They did not include rents from lands taken temporarily into the king's hand by the escheator, nor did they include rents from lands formerly belonging to the Templars.²

The six cities and boroughs which answered directly to the exchequer through their mayor (or seneschal) and bailiffs³ were held at fee farm. This meant that the citizens or burgesses held their city or borough for ever by charter from the king, rendering a fixed annual payment or farm at the exchequer. The amounts of the farms were in all but one case specified in their charters, and are set out in Table VI. In addition to their fee farms, some of the cities and boroughs owed other smaller farms and rents. For example, Cork owed the farm of the faith for land acquired by the city in the late thirteenth century.⁴ An inquisition held in February 1310 stated that the borough of Roscommon was also held at fee farm.⁵ And in the same year the burgesses of Roscommon claimed the liberty of answering at the exchequer through their mayor and bailiffs, rather than through the sheriff of the county.⁶ However there is no evidence that their claim was accepted.

1. e.g. Cal. doc. Ire., 1252-84, no. 2329.

2. See below, pp. 56-8, 65-6.

3. See above, p. 41.

4. William O'Sullivan, The economic history of Cork City from the earliest times to the Act of Union (Dublin, 1937), pp. 28-9.

5. 552.

6. 1293; RC 8/5, pp. 223-4, 521-2.

TABLE VI: THE FEE FARMS OF THE CITIES AND MAJOR BOROUGHS⁷

<u>City or borough</u>	<u>Annual farm</u>
Cork city	80 marks (£53 6s.8d.)
Drogheda borough on the side of Louth	60 marks (£40)
Drogheda borough on the side of Meath	40 marks (£26 13s.4d.)
Dublin city	200 marks (£133 6s.8d.)
Limerick city	110 marks (£73 6s.8d.)
Waterford city	100 marks (£66 13s.4d.)

The manors whose farms and rents were answered for directly at the exchequer are listed in Table VII. They were concentrated in west county Dublin and north County Kildare. Most of the manors in these areas were held at farm by their tenants. The latter elected a reeve (prepositus) who answered for the farm at the exchequer. In exceptional circumstances this election might take place in the exchequer.⁸ The reeves were supervised by a seneschal or keeper (custos) of demesne lands, who was normally appointed by the exchequer.⁹ The seneschal must have presided over the manor courts, and sometimes answered at the exchequer for the profits of the courts.¹⁰

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7. The amounts of the farms of all except Limerick are specified in charters printed in Gearóid Mac Niocaill, Na buirgéisí, XII-XV aois (Dublin, 1964), i, pp. 86, 159, 177, 187, 237, 251. The farm of Limerick was 110 marks, but £10 of this was paid to the bishop of Limerick for the fishery there (e.g. P.R.I. rep. D.K. 42, p. 28).
8. e.g. 127.
9. e.g. RC 8/9, p. 210.
10. e.g. P.R.I. rep. D.K. 43, p. 66.

**TABLE VII: FARMS AND RENTS OF MANORS ANSWERED
FOR DIRECTLY AT THE EXCHEQUER IN THE
EARLY FOURTEENTH CENTURY¹¹**

<u>COUNTY AND MANOR</u>	<u>Annual farm or rent (£ s.d.)</u>
<u>County Connacht</u> Admekin	ca.60-0-0
<u>County Dublin</u> Bray	15-8-7
Chapelizod (Capella Isolde)	23-6-8
Crumlin	37-7-6
Esker	14-1-0
Cork Great (Corkagh)	11-5-0
Newcastle Lyons	147-5-8
Newcastle Mackinegan	40-0-0
Saggart (Tassagard)	112-18-4
<u>County Kildare</u> Castlewarden and Oughterard	33-12-1
Leixlip (Saltus Salmonis)	77-10-0½
<u>County Louth</u> Ardee (Atherde) and Mansfieldstown (Mandevilleston)	98-11-11½
<u>Liberty of Trim</u> Dysart	20-0-0
<u>County Tipperary</u> Carrick-on-Suir (Carrickmacgriffin) and Kilnoleran	32-13-4

11. This table has been prepared from the accounts in the calendar of pipe rolls in P.R.I. reps. D.K. 38, pp. 68-9, 84-6, 94-6; 39, pp. 26-7, 37-8, 50-1, 56, 72; 42, pp. 26-7. In a few cases in which the farm or rent payable changed, the figure chosen is that for the year nearest in date to 1309/10. Increments of farms have not been included. The manor of Okethy in county Kildare was almost certainly also answered for directly, but none of the pipe rolls calendared contained an account for it. The manors of the liberty of Carlow were answered for directly while they were in the king's hand (P.R.I. rep. D.K. 39, pp. 54-5).

Most of the other manors were granted during pleasure to an individual who answered for the farm or rent. For example Ardee and Mansfieldstown were granted to Walter Cusack by letters patent under the English great seal dated 10 June 1308. He held them until they were granted to Richard Tuite by letters dated 7 October 1309. Tuite held them until they were granted to the earl of Ulster by letters patent dated 22 May 1313.¹² Cusack's account for the manors covered the period 24 June 1308-25 December 1309. Tuite's account covered the period 25 December 1309-25 December 1313.¹³

Other farms and rents were answered for through the sheriff of the county in which they lay. They included some very large rents, but these tended to be badly in arrear. For example Reynold and Margaret Russell owed a farm of 200 marks (£133 6s.8d.) per year for Decies in county Waterford, but in 1306 they and their sub-tenants had paid barely half the sum owed for a period of seven years.¹⁴ Even larger sums were payable for lands in counties Connacht and Roscommon, but only a small proportion was actually paid. In 1309 the king quitclaimed the rent of 500 marks (£333 13s.4d.) formerly payable by the earl of Ulster for his lands in Connacht.¹⁵

Exchequer receipts of farms and rents in the years 1306/7, 1309/10 and 1311/12 are analysed by locality in Table VIII. The farms of the cities and major boroughs consistently amounted to just under 30% of the total. The farms and rents of manors and other lands in counties Dublin and Kildare amounted to substantially more than half of the remainder.

12. Cal. fine rolls, 1307-19, pp. 23, 50, 172.

13. P.R.I. rep. D.K. 39, pp. 37, 56.

14. P.R.I. rep. D.K. 38, p. 102.

15. 35 and its cross references.

TABLE VIII: ANALYSIS BY LOCALITY OF EXCHEQUER RECEIPTS
OF FARMS AND RENTS IN THE YEARS 1306/7
1309/10 and 1312/13¹⁶

	<u>1306/7</u> (£ s.d.)	<u>1309/10</u> (£ s.d.)	<u>1312/13</u> (£ s.d.)
<u>Cities and major boroughs</u>			
Cork	57- 6- 8	59- 6- 2	34-13-4
Drogheda (Louth)	61-12- 0	40- 0- 0	25-19-4
Drogheda (Meath)	46-18- 8	26-13- 4	36- 0-0
Dublin	137- -	123-13-11	67- 0-0
Limerick	73- 6- 8	68-13- 4	31-13-4
Waterford	96-12- 0	22- 0- 0	73- 6-8
TOTAL	<u>473-11- 5</u>	<u>340-06-09</u>	<u>268-12-8</u>
<u>Counties and liberties</u>			
Carlow	85-06- 8	76-10- 7½	61- 5-9
Connacht	56-03-10	28- 0- 0	30- 0-0
Dublin	399-09- 3¾	259-11- 2	275-17-8
Kildare	308-17- 4	181-14- 9½	132- 6-9½
Louth	210-13- 0	40- 0- 0	49- 0-0
Meath	29-13- 4	-	39-13-2
Roscommon	34-00- 0	65-06- 6	-
Tipperary	35-00- 0	14-11-10¾	-
Waterford	111-01- 5	128-13- 4	107-00-0
TOTAL	<u>1270- 4-10¾</u>	<u>794- 7- 3¾</u>	<u>695- 3-4½</u>
GRAND TOTAL	<u>1743-16 3¾</u>	<u>1134-14- 0¾</u>	<u>963-16-0½</u>

The customs and the prise of wines ¹

The customs were taxes on overseas trade. They were collected at the ports of Drogheda, Dublin, Wexford, New Ross, Waterford, Youghal, Cork,

16. This table has been prepared from the receipt rolls (E 101/234/16; E 101/235/22; E 101/236/4). Receipts from manors of the liberty of Carlow which lay within the liberty of Wexford have been included under Carlow.
1. To a considerable extent this sub-section is based on Harriet Brodie, 'The Irish customs, 1275-1327' (B.A. thesis, Dublin University, 1966). For the English background see Norman S.B. Gras, The early English customs system (Cambridge, Mass., and London, 1918) and Robert L. Baker, 'The English customs service, 1307-1343: a study of medieval administration', Transactions of the American Philosophical Society, new series, li, part 6 (1961).

Kerry, Limerick, Galway and Ulster.² The first permanent customs were granted in 1275. They were levied on exports of wool and hides, at the rates of 6s.8d. on every sack of wool, 6s.8d. on every 300 woolfells, and 13s.4d. on every last (200 hides) of leather.³ They were generally referred to as the new custom or the great new custom.

In 1302 the merchants of the duchy of Aquitaine granted a custom of 2s. per tun of wine imported, in lieu of the prise of wines.⁴ And in 1303 alien merchants granted additional duties, in return for certain privileges. They consisted of:

- (i) 2s. per tun of wine imported, in lieu of the prise of wines;
- (ii) 3s.4d. on each sack of wool and every 300 woolfells exported, and 6s.8d. on each last of hides exported, in addition to the duties granted in 1275;
- (iii) duties on cloth, wax and all other goods imported and exported.⁵

The customs of 1302 and 1303 were abolished by the Ordinances of 1311. In Ireland their abolition took effect from Hilary term 1312.⁶ They were not re-imposed until the early 1320s.⁷ As a group they were often referred to as the latest new custom. The duties on cloth and other goods were frequently described as the small custom.

For much of the early fourteenth century the customs were assigned to creditors of the king in repayment of his debts to them. The citizens of Bayonne probably received the issues of the great custom throughout the

2. See below, p. 64, Table X. Both Kerry and Ulster contained more than one port. The main port in Kerry was Ardfert (e.g. EX 2/2, p. 366) and the main port in Ulster was Carrickfergus (e.g. 302). The two boroughs of Drogheda were administered as a single port for customs purposes.

3. Gras, English customs system, pp. 223-4, citing the fine roll calendared in Cal. fine rolls, 1272-1307, p. 47.

4. Cal. charter rolls, 1300-26, pp. 29-31; Cal. pat. rolls, 1301-7, p. 99.

5. Gras, English customs system, pp. 259-64.

6. RC 8/6, pp. 156-7.

7. They had been re-imposed by Trinity term 1323 (E 101/238/7).

period June 1299-April 1304.⁸ From April 1304 the great custom was assigned to the Frescobaldi of Florence. In October 1304 the additional duties on wool and hides of 1303 were granted to the Frescobaldi.⁹ All the customs on wool and hides had been taken back into the king's hand by June 1306, but in December 1307 they were again assigned to the Frescobaldi.¹⁰ By January 1310 the Frescobaldi were also in receipt of the small custom and the custom on wine, but by Easter term 1311 these customs had been assigned to Walter de Waldeshef.¹¹ However later in the same year all the customs were taken into the king's hand with retrospective effect from February 1311.¹² By June 1313 at the latest the great custom had been assigned to Anthony Pessaigue of Genoa, but it was taken permanently into the king's hand sometime in 1314.¹³

There was normally a central collector (or keeper or receiver) of the great custom. Martin de Lysegor was central collector while it was assigned to the citizens of Bayonne.¹⁴ When it was granted to the Frescobaldi in 1304, Andrew Gerard was made central collector.¹⁵ There was apparently no central collector while it was in the king's hand in 1306-7, but Gerard was re-appointed in 1308.¹⁶ He continued to act

8. The assignment was made in May and took effect on 7 June 1299 (Cal. close rolls, 1296-1302, p. 250; P.R.I. rep. D.K. 38, pp. 43,51). Assignments to the Frescobaldi in 1303 were revoked and never took effect (Cal. doc. Ire., 1302-7, no. 172; Cal. fine rolls, 1272-1307, p. 470; Cal. pat. rolls, 1301-7, p. 136; P.R.I. rep. D.K.38, pp. 55-63). On 20 April 1304 Martin de Lysegor, merchant of Bayonne, delivered his part of the cocket seal (presumably that of Dublin) to the treasurer, who gave it to Andrew Gerard of the Frescobaldi (EX 2/1, p. 78).

9. Cal. pat. rolls, 1301-7, p. 213; Cal. doc. Ire., 1302-7, no. 360.

10. Cal. justic. rolls Ire., 1305-7, p. 229; Cal. doc. Ire., 1302-7, no. 515; Cal. pat. rolls, 1307-13, p. 28.

11. 541 and its cross references; Cal. fine rolls, 1307-19, pp. 68-9; RC 8/5, pp. 607-10; RC 8/6, pp. 15-16.

12. Cal. fine rolls, 1307-19, p. 97; RC 8/6, pp. 14-5, 21-2; P.R.I. rep. D.K. 39, pp. 38-9.

13. Cal. fine rolls, 1307-19, pp. 153, 194-5; Cal. close rolls, 1307-13, p. 539, and 1313-18, p. 23; RC 8/9, pp. 145-6, 465-6.

14. EX 2/1, pp. 59, 78.

15. *ibid.*, pp. 78-9.

16. EX 2/2, p. 366.

until the custom was taken back into the king's hand in 1314.¹⁷ In September 1314 John de Monelia was appointed central collector. He retained the office until 1319, when he was succeeded by Pelegrine Bonoditi de Contron.¹⁸

There were two local collectors of the great custom in each port. Generally they were described simply as collectors or receivers, but a number of references make it clear that strictly speaking one was the collector or receiver and that the other was a controller.¹⁹ They recorded their receipts in indented rolls, and each held a part of the cocket seal with which letters recording the payment of the custom were sealed.²⁰ In the five most important ports (Cork, Drogheda, Dublin, New Ross and Waterford) the collector was appointed by the central collector, or by the exchequer when there was no central collector, while the controller was locally elected. In the other ports both were normally locally elected.²¹ Often the customs of Galway and Ulster were farmed.²²

The additional duties on wool and hides of 1303 were probably collected with the great custom, but there was a separate system for the collection of the small custom and the custom on wines. As a rule there was no central collector of the customs, and a collector and controller were elected in each port.²³ However when they were assigned to the Frescobaldi in 1310, Andrew Gerard acted as central collector. At first it seems to have been intended that the same local officials should collect both the customs on wool and hides and those on wine, cloth and other goods, but in January 1310 orders were issued for the election of separate collectors of the latter.²⁴ When they were assigned to Waldeshef in 1311, his attorney Stephen Bercote acted as central

17. e.g. P.R.I. rep. D.K. 39, pp. 38-9; Cal. close rolls, 1313-18, p. 23.

18. Cal. fine rolls, 1307-19, pp. 209-10, 392.

19. e.g. P.R.I. rep. D.K. 39, pp. 34-5.

20. e.g. Cal. doc. Ire., 1285-92, p. 309; P.R.I. rep. D.K. 42, p. 78.

21. e.g. EX 2/1, pp. 78-9, 94; EX 2/2, pp. 248-9, 366.

22. e.g. 114, 568.

23. e.g. EX 2/1, pp. 55, 94, 174.

24. 542, 299-305, 582-6, 693-703.

collector, and only the controller was elected in the five main ports.²⁵

The prise of wines had its origin in the right of the king to take wine for his own use. However by the early fourteenth century it had become in effect a custom, and is best considered with the customs. The king was entitled to take two tuns of wine from every cargo of 20 tuns or more, and one tun from every cargo of between 10 and 19 tuns.²⁶ The wine might be kept for the use of the justiciar,²⁷ but normally it was sold on the open market. The importer was paid £1 a tun, and the profit was paid to the king.²⁸ It seems that the king was not entitled to the prise from wine landed at ports in the liberties. Thus the prise of wine in Wexford was answered for at the exchequer only when the liberty was in the king's hand.²⁹

Traditionally the prise was collected by the head of the Butler family as the king's butler in Ireland. However it had been in the king's hand for a long period before 1308.³⁰ During this period there was a keeper in each port, who was sometimes appointed by the exchequer and sometimes elected locally.³¹ In August 1308 Peter Gavaston ordered that the prise be delivered to Edmund Butler.³² When Edmund died it was taken into the king's hand, but in January 1322 it was restored to his son James.³³

Exchequer receipts of the customs and the prise of wines in the years 1306/7, 1309/10 and 1323/13 are analysed in Table IX. It will be seen that the great custom was much the most important. Of course the custom received in 1309/10 represented only a small part of the total income from the great custom in that year, as most of it was paid to the Frescobaldi. However the receipts in 1306/7 and 1312/13 probably give a reasonably accurate impression of total income from the great custom in those years, although some of the income in 1313 may have been paid to Anthony Pessaigne. Total income from the great custom in the period of just over two and a half years from 21 May 1301 to 30 November 1303 was

25. RC 8/5, pp. 607-10.

26. Gras, English customs system, pp. 37-42.

27. 1263.

28. e.g. P.R.I. rep. D.K. 39, p. 26.

29. e.g. P.R.I. rep. D.K. 43, p. 64.

30. 66.

31. e.g. EX 2/1, pp. 152, 166.

32. EX 2/2, p. 348.

33. RC 8/12, pp. 632-5, 576-7, 648-50.

probably about £2,000,³⁴ which gives an annual average of about £800. And total income in the 21 months from 1 February 1311 to 29 October 1312 was about £1,400,³⁵ which again gives an annual average of about £800.

TABLE IX: ANALYSIS BY TYPE OF REVENUE OF EXCHEQUER RECEIPTS OF CUSTOMS AND THE PRISE OF WINES IN THE YEARS 1306/7, 1309/10 AND 1312/13³⁶

<u>Type of Revenue</u>	<u>1306/7</u> (£ s.d.)	<u>1309/10</u> (£ s.d.)	<u>1312/13</u> (£ s.d.)
Great new custom	842- 8-3 $\frac{3}{4}$	142-16- 8 $\frac{1}{4}$	746-18-4
Latest new custom	56-13-3	—	—
Prise of wines	153- 0-0	3- 6- 2 $\frac{1}{4}$	—
TOTAL	1052- 1-6 $\frac{3}{4}$	146- 2-10 $\frac{1}{2}$	746-18-4

For most of the early fourteenth century we lack reliable figures for the amount of customs revenue collected in individual ports. However details of the amount of the great custom collected in individual ports are available for the period 21 May 1301 to 30 November 1303, and are set out in Table X. New Ross, Waterford and Cork were clearly the most important ports in the trade in wool and hides. Drogheda and Dublin also exported large quantities of these commodities. More than 90% of the income from

The profits of the exchequer arose from lands and their revenues taken into the king's hand by right of his position at the head of the

34. The total amount collected was about £2,105 (P.R.I. rep. D.K. 38, pp. 55, 63, 85). However the accounts do not show any deductions for the cost of collection, probably because the sums collected were paid to the citizens of Bayonne. When the sums collected were paid into the exchequer, allowance was given for the costs of collection (e.g. *ibid.*, p. 43).
35. The total shown in the enrolled account is £1231 15s. 8 $\frac{3}{4}$ d. This does not include the sums received at Cork and Limerick. On the other hand it does include small sums relating to earlier years, and it also includes sums subsequently allowed for the costs of collection (P.R.I. rep. D.K. 39, pp. 38-9).
36. Prepared from the treasurer's enrolled accounts (E 372/153, m. 35; Lydon, 'Enrolled account of Alexander Bicknor', p. 17) and the receipt rolls (E 101/234/16; E 101/235/15; E 101/235/22; E 101/236/4).

the great custom came from these five ports. The other ports were of little importance. Together they exported less than any one of the five main ports.

TABLE X: AMOUNTS OF THE GREAT CUSTOM COLLECTED IN INDIVIDUAL PORTS
21 MAY 1301 - 30 NOVEMBER 1303³⁷

<u>Port</u>	<u>21 May 1301</u> <u>- 10 June 1302</u>	<u>10 June 1302</u> <u>- 26 May 1303</u>	<u>26 May 1303</u> <u>- 30 Nov. 1303</u>
	(£ s.d.)	(£ s.d.)	(£ s.d.)
Drogheda	142-11-03½	102-03- 8½	80-00-04
Dublin	120-07-05¼	76-00- 2¾	57-15-11
Wexford	1-18-04	2-16- 0	—
New Ross	189-02-06½	120-06- 8	167-17-09½
Waterford	194-10-07¼	127-16-11½	81-05-00½
Youghal	26-04-08½	4-07- 1	3-08-04
Cork	210-03-08½	116-18- 5¾	122-03-06
Kerry	5-17-01¼	3-04-10½	—
Limerick	17-18-02¼	7-5-(?)	10-02-03
Galway	20-00-00	20-00- 0	—
Ulster	<u>35-11-02¼</u>	<u>31-10- 2</u>	<u>5-06-08</u>
TOTAL:	964-05-01	612-(?)-(?)	528-09-09¾

The profits of the escheatry and related revenue

The profits of the escheatry arose from lands and their appurtenances taken into the king's hand by right of his position at the head of the feudal system. Lands escheated to the king as a result of forfeiture, or if the heir of a deceased lay tenant-in-chief had no heir. Escheats remained in hand unless and until they were granted to another tenant. Lands were taken in hand as wardships if the heir of a deceased lay tenant-in-chief was a minor. Wardships remained in hand until the heir came of age. The temporalities of a bishopric were taken in hand when a bishop died, and were retained until the election of his successor had been confirmed on behalf of the king. The temporalities of a religious house, which held lands of the king by knight service, were taken in hand

37. Prepared from the accounts in P.R.I. rep. D.K. 38, pp. 55, 63, 85. The words Youghal and Galway were illegible when the account for 1302-3 was calendared, but the amounts shown in the table have been allocated to them by a process of elimination.

when its superior died, and remained in hand until a successor had been elected.¹

Most escheats, wardships and temporalities were administered by the escheator while they were in the king's hand. The escheator was normally appointed by letters under the English great seal and was usually a member of the Irish council.² Although he paid the profits of the escheatry into and accounted at the exchequer, he was less subject to its control than most collectors of revenue. Orders that lands be taken into and delivered from the king's hand were generally conveyed to him in letters from the English and Irish chanceries.³ In the records of the exchequer there are references to under-escheators in each county and major liberty,⁴ and to keepers, receivers and farmers of particular lands. However these lesser officials normally answered to the escheator. They were called to account by the exchequer only if they had failed to account to the escheator.⁵

The larger wardships and bishoprics in the king's hand were sometimes committed to a specially appointed keeper who answered directly to the exchequer. In the case of the archbishopric of Dublin this seems to have been standard practice, presumably because of its exceptional wealth.⁶ And when Gilbert Clare died at the battle of Bannockburn in 1314, the liberty of Kilkenny was administered by two keepers, one being a member of the local Butler family and the other being the treasurer (a former escheator).⁷

Although the escheator's title derived from his responsibility for escheats, the profits of the escheatry arose mainly from wardships and

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1. E.R. Stevenson 'The escheator', in The English Government at work, 1327-1336, ii, ed. William A. Morris and Joseph R. Strayer (Cambridge, Mass., 1947), pp. 110-13; G.J. Hand, 'The church and English law in medieval Ireland', Proceedings of the Irish Catholic Historical Committee, (1959), pp. 12-13; J.A. Watt, The church and the two nations in medieval Ireland (Cambridge, 1970), pp. 46, 50-1.
 2. Richardson and Sayles, Admin. Ire., pp. 27-9, 125-30, and Ir. parl. in middle ages, pp. 24-8.
 3. e.g. Rot. canc. Hib., p. 10; Cal. close rolls, 1307-13, p. 197.
 4. e.g. P.R.I. rep. D.K. 42, pp. 21, 26, 60.
 5. 684, n. 12.
 6. e.g. P.R.I. rep. D.K. 39, p. 62.
 7. P.R.I. rep. D.K. 42, p. 50.

temporalities. Large escheats were relatively rare, and when they occurred they were generally not administered by either the escheator or a specially appointed keeper. When the liberty of Carlow escheated to the king in 1306, the receiver of the lands which had belonged to the lord of the liberty answered directly to the exchequer.⁸ Payments of farms and rents of manors in the liberty were recorded in the receipt rolls in the same way as the farms of manors which had always belonged to the king.⁹ They must therefore be classified as farms and rents rather than as profits of the escheatry and related revenue.

During the period 1306-13 the escheator administered escheats, wardships and temporalities whose issues amounted to an average of more than £300 per year. However by no means all the issues were at the disposal of the Dublin government. A large proportion of them had to be spent on the support of minor heirs and on wages and other expenses.¹⁰ Consequently exchequer receipts give a more accurate impression of the profits of the escheatry and related revenue than do the issues recorded in escheators' and keepers' enrolled accounts.

Exchequer receipts varied greatly from year to year. In 1306/7 they amounted to more than £600, but in 1309/10 they amounted to less than £100.¹¹ Such fluctuations were due primarily to changes in the number and value of lands in hand. In 1306/7 the lands in hand included those of the archbishoprics of Dublin and Armagh and the liberty of Kilkenny.¹² During the period 1306-13 receipts per year amount to an average of a little over £200.¹³

Royal service

Like scutage, its English equivalent, royal service originated in the obligation on the feudal tenant to serve his lord. Nearly all lay tenants-in-chief of the king in Ireland held their lands by knight

8. P.R.I. rep. D.K. 39, pp. 54-5.

9. e.g. E 101/235/22.

10. P.R.I. rep. D.K. 39, pp. 22-4, 28-30, 39-44, 57-62.

11. See above, p. 36, Table III.

12. E 101/234/16; P.R.I. rep. D.K. 39, p. 23.

13. E 101/234/16; E 101/235/12, 19, 22, 25; E 101/236/1, 4.

service. In the early thirteenth century they were expected to answer a summons to military service in person. They had to serve for 40 days at their own expense with arms and followers in proportion to the number of knight's fees held by them. However by the late 1230s the duty of personal service had in general been replaced by a financial obligation. By the second half of the thirteenth century royal service was levied at a standard rate of 40s. from each knight's fee.¹ At the end of the thirteenth century the total of knight service owed to the king was about 425 fees.² A proclamation of royal service should in theory have brought in about £850, or more if lands of tenants-in-chief were in the king's hand.³

The decision that a service should be proclaimed was probably normally made by the Irish council.⁴ Since the service might on occasion be served in person, the council had to specify where and when it was to be given. Thereafter the service was identified by the name of the place specified in the proclamation. However the council usually decided, probably at the same time, that the service was to be levied in money. It also decided whether the service was to be received at the exchequer or by a special receiver.⁵ Most services were proclaimed in order to meet part or all the costs of a military expedition within Ireland. When the council decided that a receiver should be appointed, its intention was probably to prevent the money being spent instead on the war in Scotland. Once it had been decided that a service should be proclaimed, each sheriff and seneschal was ordered to have the service proclaimed in his county or liberty, and to have it levied and paid to the exchequer or

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1. A.J. Otway-Ruthven, 'Knight service in Ireland', R.S.A.I. Jn., lxxxix (1959), pp. 1-15, and 'Royal service in Ireland', R.S.A.I. Jn., xcvi (1968), pp. 37-46; Stephen G. Ellis, 'Taxation and defence in late medieval Ireland: the survival of scutage', R.S.A.I. Jn., cvii (1977), pp. 5-28.
 2. Cal. doc. Ire., 1252-84, no. 2329; Mary Bateson, 'Irish exchequer memoranda of the reign of Edward I', Eng. Hist. Rev., xviii (1903), pp. 501-7; 'Book of Howth' in Calendar of the Carew manuscripts preserved in the archiepiscopal library at Lambeth, v, (H.M.S.O. London, 1871), pp. 230-4.
 3. Otway-Ruthven, 'Knight service', pp. 5-6.
 4. e.g. Cal. justic. rolls Ire., 1295-1303, p. 362.
 5. e.g. Rot. canc. Hib., p.11, no. 410; EX 2/1, p. 67.

receiver as appropriate. The initial writs to sheriffs and seneschals were probably always issued by the chancery, but subsequent writs were issued by the exchequer.⁶

At least nine services were proclaimed in the period 30 September 1300 - 29 September 1320. They are listed in Table XI. Only three of the nine were received entirely at the exchequer. One was received partly at the exchequer and partly by one or more special receivers. The other five were received entirely by receivers, four of whom are known to have been exchequer officials. There may have been other services received by receivers, as such services were not normally recorded in the receipt rolls or pipe rolls. However it is unlikely that there were many, as most of those listed are referred to a number of times in the calendars of the memoranda, close and justiciary rolls.

TABLE XI: ROYAL SERVICES PROCLAIMED BETWEEN 30 SEPTEMBER 1300 AND 29 SEPTEMBER 1320⁷

<u>Date</u>	<u>Service</u>	<u>Received by</u>
January 1302 7 January 1304	Newcastle Mackinegan Kilkenny	The exchequer ⁸ Henry Walton, chamberlain of the exchequer. ⁹
Before 17 July 1305	Kildare	William Moenes, baron of the exchequer ¹⁰

(see also p. 61.)

6. e.g. Rot. canc. Hib., p. 9, nos. 106-7 and p. 11, nos. 410-12; RC 8/5, pp. 531-2, 657, 762-3.

7. cf. Otway-Ruthven, 'Royal service', pp. 43-4.

8. The receipts from this service are recorded in the treasurer's enrolled account as having been received in late 1304 or early 1305 (E 372/150, m. 40). However it is clear that the service was proclaimed in connection with the military expedition which took place between January and March 1302 (P.R.I. rep. D.K. 38, p. 87). A memoranda roll entry dated 20 July 1304 proves that the service due from Trim was deposited in the exchequer in 1302 (EX 2/1, p. 98.). The explanation seems to be that payments into the exchequer were at first recorded as deposits, and were recorded as receipts only in 1304/5.

9. EX 2/1, p. 67.

10. ibid. p. 140; Cal. justic. rolls Ire., 1305-8, pp. 215-6, 242, 296.

TABLE XI: ROYAL SERVICES PROCLAIMED BETWEEN 30 SEPTEMBER 1300
AND 29 SEPTEMBER 1320 - continued

1306	Ballymore	A receiver ¹¹
1307 April 1309 25 June 1311	Loughsewdy Castlekevin Carrickfergus	The exchequer ¹² The exchequer ¹³ Nicholas Balscote, chancellor of the exchequer ¹⁴
1312	Cork	Alexander Bickenor, treasurer ¹⁵
1315	Greencastle	The exchequer and John Power (le Poer), baron of Dunhill ¹⁶

In the period 1285-1300 exchequer receipts from services designated for receipt by the exchequer never exceeded £400 per service.¹⁷ Receipts from the service of Newcastle Mackinegan of 1302 accounted to the exceptionally high total of £588 16s.9½d.¹⁸ Unfortunately the particulars do not survive, but it is possible that this total in fact includes arrears from other services. Receipts from the service of Loughsewdy of 1307 amounted to £388 17s.4½d., a figure in line with those for the thirteenth century. Receipts from the service of Castlekevin of 1309 amounted to only £212 15s.6d. The receipt rolls for the latter two services show that in each case most of the receipts were paid into the exchequer within a year from the date of proclamation.¹⁹

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11. EX 1/2, p. 180. A receiver must have been appointed. Only receipts of arrears are recorded in the receipt rolls, which describe the services of Ballymore and Kildare as pertaining ad camer' regis (e.g. E 101/234/16 at 24 Jan.)
12. E 101/235/6; Cal. justic. rolls Ire., 1308-14, pp. 3-4.
13. Rot. canc. Hib., p. 9, nos. 106-7 and p. 11, nos. 410-12.
14. RC 8/5, pp. 531-2, 657, 762-3.
15. RC 8/7, pp. 121, 141, 250.
16. By Michaelmas 1317 a total of £122 0s. 6d. from this service had been received in the exchequer (E 372/166, mm. 25-6). However on 22 Dec. 1315 John Power (le Poer), baron of Dunhill, was commissioned to levy and have the service from county Waterford in part payment of wages when accompanying the justiciar in the marches of Meath and Louth (RC 8/10, p. 471). He accounted in 1316 (P.R.I. rep. D.K. 39, p. 69). It is possible that there were other receivers who may have received £200 or more.
17. Craig, 'Irish revenues', pp. 136-8.
18. E 372/150, m. 40.
19. E 101/235/6, 15.

The fact that the exchequer receipts of services fell so far short of their theoretical value merits further examination. The receipts from the services of Loughsewdy and Castlekevin have been analysed by locality, and are compared with the amounts due from each county and liberty in Table XII. In each case the tenants of a number of counties or liberties paid more than half the sum due. This means that the services cannot have been levied at a low rate of 20s. per knight's fee, as was sometimes the case in the reign of Henry III.²⁰

TABLE XII: ANALYSIS BY LOCALITY OF EXCHEQUER RECEIPTS OF THE ROYAL SERVICES OF LOUGHSEWDY AND CASTLEKEVIN, 1307-13²¹

<u>County or liberty</u>	<u>Amount or service due</u> (£ s.d.)	<u>Receipts from services of:</u>	
		<u>Loughsewdy</u> (£ s.d.)	<u>Castlekevin</u> (£ s.d.)
Carlow	44- 8-10½	27-13- 0	—
Connacht	55- 0- 0	55- 0- 0	2- 0- 0
Cork	123- 0- 0	45- 0- 0	47-11- 4
Dublin	49-11- 0	18- 5- 0	22-13- 0
Kildare	66-13- 4	31- 7- 0	—
Kilkenny	44- 8-10½	44- 8- 0½	—
Limerick	104-14- 1½	29- 0- 0	20- 0- 0
Louth	70- 2- 8	24- 4- 4	18- 6- 8
Meath	50- 0- 0	13- 6- 8	33- 4- 6
Tipperary	125- 1- 8	—	11- 0- 0
Trim	50- 0- 0	50- 0- 0	40- 0- 0
Ulster	6- 0- 0	—	—
Waterford	18-10- 4½	10-13- 4	8- 0- 0
Wexford	44- 8-10½	40- 0- 0	10- 0- 0
TOTAL	851-19- 9½	388-17- 4½	212-15- 6

And it is unlikely that there was extensive personal service. In the case of Castlekevin it is possible that the tenants of Carlow, Kildare and Kilkenny served in person. They came from areas fairly near to

20. Otway-Ruthven, 'Royal service', p. 40.

21. The amounts of service due are based on the lists in the sources referred to above, p. 59, n. 2. The details of receipts have been prepared from E 101/235/6 and 15.

Castlekevin and did not pay any money into the exchequer. However even if they did serve in person, the total value of the service to the government would still have been less than £400. In the case of Loughsewdy some of the tenants of Meath may have served in person. But the tenants of Connacht and Trim, the other areas nearest to Loughsewdy, paid the whole of their service into the exchequer.²²

The main reason why exchequer receipts of a service normally amounted to less than half its theoretical value must be that at least half the tenants did not perform their service in any form. The calendar of the pipe rolls generally omitted entries concerning service, but even so it contains plenty of evidence that many tenants consistently failed to perform the service due from them. For example, in the rolls for 1322/3 and 1324/5 there were numerous entries of sums not yet discharged in respect of the services of Loughsewdy and Castlekevin.²³ And in Michaelmas term 1314 the receiver of the service of Carrickfergus of 1311 had not yet received sums amounting to a total of at least £389.²⁴ Even if it is assumed that there was normally a certain amount of personal service, the average value of a service was in fact probably only about £400.

Subsidies

The exchequer was normally concerned only with subsidies which affected the whole of the lordship. There are numerous references to local subsidies, but these were not usually received in or accounted for at the exchequer.¹ No subsidies affecting the lordship as a whole were granted in the period 1306-13. Consequently exchequer receipts from subsidies were negligible in those years.² However subsidies were a

22. In the case of the service of Kildare of 1288, the entire service of the Leinster liberties, which was worth £200, was served in person (Cal. doc. Ire., 1285-92, pp. 265-6). For other examples of personal service see Otway-Ruthven, Med. Ire., p. 103.

23. P.R.I. rep. D.K. 42, pp. 46-63.

24. RC 8/9, pp. 134-5.

1. e.g. Cal. justic. rolls Ire., 1305-7, p. 13.

2. See above, p. 36, Table III.

more important source of revenue at earlier and later dates. During the period 1300-20 the exchequer received payments in respect of three subsidies.

The fifteenth of lay movables granted in 1292³ was almost certainly the most valuable subsidy ever granted in medieval Ireland. By Michaelmas 1294 almost £7,000 had been received in the exchequer. A total of almost £12,000 had been received by Michaelmas 1320.⁴ About £100 was received in the period 1306-13.⁵ It seems that as in England, there were two chief collectors in each county, city, liberty and major borough.⁶

The value of the subsidy granted in 1300 was very much less. The sums to be paid were agreed separately with the communities of each county, liberty, city, major borough and group of crosslands, and in some counties each market town. The total amount granted was £2,373 13s.4d.⁷ By Michaelmas 1304 a little over £1,600 had been received at the exchequer. The local communities answered for the subsidy through the sheriffs and other local officials.⁸

In 1315 a subsidy was granted as a contribution to the costs of resistance to the army of Edward Bruce. It was levied by specially appointed collectors at the rates of 2s. per carucate of land and a twentieth of the value of ecclesiastical benefices. The few collectors' accounts which were calendared suggest that much of it was assigned.⁹ The exchequer receipts of the subsidy amounting to about £230 certainly did not represent its full value.¹⁰ A comparable subsidy granted in

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3. H.G. Richardson and G.O. Sayles, Parliaments and councils of medieval Ireland (Irish Manuscripts Commission, Dublin, 1947), pp. 198-9.
 4. E 372/139, m. 9; E 372/144, m. 28; E 372/145, m. 26d.; E 372/150, m. 40; E 372/153, m. 35; Lydon, 'Enrolled account of Alexander Bicknor', p. 16; E 372/166, mm. 25, 26.
 5. E 101/234/18; E 101/235/15.
 6. E 101/232/10; E 101/232/15. For the English background see J.F. Willard, Parliamentary taxes on personal property, 1290-1324: a study in medieval English financial administration (Cambridge, Mass., 1934).
 7. Stat. Ire., John-Hen. V, pp. 228-37.
 8. e.g. P.R.I. rep. D.K. 38, pp. 60-1.
 9. P.R.I. rep. D.K. 39, p. 69; 42, pp. 76-7; 43, p. 67.
 10. E 372/166, mm. 25, 26.

1335 seems to have been worth about £600.¹¹ The nominal value of the subsidy granted in 1315 was probably greater, but it is unlikely that all of it was collected.

The clergy did not contribute to the subsidies of 1292 and 1300. They refused a request for a tenth in 1292. However the king undoubtedly received much of the taxation imposed on the clergy by the papacy.¹² Unfortunately it is not possible to make any reliable estimate of the amounts received. The Irish exchequer was not responsible for the collection of papal taxation, although officials of the exchequer sometimes acted as collectors.¹³ The receipt by the exchequer of 1,000 marks (£666 13s.4d.) of a papal tenth in 1308 was quite exceptional.¹⁴

Other revenue

Revenue was received from a variety of other sources. Generally the sums involved were small, but they could be quite substantial. During the period 1306-13 the most important were the sums amounting to a total of £1,333 6s.8d. which were paid into the exchequer on behalf of Peter Gavaston in the summer of 1308. It seems that this and other money was almost immediately paid out in prests to the earl of Ulster and other magnates who were to accompany Gavaston on a projected expedition to Scotland. In the records the money is referred to as if it was Gavaston's own money, but it may in fact have been given to him by the king to be spent on the proposed expedition.¹

The goods and lands of the Templars were also quite important as a source of revenue. They were taken into the king's hand early in 1308.² Some of the lands were granted temporarily to individuals who answered for the farm or rent. In others the exchequer appointed receivers to levy and

11. P.R.I. rep. D.K. 45, pp. 50-4.

12. W.E. Lunt, Financial relations of the papacy with England to 1327 (Cambridge, Mass., 1939), pp. 311-404.

13. The treasurer, Alexander Bicknor, was appointed a collector in 1309 (Cal. pat. rolls, 1307-13, p. 227).

14. *ibid.*, p. 27; schedules attached to E 101/235/11-12.

1. Schedules attached to E 101/235/11-12.

2. EX 2/2, pp. 274, 298-300.

receive rents.³ From time to time officials of the exchequer were commissioned to audit the accounts of these farmers and receivers.⁴ The revenue arising from the goods and lands was deposited in the exchequer. In the period 24 January 1308-14 April 1314 the total amount deposited was £421 4s.11d.⁵

Significant sums were also received in payment of the debts of former royal officials and agents. In 1306/7 the exchequer received about £170 of the debts of the Riccardi of Lucca, who had been the king's bankers and collectors of the great custom. In the same year about £70 of the debts of Nicholas Clere, a former treasurer, were paid into the exchequer. Smaller payments in respect of these and other debts were made in subsequent years.⁶

TABLE XIII: ANALYSIS OF THE INCOME OF THE EXCHEQUER
30 SEPTEMBER 1306 - 29 SEPTEMBER 1312

Expenditure on Irish Affairs	1306/7 (£ s. d.)	1307/8 (£ s. d.)	1308/9 (£ s. d.)	1309/10 (£ s. d.)
Peas and Aims	1079-4-09	1063-12-5	1203-7-21	1012-10-21
Keeping the Peas	1821-1-4	849-13-0	1232-17-21	435-5-8
Other Expenditure	-	68-5-8	152-12-4	10-9-4
TOTAL	2900-5-48	1981-12-5	2488-15-4	1558-17-118

3. e.g. *ibid.*, pp. 295-7, 331.
 4. e.g. RC 8/6, pp. 287-8.
 5. Lydon, 'Enrolled account of Alexander Bicknor', p. 17; E 101/239/13.
 6. E 372/153, m. 35; Lydon, 'Enrolled account of Alexander Bicknor', p. 16; E 101/234/11 and 16. For discussions of the activities of the Riccardi in Ireland see M.D. O'Sullivan, Italian merchant bankers in Ireland in the thirteenth century (Dublin, 1962), especially pp. 59-77, and Richard W. Kaeuper, Bankers to the crown: the Riccardi of Lucca and Edward I (Princeton, New Jersey, 1973), pp. 48-55.

THE PAYMENT OF FEES AND OTHER EXPENSES

Just as the records of exchequer receipts can be used to identify the main types of revenue, so the records of the issues of the exchequer can be used to determine the main types of expenditure. And since the records of issues provide the relevant information in a classified form, it is much easier to establish totals for the different types of expenditure for each year in any given period than it is to arrive at totals for the different types of revenue. It is also more important to analyse the issues for each year, because they varied in value from year to year to a much greater extent than receipts. Accordingly the issues of the exchequer have been analysed for each year in the period 1306-13. The results of the analysis are summarised in Table XIII.

TABLE XIII: ANALYSIS OF THE ISSUES OF THE EXCHEQUER
30 SEPTEMBER 1306 - 29 SEPTEMBER 1313¹

<u>Expenditure on Irish Affairs</u>	<u>1306/7</u> (£ s.d.)	<u>1307/8</u> (£ s.d.)	<u>1308/9</u> (£ s.d.)	<u>1309/10</u> (£ s.d.)
Fees and Alms	1079-6-0½	1063-12-8	1208-5-9½	1012-10-11
Keeping the Peace	1821-1-4	869-13-0	1232-19-2½	495-6-8
Other Expenditure	-	68-6-8	55-13-4	44-0-4¾
TOTAL:	2900-7-4½	2001-12-4	2496-18-4	1551-17-11¾
<u>Expenditure on the war in Scotland</u>				
Purveyance of Victuals	2172-9-5½	1107-0-1¼	395-4-2½	596-7-0¾
Arrears of wages and other expenditure	2787-10-10½	-	2724-1-8	166-13-4
TOTAL:	4960-0-4	1107-0-1¼	3119-5-10½	763-0-4¾
GRAND TOTAL:	7860-7-8½	3108-12-5¼	5616-4-2½	2314-18-4½

(see also p. 68.)

NOTE: Footnotes on following page.

TABLE XIII: ANALYSIS OF THE ISSUES OF THE EXCHEQUER
30 SEPTEMBER 1306 - 29 SEPTEMBER 1313 - continued

<u>Expenditure on Irish Affairs</u>	<u>1310/11</u> (£ s.d.)	<u>1311/12</u> (£ s.d.)	<u>1312/13</u> (£ s.d.)
Fees and Alms	911-6-5 $\frac{3}{4}$	940-5-1	903-3-7
Keeping the Peace	36-11-8	834-8-0 $\frac{1}{2}$	1176-17-10
Other Expenditure	<u>15-0-0</u>	<u>5-6-8</u>	<u>16-0-0</u>
TOTAL:	962-18-1 $\frac{3}{4}$	1779-19-9 $\frac{1}{2}$	2096-1-5
<u>Expenditure on the war in Scotland</u>			
Purveyance of Victuals	884-10-6	565-4-9 $\frac{1}{4}$	-
Arrears of wages and other expenditure	<u>1210-4-0</u>	<u>276-6-8</u>	<u>-</u>
TOTAL:	2094-14-6	841-11-5 $\frac{1}{4}$	-
GRAND TOTAL:	3057-12-7 $\frac{3}{4}$	2621-11-2 $\frac{3}{4}$	2096-1-5

During the period as a whole barely half the issues were spend on Irish affairs. Slightly less than half were spent on the war in Scotland. There were two main elements in the expenditure on Irish affairs. About £1,000 was spent on fees and alms each year. An average of slightly less

1. This table has been prepared from the treasurer's enrolled accounts (E 372/153, m. 35; Lydon, 'Enrolled account of Alexander Bicknor') and the surviving issue rolls (E 101/234/17; E 101/235/9, 13, 20 and 24; E 101/236/3 and 6. None of the issue rolls for 1310/11 survive. There are some minor discrepancies between the figures given in the enrolled accounts and those given in the issue rolls. In most cases it seems likely that the figures in the accounts are wrong, and those in the issue rolls have been preferred. However the entries in the issue rolls of payments for the sustenance of the Templars were clearly added later. The auditors refused to allow these payments and they have not been included in the table.

than £1,000 per year was spent on keeping the peace. The most important single element in expenditure on the Scottish war was the purveyance of victuals, on which the exchequer spent about £800 per year. Other expenditure, consisting largely of payments of arrears of wages, amounted to an average of about £900 per year.

There was nothing new about the fact that much of the income of the Irish lordship was spent on the king's affairs outside Ireland. In addition to spending money on wages and supplies for the king's armies in Scotland and elsewhere, the Irish exchequer was often required to send money directly to the king or the English exchequer. During the period 1203-1311 the sums sent to England from Ireland amounted to at least £90,000 and perhaps much more.² Also the revenue from the Irish customs was often assigned to the king's creditors.³

The practice of spending Irish revenue on the king's affairs outside Ireland must always have been damaging to the lordship. The Irish council must always have argued the case for spending it on Irish affairs, but the king was unlikely to agree voluntarily to any change in practice. However the temporary ascendancy of the Ordainers in England in 1311 opened the way for reform. Early in 1312 the Irish exchequer informed all sheriffs, seneschals, mayors and bailiffs that it had been decided that in future all Irish revenue should be spent on keeping the peace in Ireland and on other Irish affairs.⁴ In the short-term the reform was fairly effective. Although the exchequer was ordered to have purveyance made for Scotland in 1312,⁵ all of its issues in 1312/13 were spent on Irish affairs.⁶ But by June 1313 the revenue from the customs had again been assigned,⁷ and on 24th April 1314 the king ordered that all money received in the exchequer up to 1st August be handed over to Alexander Convers, whom he sent to Ireland to raise men for Scotland.⁸ The Bruce

2. J.F. Lydon, 'Edward II and the revenues of Ireland in 1311-12', *Ir. Hist. Stud.* xiv (1964-5), pp. 41, 53-7.

3. See above, pp. 51-2.

4. Lydon, 'Edward II and the revenues of Ireland', pp. 39-40, 52-3.

5. *ibid.*, p. 48.

6. See above, p. 68, Table XIII.

7. See above, p. 52.

8. Lydon, 'Edward II and the revenues of Ireland', p. 48.

invasion in 1315 put a temporary halt to expenditure on affairs outside Ireland, but in the 1320s and early 1330s the Irish exchequer again spent substantial sums on military expeditions to Scotland. Large-scale expenditure on affairs outside Ireland finally ceased only after the expedition to Scotland of 1335.⁹

Fees and alms

Most fees and alms were fixed in amount and had to be paid every year. Consequently the fluctuations in the amount spent on fees and alms were relatively small. In general fees and alms were paid by issues from the exchequer, although some of the smaller fees were paid by assignment.¹ Since fees and alms were fixed in amount, the payees were not required to account.

The fees and alms paid by issues from the exchequer in 1309/10 were fairly typical of those paid in the period 1306-13. They are summarised in Table XIV.

TABLE XIV: SUMMARY OF FEES AND ALMS PAID BY ISSUES FROM THE EXCHEQUER IN 1309/10²

<u>Fees</u>	(£ s.d.)
The justiciar and the justice of the the justiciar's court	540-00-0
The justices and the keeper of rolls and writs of the Dublin bench	151-13-4
Officials of the exchequer	132-12-7
Constables of castles	84-18-4
The chancellor	40-00-0
The king's pleader	3-06-8

(see also p. 71.)

9. Robin Frame, English lordship in Ireland, 1318-61 (Oxford, 1982), pp. 130-56; Ranald Nicholson, 'An Irish expedition to Scotland in 1335', Ir. Hist. Stud., xiii (1962-3), pp. 197-211.

1. See above, p. 30.

2. E 101/235/24.

TABLE XIV: SUMMARY OF FEES AND ALMS PAID BY ISSUES
FROM THE EXCHEQUER IN 1309/10 - continued

<u>Alms</u>	
The Dominican friars of Dublin, Cork, Drogheda, Limerick and Waterford	23-06-8
The Franciscan friars of the same cities and boroughs	23-06-8
The Augustinian abbey of St. Thomas, Dublin	<u>13-06-8</u>
TOTAL:	1012-10-11

By far the largest fee was that of £500 paid to the chief governor. He was required to maintain at all times a force of 20 men-at-arms.³ The justice of his court was paid a fee of £40 per year.

In the early fourteenth century fees were payable to the constables of 10 royal castles: Drogheda, Dublin, Newcastle Mackinegan, Leixlip, Kildare, Carlow, Limerick, Athlone, Rinndown and Roscommon. The annual value of individual fees varied from a little over £2 for Leixlip⁴ to £60 for Roscommon.⁵ The fees for Drogheda and Leixlip were normally paid by assignment.⁶ The others were generally paid by issues from the exchequer, although they were sometimes paid by assignment.⁷ In 1309 the castles of Athlone, Rinndown and Roscommon were granted to the earl of Ulster for life. The letters recording the grant stated that he was to receive the usual fees,⁸ but it seems that in fact they were not usually paid after 1309. They disappeared from the issue rolls and they were only occasionally paid for by assignment.⁹ Consequently the

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3. A.J. Otway-Ruthven, 'The chief governors of medieval Ireland', *R.S.A.I. Jn.*, xcv (1965), p. 230; *Rot. canc. Hib.*, p. 16, no. 57, and p. 18, no. 127.
 4. e.g. RC 8/6, p. 217.
 5. e.g. E 101/234/17.
 6. e.g. 1078; RC 8/7, p. 343.
 7. e.g. RC 8/7, pp. 40-1, 431, 450-1, 477-8.
 8. 38 and cross references.
 9. e.g. RC 8/9, pp. 58-9.

annual value of the fees actually paid fell from just over £200 to about £70.

The fees paid to the officials of the exchequer and those paid to the justices of the Dublin bench were about equal in value. When allowance is made for the customary payments made to exchequer officials by assignment, they received a total of almost £150 per year.¹⁰ The amount paid to the justices of the Dublin bench varied from about £100 to about £150, depending on the number of justices. There was a chief justice who was paid £40 per year and up to four puisne justices who received 40 marks (£26 13s.4d.) each. The keeper of rolls and writs of the bench was paid £5 per year.¹¹

In the thirteenth century the amount paid to itinerant justices must often have been as great as that paid to the justices of the Dublin bench. However few eyres were held after 1307.¹² In the period 1306-13 the only fees paid to itinerant justices were those paid to the justices of the eyre in Tipperary in 1307.¹³ Of the remaining fees the most important was that of £40 paid to the chancellor.¹⁴ There were one or two king's pleaders, each of whom was paid 5 marks (£3.6s.8d.) per year.¹⁵ In some years fees were also paid to messengers sent to England. For example, Richard Woodhouse was paid £20 as a messenger in 1311/12.¹⁶

The total value of the alms paid by or on behalf of the exchequer was about £80. Those listed in Table XIV were usually paid by issues from the exchequer, although they were sometimes paid by assignment.¹⁷ Alms

10. See above, pp. 9-16.

11. e.g. E 101/235/24.

12. Hand, Eng. law in Ire., p. 104; Richardson and Sayles, Admin. Ire., pp. 144-7.

13. E 101/234/17.

14. e.g. E 101/235/24.

15. e.g. E 101/236/3.

16. *ibid.*

17. e.g. RC 8/6, pp. 80-3, 95, 104-5.

were also paid to the Franciscan friars of Athlone and the Carmelite friars of Ardee, generally by assignment.¹⁸

Keeping the peace

Unlike expenditure on fees and alms, expenditure on keeping the peace was essentially optional in character. Failure to spend money might of course have unfortunate or even disastrous consequences in terms of loss of territory to the Irish and disorder among the Anglo-Irish. There can be no doubt that the Irish council would have liked to spend much larger sums on keeping the peace. This is borne out by the wording of the decision to spend Irish revenue on Irish affairs communicated to sheriffs and other officials in 1312.¹ However in practice the Irish council could spend on keeping the peace only that money which was left over after fees and alms had been paid, and after the king's orders concerning expenditure on the war in Scotland had been carried out.

In the early fourteenth century expenditure on keeping the peace consisted largely of the wages of men taking part in military expeditions. The decision that an expedition should be undertaken must normally have been made by the chief governor and the council.² Sometimes they decided that a royal service should be proclaimed to meet part of the costs of the expedition.³ Under the terms of the chief governor's commission, he and the treasurer and barons of the exchequer were to assign a clerk of the exchequer to pay the wages of those taking part in an expedition.⁴ In many cases the money spent by the clerk consisted entirely of issues from the exchequer, but sometimes it included sums paid to him by assignment or received from local subsidies. He accounted at the exchequer for all sums received by him.⁵ Occasionally separate purveyors were appointed to provide supplies for the larger expeditions.⁶

18. e.g. 503 and its cross references; RC 8/7, p. 76.

1. Lydon, 'Edward II and the revenues of Ireland', p. 52.

2. e.g. Rot. can. Hib., p. 14, no. 222.

3. See above, pp. 59-61.

4. e.g. Cal. pat. rolls, 1307-13, p. 75.

5. e.g. P.R.I. rep. D.K. 39, p. 24.

6. e.g. ibid., p. 38.

The main military expeditions of the period 1306-13 and the amounts spent on them are listed in Table XV. All but two of the expeditions were directed against the Irish of the Leinster mountains and their Anglo-Irish allies. Of the two exceptions one was an expedition to Munster in 1310 which was probably not very large as no issues were made from the exchequer for it. The other was the expedition against the rebellious de Verdons in Co. Louth in 1312. Some but not all of the clerks assigned as paymasters can be identified as exchequer officials. The amount paid for individual expeditions varied enormously, from less than £100 to more than £2,000.

TABLE XV: EXPENDITURE ON MILITARY EXPEDITIONS WITHIN IRELAND
30 SEPTEMBER 1306 - 29 SEPTEMBER 1313⁷

<u>Date</u>	<u>Purpose of Expedition</u>	<u>Leader</u>	<u>Paymaster</u>	<u>Expenditure</u>
May-Oct. 1306	To subdue the Irish of the Leinster Mountains	John Wogan justiciar	John Holtham (de Hothum) baron of the exchequer	2114-04-10 ¹⁸
May-July 1308	To garrison Newcastle Mackinegan and resist the Irish of the Leinster Mountains	" "	John Dover (de Dene), chamberlain of the exchequer	64-08-06 ⁹
Oct-Nov. 1308	To subdue the Irish of the Leinster Mountains	William de Burgh, deputy justiciar	Philip Staunton	285-11-04 ¹⁰

(see also p. 75.)

7. In each case the figure given for expenditure includes all issues from the exchequer, but in those cases in which the paymaster's enrolled account is not available it may not include sums paid by assignment or from local subsidies. Some of the paymasters have been identified as exchequer officials in H.G. Richardson and G.O. Sayles, Admin. Ire. For related proclamations of royal service see above, pp. 60-1, Table XI. cf. list of military expeditions in Robin Frame, 'The Dublin government and Gaelic Ireland, 1272-1361' (Ph.D. thesis, Dublin University, 1971), pp. 498-9.
8. P.R.I. rep. D.K. 39, p. 24; E 101/234/17; Cal. doc. Ire., 1302-7, nos. 549, 556, 561, 567. The royal service of Ballymore was proclaimed to pay for this expedition.
9. P.R.I. rep. D.K. 39, p. 34; Rot. canc. Hib., p. 9, no. 77; E 101/235/13; Cal. justic. rolls Ire., 1308-14, p. 67.
10. P.R.I. rep. D.K. 39, p. 34; Rot. canc. Hib., p. 8, nos. 41-3, 47, 52, and p. 9, no. 98; E 101/235/20.

TABLE XV: EXPENDITURE ON MILITARY EXPEDITIONS WITHIN IRELAND

30 SEPTEMBER 1306 - 29 SEPTEMBER 1313 - continued

April- June 1309	To suppress the Irish of the Leinster mountains and repair Castlekevin	Peter Gavaston, king's lieutenant	John Holtham (de Hothum), chancellor of the exchequer	834-01-02 $\frac{1}{2}$ ¹¹
Summer 1309	To suppress the rebellion of Maurice Condon (de Caunteton) and his Leinster Irish allies.	John Wogan, justiciar	Henry Halford	75-14-08 ¹²
Sept. 1309	To suppress the rebellion of Maurice Condon (de Caunteton) and his allies	John Wogan, justiciar	John Warre	300-00-00 ¹³
November 1309	To suppress the rebellion of the allies of Maurice Condon (de Caunteton) and his allies.	John Wogan, justiciar	John Warre	140-00-00 ¹⁴
Spring 1310	To settle discords between different persons in Munster and bring rebels to justice	John Wogan, justiciar	Alexander Bicknor, treasurer	? 15

(see also p.76.)

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11. P.R.I. rep. D.K. 39, p. 34; Rot. canc. Hib., p. 9, nos. 103, 106-7, and p. 11, nos. 410-12; E 101/235/20. The royal service of Castlekevin was proclaimed to pay for this expedition.
12. Halford was paid £13 6s. 8d. by the exchequer (E 101/235/20) and £62 8s. by the seneschals of Kilkenny and Wexford (P.R.I. rep. D.K. 39, pp. 31, 49).
13. Rot. canc. Hib., p. 12, no. 9; E 101/235/24.
14. Rot. canc. Hib., p. 14, nos. 222-3, and p. 12, no. 21; E 101/235/24.
15. The scale of this expedition is unclear. There was no issue from the exchequer for it, but the sheriff of Tipperary was allowed on his account an unknown amount paid to Bicknor when accompanying Wogan 'with a great force' (P.R.I. rep. D.K. 39, p. 46).

TABLE XV: EXPENDITURE ON MILITARY EXPEDITIONS WITHIN IRELAND
30 SEPTEMBER 1306 - 29 SEPTEMBER 1313 - continued

Summer & autumn 1311	To subdue the Irish of the Leinster mountains who had rebelled and attacked Saggart	John Wogan, justiciar	Nicholas Balscote, chancellor of the exchequer	521-03-04 ¹⁶
?Spring 1312	To suppress the rebellion of the de Verdons in Co. Louth	John Wogan, justiciar	Philip de Staunton	306-11-04 ¹⁷
Dec. 1312 June 1313	To subdue the O'Byrnes of the Leinster mountains	Edmund de Butler, keeper	John Dover (de Dene), a former chamberlain of the exchequer	1076-17-10 ¹⁸

No expedition was undertaken in 1307. However in Michaelmas term 1307 the earl of Ulster was granted 1,000 marks (£666 13s.4d.) for his good service in fighting the MacGeoghegans. And during 1307/8 John son of Thomas and Peter son of James Bermingham were granted a total of £125 13s.4d. for fighting the Irish of Offaly.¹⁹ Smaller sums were granted for similar reasons in subsequent years. In Michaelmas term 1310 small sums were paid for the warding of Rathfarnham and Saggart south of Dublin, perhaps because the exchequer could not afford a full-scale expedition.²⁰ And from time to time the constable of Newcastle

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16. Rot. canc. Hib., p. 19, nos. 3, 14; E 101/236/3. Balscote was also receiver of the service of Carrickfergus. This service was primarily intended to be used in aid of the earl of Ulster in fighting the Irish in his lands (RC 8/5, pp. 762-3); but Balscote was ordered to spend some of the money received on the Leinster campaign (Rot. canc. Hib., p. 19, nos. 8, 27; RC 8/6, pp. 24-5). Allowances were made to the seneschals of Wexford and the farmer of the manor of Fynnagh for their service in the campaign (P.R.I. rep. D.K. 39, p. 49; Rot. canc. Hib., p. 19, no. 19).
17. E 101/236/3; Otway-Ruthven, Med. Ire., pp. 222-3.
18. E 101/236/6; Lydon, 'Enrolled account of Alexander Bicknor', pp. 29-30. Andrew Gerard, keeper of customs, was ordered to pay an unknown amount to Dover in Hilary term 1313 (RC 8/7, pp. 220-1).
19. E 101/234/17.
20. Lydon, 'Enrolled account of Alexander Bicknor', p. 32.

Mackinegan received payments in addition to his fee for the sustenance of a larger than usual garrison.²¹

Other expenditure on Irish affairs

In the thirteenth century very large sums of money had been spent on building castles and other fortifications.²² However by the early fourteenth century only maintenance work was being carried out. During the period 1306-13 the keeper of works in the castle, exchequer, and king' mills in Dublin was paid an average of about £20 per year in issues from the exchequer. He was accountable at the exchequer.²³ On at least one occasion a keeper was elected by the citizens of Dublin.²⁴

The remaining expenditure on Irish affairs was totally miscellaneous in character. For example, when Edward I died in 1307, the exchequer issued £35 for religious services in his memory.²⁵

Purveyance for the war in Scotland

Purveyance had its origins in the king's traditional right of prise, or compulsory purchase, of food for his household. This right was easily extended to enable the compulsory purchase of victuals for his armies. Most of the supplies for the armies of Edward I and Edward II in Scotland and elsewhere were obtained by purveyance. The supplies for Scotland were channelled through Berwick in north-east England and Carlisle in the north-west.¹ A large proportion of the supplies sent through Carlisle

21. e.g. E 101/235/24.

22. P.R.I. rep. D.K. 36, p. 48.

23. P.R.I. rep. D.K. 39, p. 25.

24. EX 2/1, p. 101.

25. E 101/235/9.

1. A Lincolnshire assize roll for 1298 (P.R.O. assize roll no. 505), ed. Walter Sinclair Thomson, with an introduction on English government in Lincolnshire during the war of 1294-8, Lincolnshire Record Society, xxxvi (1944), pp. lii-lxxxviii; Michael Prestwich, War, politics and finance under Edward I (London, 1972), pp. 114-36.

were purveyed in Ireland. The main items surveyed were wheat, oats and wine. Ships were also purveyed, to transport both victuals and men.²

A good illustration of the Irish exchequer's role in purveyance is provided by entries in the memoranda roll for 1309/10. A letter from the English chancery dated 11 November 1309 informed the justiciar and treasurer that the king intended to go to Scotland with an army in the following summer. It ordered them to arrange for the purveyance of 1500 quarters of wheat, 2000 quarters of oats and 500 tuns of wine, which were to be ready for carriage to Scotland before the summer. It went on to say that an official named Edmund de la Mare was being sent to Ireland to supervise the purveyance. Finally it instructed them to have a further 500 quarters of wheat, 500 quarters of oats and 100 tuns of wine sent as soon as possible to Skinburness, the port of Carlisle, as provisions for the castles and towns of Scotland.³

This letter seems to have been received in Ireland shortly before Christmas, when the exchequer ordered the seizure of all wine, wheat and oats in Dublin City and Drogheda.⁴ In January 1310 the seneschal of Trim and the sheriffs of Kildare, Louth and Meath were ordered to seize all wheat and oats in their bailiwicks.⁵ Early in February the exchequer appointed two purveyors in Dublin and another in Drogheda. It issued almost £500 to the Dublin purveyors and just over £100 to the Drogheda purveyors to be spent on victuals.⁶ During February and March further directives were sent to the sheriffs of Dublin, Kildare, Louth and Meath concerning the seizure and threshing of corn and the carriage of the threshed grain to the purveyors of Dublin and Drogheda.⁷ A number of actions of trespass concerning interference with the purveyance

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2. James Lydon, 'Edward I, Ireland and the war in Scotland, 1303-1304', England and Ireland in the later middle ages: essays in honour of Jocelyn Otway-Ruthven (Blackrock, county Dublin, 1981), pp. 43-61.
 3. 549.
 4. 361-2.
 5. 668-9, 682-3. A similar order was probably given to the sheriff of Dublin orally.
 6. 599, 605, 628 (including footnotes).
 7. 729-32, 768, 651, 879, 882-5.

were heard in the exchequer in the middle of Lent.⁸ There are references to ships being arrested in May.⁹ It seems likely that the victuals purveyed had been sent to Skinburness by the end of May, as the purveyors at Drogheda were ordered to be in the exchequer to render account on 1 June 1310.¹⁰

A further letter from the English chancery dated 18 June 1310 informed the justiciar and treasurer that the king and his army would be in Berwick on 8 September. It ordered them to have 1,000 quarters of wheat, 1,500 quarters of oats, 1,000 (unum miliare) dried fish, 300 quarters of salt and 500 tuns of wine purveyed and sent to Skinburness as quickly as possible. This letter was received in the exchequer on 29 July. It seems that the exchequer did not have enough money in hand to carry out further purveyance immediately.¹¹ Instead it instructed all sheriffs and other local officials to have all debts owed to the king levied for payment to the exchequer on 31 August. It warned them that if they were negligent or remiss in carrying out these instructions, they would be guilty of contempt and would be treated as partisans of the king's enemies.¹² This threat had little effect. Less than £150 had been received at the exchequer by the end of September.¹³ Purveyors were not appointed until November.¹⁴

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8. See below, p. 199.
 9. 1203, 1103.
 10. 1141.
 11. 1251.
 12. 1474-92 and their cross references.
 13. E 101/235/22.
 14. RC 8/5, pp. 249-50, 257-8, 261-2.

**TABLE XVI ANALYSIS BY PORT OF ISSUES MADE BY THE EXCHEQUER TO
PURVEYORS OF VICTUALS FOR THE WAR IN SCOTLAND, 30 SEPTEMBER
1306 - 29 SEPTEMBER 1312¹⁵**

	<u>1306/7</u> (£ s.d.)	<u>1307/8</u> (£ s.d.)	<u>1308/9</u> (£ s.d.)	<u>1309/10</u> (£ s.d.)	<u>1310/11</u> (£ s.d.)	<u>1311/12</u> (£ s.d.)
Dundalk	-	-	-	-	17-00-0	-
Drogheda	697-08-7 $\frac{3}{4}$	496-10-3 $\frac{3}{4}$	278-5-6 $\frac{1}{2}$	106-01-01 $\frac{1}{4}$	438-17-2	-
Dublin	500-14-1 $\frac{3}{4}$	610-09-9 $\frac{1}{2}$	-	490-05-11 $\frac{1}{2}$	423-13-4	424-05-4 $\frac{1}{4}$
Water- ford	768-05-4	-	-	-	-	140-19-5 ¹⁶
Youghal	-	-	108-6-8	-	-	-
Cork	197-01-4	-	-	-	-	-
TOTAL:	2163-09-5 $\frac{1}{2}$	1107-00-1 $\frac{1}{4}$	386-4-2 $\frac{1}{2}$	596-07-00 $\frac{3}{4}$	879-10-6	565-04-9 $\frac{1}{4}$

The issues made by the exchequer to purveyors in the period 1306-12 are analysed by port in Table XVI. Almost 80% of the sums issued were spent in the ports of Dublin and Drogheda. These were, of course, the ports nearest to Carlisle. Their hinterlands were also the areas most fully under the control of the Dublin government. In deciding whether to appoint purveyors in other ports the exchequer presumably took into account both the quantity of victuals required and the amount of money available to pay for purveyance. Thus it appointed purveyors in Waterford and Cork in 1306/7, when it spent almost twice as much on purveyance as it did in any other year in the period 1306-12.

15. This table has been prepared from the sources listed above at p. 68, Table XIII, n.1. It does not include a total of £20 12s. paid to persons other than purveyors in 1306/7, 1308/9 and 1310/11. There were no issues for purveyance in 1312/13.

16. This sum was paid for purveyance in New Ross as well as Waterford (E 101/236/3).

Other expenditure on the war in Scotland

In the last 10 years or so of the reign of Edward I Anglo-Irish magnates took part in a number of military expeditions to Scotland.¹ Their wages were often paid by a clerk sent from Ireland for that purpose. In 1302 John Holtham (de Hothum) accounted at the exchequer for more than £3,600 spent by him as paymaster for the expedition of 1301-2.² In 1307 Richard Woodhouse spent just over £300 as paymaster for a much smaller expedition.³ During the period 1306-13 most of the expenditure on the war in Scotland other than that on purveyance consisted of the arrears of wages still owing for the expedition of 1303-4. In 1306/7 the earl of Ulster, Alexander Bicknor, Thomas Mandevill and Eustace Power (le Poer) were paid arrears amounting to almost £2,500.⁴ And in 1308/9 the earl of Ulster alone was paid more than £2,000, while a prest of £400 to Roger Mortimer of Wigmore was converted into an issue.⁵

Edward II tried repeatedly but with little success to persuade Anglo-Irish magnates to accompany him on expeditions to Scotland.⁶ No issues were made to Anglo-Irish magnates for service in Scotland in the period 1309-13. However in Michaelmas term 1310 the king informed the treasurer that he had asked the earl of Ulster to provide 500 footsoldiers for Simon Montague, the admiral of the fleet being sent to Scotland. All money available was to be paid to Alexander Convers for the wages of the soldiers and sailors.⁷ The exchequer issued £1,000 to Convers.⁸ Smaller sums were paid to the MacDougals of Argyll in 1309/10, 1310/11 and 1311/12.⁹

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1. J.F. Lydon, 'An Irish army in Scotland, 1296', Irish Sword, v (1961-2), pp. 184-90; idem, 'Irish levies in the Scottish wars, 1296-1302', *ibid.*, pp. 207-17; idem, 'Edward I, Ireland and the war in Scotland, 1303-1304'.
 2. P.R.I. rep. D.K. 38, pp. 54-5.
 3. P.R.I. rep. D.K. 39, p. 25.
 4. E 101/234/17.
 5. E 101/235/20.
 6. e.g. 1252.
 7. RC 8/5, pp. 154-5.
 8. Lydon, 'Enrolled account of Alexander Bicknor', p. 37.
 9. *Ibid.*, pp. 35-6.

All collectors of revenue were required to render accounts at the exchequer. In addition all officials who paid wages or purveyed victuals on behalf of the exchequer were accountable to it. The exchequer exercised its powers in this regard in a variety of ways. All accounts were audited sooner or later. Some collectors of revenue were obliged to proffer at the exchequer twice a year. Accounts might also be viewed from time to time. And officials of the exchequer held inquests concerning debts owed to the king in particular counties once every year or so.

Proffers and views

Proffers were statements made in the upper exchequer by certain collectors of revenue twice a year at the beginning of Michaelmas and Easter terms concerning the amount of revenue which they were able to levy and would pay into the lower exchequer either immediately or during the current and following terms. In the early fourteenth century only sheriffs, seneschals, mayors and bailiffs, and the escheator were obliged to proffer. Their proffers were recorded in schedules shown to the treasurer and barons for acceptance by them. Once a proffer had been accepted it was enrolled on the memoranda roll. The sum proffered might be paid immediately or some time later. A few proffers were never paid. The sums paid might be greater or less than the sums proffered. Even as it seems that proffers gave the exchequer a reasonably accurate impression of the amount of revenue likely to be received from the collectors in question during the following six months.¹

In England it was usual for a view to be made of a sheriff's account after each proffer as a preliminary to audit, unless his account was due to be audited in the same term. These views of account were recorded on the memoranda rolls. The entries on the rolls comprise a statement of the charge, sometimes with figures for the main items which compose it

1. See below, pp. 134-7.

but without detailed particulars, followed by a brief list of sums to be deducted from it. The deductions represented payments into the exchequer, local expenditure authorised by warrant, debts chargeable to other accounts and items respited for further consideration.²

Views of this kind were made at the Irish exchequer after the reforms of 1369.³ However there is no reason to think that this was the case in the early fourteenth century. There is evidence which suggests that a view of some sort took place before a proffer was accepted, but this was probably merely a view of the proffer schedule. At any rate it cannot have been a view of the English type and it is unlikely to have been a view of summonses of the kind about to be described.⁴

Views made as a preliminary to audit must be distinguished from views made in order to determine the amount of revenue which could be expected from collectors. Views of the latter kind occur occasionally in the memoranda rolls of the early fourteenth century. For example a number of such views were made in the autumn of 1310 when the exchequer needed money urgently to pay for purveyance. Summonses held by sheriffs, mayors and bailiffs in the vicinity of Dublin were viewed in order to determine how much they could be expected to levy and pay into the exchequer at Michaelmas, while the accounts of reeves and receivers of demesne manors were viewed in order to establish the amount of rent they could be expected to pay on the same date.⁵ Summonses were also viewed in the course of inquests concerning debts.⁶

A few of the views recorded in the memoranda rolls of the early fourteenth century probably related to arrears of accounts which had already been audited. Thus the account of John le Jeune as reeve of Saggart which was viewed in 1320⁷ is likely to have been audited before Michaelmas 1318, as he was not one of the reeves of the period 1318-22 whose accounts were audited in 1318/19 and 1321/2.⁸ Views of arrears

2. Cal. mem. rolls, 1326/7, pp. xxiii-xxiv.

3. e.g. RC 8/30, pp. 562-4.

4. See below, p. 136.

5. See below, p. 185.

6. See below, p. 93.

7. EX 1/2, m. 45d.

8. P.R.I. rep. D.K. 42, pp. 27, 33.

of account first occur in the rolls in large numbers in 1324, at the same time that entries of the states of accounts at the close of audit become a standard feature of the rolls.⁹ Like the latter, they sometimes include details of payments and allowances.¹⁰

Audits

All accounts rendered at the exchequer were audited and enrolled in duplicate on the pipe rolls kept by the two engrossers. The accounts for each county and city and each of the major liberties and boroughs were audited and enrolled separately. The escheator, reeves and farmers of manors answered for directly at the exchequer, collectors of customs, collectors of some subsidies, clerks assigned to pay wages, and purveyors also accounted separately. Accounts for other manors and lands and the lesser liberties and boroughs were audited at the same time as the accounts of the counties in which they lay and were enrolled within the county accounts.¹

In England sheriffs normally rendered accounts once a year. This ceased to be so for a period in the 1260s as a result of the Baron's War, but accounts were again being audited annually by the 1270s.² In Ireland annual audits were also the norm in the first half of the thirteenth century. As in England this ceased to be the case in the 1260s.³ However in Ireland the practice of demanding annual accounts from sheriffs was never re-established in the middle ages.

In the early fourteenth century most enrolled accounts covered a period of at least two years and many covered much longer periods. The most extreme case was the account rendered for the liberty of Ulster in 1314 which covered a period of more than 27 years.⁴ In general officials

9. See below, p. 89.

10. e.g. RC 8/14, pp. 629-38.

1. Calendar of pipe rolls in P.R.I. rep. D.K. 35-54.

2. Mabel H. Mills, 'Adventus vicecomitum, 1258-1307', Eng. Hist. Rev., xxxvi (1921), pp. 481-96, and xxxviii (1923), pp. 331-54.

3. P.R.I. rep. D.K. 35, pp. 29-50.

4. P.R.I. rep. D.K. 39, pp. 51-2.

from places near Dublin accounted more frequently than those from more remote areas. The accounts enrolled separately on the pipe roll for 1309/10 are listed in Table XVII. It will be seen that accounts were rendered for only one half of the cities and major boroughs. There was an account by the escheator, but there were no accounts for any of the manors answered for directly at the exchequer, although both these types of account appeared on most other pipe rolls. Accounts for customs and the purveyance of victuals were rendered for a few ports about a year in arrears. And there were accounts of clerks assigned to pay the wages of men taking part in military expeditions over the previous year or so.

In many cases a number of sheriffs or other officials accounted together. Thus in 1310 two sheriffs of Louth accounted for a period of just over two years.⁵ The periods covered by the accounts of collectors of customs, purveyors and clerks assigned to pay wages generally coincided with their terms of office, but this was not necessarily true of the accounts of sheriffs, seneschals or the escheator. For example, Bennet Hauberge held office as sheriff of Louth from September 1307 to October 1308, but he accounted twice, once in 1308 and again in 1310.⁶ In the case of county accounts the position is complicated by the fact that the period covered by the account as a whole was rarely the same as the period covered by the sheriffs' accounts for the profit of the county.

The account for county Louth enrolled in 1310 covered the period 2 February 1308 - 19 April 1310, but Bennet Hauberge and Walter Dowdall's accounts for the profit of the county covered the period 2 November 1307 - 29 June 1301.⁷

The process of audit began with a writ demanding that the accountant come to account on a given date. If the accountant was a sheriff or other major official who still held office, a writ of sis was sent to him instructing him to be in the exchequer on the date in question.⁸ In

5. *ibid.*, p. 32.

6. *ibid.*, pp. 25, 32.

7. *ibid.*, p. 32.

8. See below, pp. 179, 227.

TABLE XVII: ACCOUNTS ENROLLED SEPARATELY IN THE
PIPE ROLL FOR 1309/10⁹

<u>IDENTITY OF ACCOUNTANTS</u>	<u>PERIODS COVERED BY ACCOUNTS</u>
<u>Sheriffs and seneschals of the counties and liberties of:</u> Carlow Kilkenny Louth Roscommon	3 April 1307 - 29 Sept. 1309 13 Jan. 1306 - 13 Jan. 1310 2 Feb. 1308 - 19 April 1310 7 June 1306 - 24 June 1310
<u>Mayors and bailiffs of the cities and boroughs of:</u> Cork Drogheda on the side of Louth Dublin	Michaelmas term 1305 - Easter term 1310 Michaelmas term 1309 Michaelmas term 1309
<u>Collectors of the great custom at:</u> Cork Drogheda Youghal	1 June 1306 - 29 Aug. 1308 1 June 1306 - 3 July 1308 25 April 1306 - 31 July 1308
<u>The escheator:</u>	22 Jan. 1308 - 14 Jan. 1310
<u>Clerks assigned to pay the wages of men fighting the Irish of the Leinster mountains:</u> John Dover (de Dene) Philip Staunton John Holtham (de Hothum)	20 May - 16 July 1308 23 Oct. - 18 Nov. 1308 April - June 1309
<u>Purveyors of victuals for the war in Scotland at:</u> Drogheda Youghal	1 May 1306 - 9 Aug. 1308 Easter term 1307

9. P.R.I. rep. D.K. 39, pp. 27-35.

most other cases a writ of venire facias was sent to the appropriate sheriff directing him to cause the accountant to come as required.¹⁰

After 1310 writs concerning sheriffs' accounts also ordered that the receiver of the county be present.¹¹ The accountant was expected to bring all relevant records and vouchers. In writs relating to sheriffs' accounts these were commonly described as "rolls, tallies, writs, summonses and other things touching his account".¹² The latter would have included rolls of particulars of the profit of the county, stocks of tallies recording payments into the exchequer by or on behalf of the sheriff, writs and summonses ordering the collection of debts, and writs ordering the attermination or respite of debts.

On many occasions the accountant did not come when ordered. This was a serious offence and rendered him liable to heavy amercement unless he had a good excuse. When the seneschal of Louth failed to appear in 1320, he was amerced £5 on the first day, £10 on the second day, and £20 on the third day.¹³ However the exchequer might itself postpone the hearing of an account. Proceedings in 1310 with regard to the account for Connacht provide a good illustration of the delays which might result. The sheriff, Richard du Lit, was ordered to render account on 27 January and to cause his predecessor, Richard Blake, to come on the same day. As Lit was keeping the peace in Silmurray in January, he and Blake were subsequently ordered to account on 3 May instead. Beacuase Lit neither came nor returned the writ in May, he was heavily amerced and instructed to be in the exchequer with Blake on 21 June. Lit came on 25 June and paid his proffers for the year. However it seems to have been decided that he could not account without Blake who was still absent. Consequently he was ordered to take Blake's lands in hand and have his body in the exchequer on 30 September.¹⁴

10. See below, p. 179, 219-20.

11. e.g. writs ordering the sheriffs of Dublin and Meath to account in 1320 (EX 1/2, m. 25).

12. e.g. 291.

13. EX 1/2, . m. 14.

14. 136 and its cross references.

The accountant was usually required to be present in person at the beginning and at the end of the audit of his account. However he could appoint an attorney to represent him in the intervening period. For example, the mayor of Drogheda was permitted to appoint one of the bailiffs and a clerk to account for him in 1309 on condition that he be present at the close of the account.¹⁵ It may have been normal for a sheriff to be represented by his clerk. When the sheriff of Louth was given a day to close his account in 1310, it was conceded that his clerk could account for him in the meantime.¹⁶ And in December 1309 the clerks of the seneschal, sheriff and former sheriffs of Carlow were ordered to warn their principals to come to close their accounts on 14 January 1310.¹⁷

In the eighteenth century the greater part of the process of audit was delegated to the lesser officials of the exchequer. A sheriff's account was dealt with in open court only at its beginning when he took oath to give a true and just account, and at its close when his total charge was calculated.¹⁸ It is impossible to say to what extent this was the case in the fourteenth century. It is clear that all accounts came before the treasurer and barons in open court at their opening and closing stages, and that adjournments were normally given by the treasurer.¹⁹ But it must be remembered that the chief engrosser was paid the exceptionally large allowance of £7 in addition to his fee.²⁰ It therefore seems possible that much of the routine business of audit was carried out by the chief engrosser, with the assistance of the second engrosser, the summoner and the transcriber of estreats.

The memoranda rolls record little of what happened during the audit of an account. And the calendar of the pipe rolls is generally so abbreviated as to obscure much of the evidence which the rolls themselves must have

15. 179.

16. 1039.

17. 245. cf. below, p. 169.

18. Gorges Edmond Howard, A treatise of the exchequer and revenue of Ireland (Dublin, 1776), i, pp. 169-72.

19. e.g. 168, 179, 245, 619.

20. See above, p. 12.

contained on the subject. It must be assumed that in general the process of audit was the same as in England. Certainly the chequered cloth which was used in the English exchequer to calculate an accountant's charge and discharge, and which gave the exchequer its name,²¹ was also used in the Irish exchequer. It was shown in a fifteenth century illustration of the upper exchequer in session.²² However there were undoubtedly differences of detail in the procedures of the English and Irish exchequers, which gave rise to corresponding differences in the records of accounts.

The most important of these differences relates to the manner in which a sheriff's charge and discharge was calculated and recorded. In England the charge and discharge was calculated separately for each of the main types of revenue collected by the sheriff. The net debt or surplus on the account as a whole was not recorded in the pipe roll. Instead it was given in the state or final view of the account entered in the memoranda rolls.²³ In Ireland the charge and discharge was calculated once for all types of revenue collected by the sheriff, and the net debt was recorded in the pipe rolls.²⁴ States of account were not normally recorded on the Irish memoranda rolls in the early fourteenth century. They become a standard feature of the rolls only in 1324.²⁵

On the Irish pipe rolls a county account began with statements of the sums owed by each sheriff rendering account in respect of debts noted in the previous enrolled account. These were followed by entries relating to farms, rents, royal services, and debts noted in estreats. Most county accounts ended with details of each sheriff's charge and discharge. In each case the total of the charge was given first, the

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21. Dialogus de scaccario, ed. Charles Johnson (London, 1950), pp. 6-7.
 22. James F. Ferguson, 'The court of exchequer in Ireland', The Gentleman's magazine, new series, xIiii (1855), pp. 37-44; Facsimiles of the national manuscripts of Ireland, ed. J.T. Gilbert, (Dublin, 18), pp. 119-20 and fascimile XXXVII.
 23. The pipe roll for 1295, Surrey membrane, ed. Mabel H. Mills (Surrey Record Society, xxi, 1924), pp. xx-xxviii, 1-31; Cal. mem. rolls, 1326/7, pp. xxiii-xxiv, xxxvii-xxxix, 289-335.
 24. Calendar in P.R.I. rep. D.K. 35-54.
 25. e.g. RC 8/14, pp. 88.

amount owed in respect of the profit of the county being specified. Details were then given of payments into the exchequer and allowances for assignments. Finally the totals of payments and allowances were subtracted from the charge, giving the net debt or, very occasionally, surplus.

The enrolled accounts of the main liberties in private hands were similar in form to county accounts, although they did not of course include entries concerning the profit of the county. Technically the lord of the liberty accounted for the seneschal, although in practice it was the seneschal who rendered account. City and borough accounts began with entries concerning the farm and other rents. These were followed by entries concerning debts recorded in estreats. Technically the bailiffs accounted for the farm, while the citizens or burgesses accounted for other debts, although in practice the mayor and bailiffs accounted for both. However the technical distinction meant that the charge and discharge had to be calculated separately for the farm and for other debts. All other accounts were rendered by a single individual or group of individuals. Some were very long, but they consisted simply of a summary of the sums owed, followed by details of payments and allowances.

During the audit of a sheriff's, seneschal's or mayor and bailiff's account, a detailed review was made of all outstanding debts recorded in estreats and previous enrolled accounts which related to the county, liberty, city or borough in question. The entries of individual debts were marked with symbols in the same way as was done in the English exchequer.²⁶ The two most important symbols were the letters T and D. An entry was marked with a T if the accountant charged himself with the debt. One or more points were added to the T if the estreat already contained entries marked with a T because the debts recorded in it had been reviewed on a previous occasion.²⁷ An entry was marked with a D

26. C.A.F. Meekings, 'The pipe roll order of 12 February 1270' in Studies presented to Sir Hilary Jenkinson, ed. J. Conway Davies (London, 1957), pp. 222-53.

27. e.g. J.F. Lydon, 'The country of Uriel account, 1281-3', Journal of the County Louth Archaeological and Historical Society, xix (1979), pp. 200-3.

if the accountant satisfied the exchequer that he was unable to levy the debt.²⁸ In much of the literature concerning the English exchequer it is implied that an accountant was charged only with debts which had been levied.²⁹ However the English exchequer ordinances of the 1320s make it clear that an accountant was charged with a debt unless he could give a good reason why he should not be so charged.³⁰

The procedure of the Irish exchequer in reviewing outstanding debts during audits differed from English procedure in one important respect. In Ireland transcripts of the relevant entries in the estreats concerned were prepared at least as early as 1308.³¹ I am not aware of any evidence that transcripts of estreats were ever prepared during audits in the English exchequer.³² An entry in the Irish memoranda roll for Trinity term 1364 proves that at that date the transcripts were used in place of the estreats to charge the sheriff.³³ They had probably been used for this purpose from the date at which they were first prepared. Summonses issued following audits were prepared from the transcripts at least as early as 1319.³⁴ The transcripts were probably also used in the course of inquests concerning debts.³⁵ A fifteenth century roll of fines and amercements relating to county Meath may in fact be a roll of transcripts of estreats.³⁶

As a result of audit most accountants were found to owe arrears of account. If they owed very large sums they might be committed to the custody of the marshal until they gave security for payment.³⁷ The

28. e.g. 706-7.

29. e.g. The pipe roll for 1295, Survey membrane, ed. Mills, p. xxv; Meekings, 'The pipe roll order of 1270', p. 229.

30. Red book of the exchequer, iii, pp. 850-3, 938-41.

31. See above, p. 14.

32. The estreats of outstanding debts in old estreats prepared in the English exchequer were not transcripts of the Irish kind. They were not prepared during audits and did not include debts with which an accountant had been charged (Meeking, 'The pipe roll order of 1270', pp. 245-51).

33. RC 8/28, pp. 433-6.

34. See below, pp. 246-7.

35. See below, p. 94.

36. P.R.O.I., EX 3.

37. e.g. 594.

memoranda rolls also contain many entries of writs of levare facias ordering the current sheriff or other official to cause his predecessors' arrears to be levied.³⁸ However it was recognised that a former sheriff might have been charged on his account with debts which he had failed to levy during his period of office. Since his successor was likely to be fully occupied in levying newly summonsed debts, the former sheriff was often commissioned to levy outstanding debts with which he had been charged.³⁹

After the audit of a sheriff's, seneschal's or mayor and bailiffs' account, further attempts were also made to levy the outstanding debts not included in the accountant's charge. If it was thought that it might still be possible to levy a debt in the accountant's bailiwick, details of the debt were included in a summons addressed to the accountant, if he still held office, or to his successor, if he had left office. If the accountant had convinced the exchequer that a debtor had no property in his bailiwick, but had property in another official's bailiwick, details of the debt were included in a summons addressed to the other official.⁴⁰

Inquests concerning debts

It seems quite likely that inquests concerning debts were held in Ireland in the late thirteenth century. In 1279 Ellis Winchester and Richard Wickham were paid their expenses incurred in travelling to various parts of Ireland as ordered by the treasurer, and in transcribing summonses in those places.¹ They may well have been holding inquests concerning debts. At any rate a number of such inquests were undoubtedly held in the first decade of the fourteenth century. For example in 1304 the treasurer inquired in counties Cork and Tipperary concerning debts owed to the king and misdeeds of sheriffs and sergeants.² These inquests were probably held in accordance with the English Statute of Fines of

38. e.g. 330-43.

39. e.g. RC 8/5, pp. 256-7.

40. See below, pp. 246-8.

1. Cal. doc. Ire., 1252-84, pp. 303-4.

2. EX 2/1, p. 69.

1299. This required that a baron and a clerk of the exchequer be sent to each county to establish the names of all who had paid debts that year, to view the tallies in question, and to hear and determine complaints against sheriffs and bailiffs.³

On 6 March 1310 the chamberlains of the exchequer were commissioned to inquire concerning debts owed to the king in county Louth. The text of their commission is given in full in the memoranda roll. The preamble stated that various sheriffs answered falsely when rendering account, alleging that debtors had no property in their county or could not be found there, when it was known that they had enough property there to satisfy the debts in whole or in part. The chamberlains were ordered to hold a sworn inquest in the county in order to establish which debts were clear and could be levied, and which were not. They were given rolls containing details of outstanding debts in accordance with the terms of an unspecified statute of Edward I. The barons of the exchequer were given a similar commission to inquire concerning debts in counties Dublin, Meath, Carlow and Kildare.⁴ The county Dublin inquest was probably made in the exchequer, as the results of the inquest were summarised in an entry of a view of summonses on the memoranda roll.⁵ It seems that the treasurer himself held inquests in some or all of the Munster counties while acting as paymaster for an expedition to those parts.⁶ Thus the sheriff of Waterford was ordered to have in the exchequer on 21 June all money owed for debts found to be clear in an inquest held by the treasurer.⁷ The treasurer also visited Cork.⁸

The inquests made in 1310 clearly differed in purpose from those probably made in accordance with the Statute of Fines. They were concerned with the failure of sheriffs to have debts levied, rather than with their failure to answer for debts which had been levied. Also there is no

3. Statutes of the realm, i, p. 129.

4. 646-7.

5. 892.

6. See above, pp. 74-6, Table XV.

7. 1147.

8. 967, 1005.

reference in the chamberlains' commission to the hearing of complaints. The statute referred to was evidently the Statute of Rhuddlan of 1284, which made provision for inquests of this kind in England.⁹ The rolls given to the officials holding the inquests were probably transcripts of estreats prepared during audits.¹⁰ The decision to change the form of inquests concerning debts was almost certainly made by the Irish council at its meeting following the parliament at Kilkenny in February 1310.¹¹

Further changes were made in 1311 by order of the English council. Officials holding an inquest in a county were to cause the sheriff, the sergeants and six jurors from each cantred to be assembled before them. All summonses, estreats and writs in the custody of the sheriff were to be read to the assembly, as were the estreats which the officials brought from the exchequer (these were probably in fact transcripts of estreats). The jurors were to say where and in which cantreds the debtors had property. Estreats of the relevant debts were then to be given to the sergeant of each cantred. Days were to be assigned for payment to the sheriff and receiver of debts levied by the sergeants, and for payment to the exchequer of money received by the sheriff and receiver.¹² Inquests of this kind were held in most of the counties, cities and major boroughs in August and September 1311. In each case the total value of the debts which were clear and could be levied were recorded in indentures made between the officials sent from the exchequer and the sheriff or mayor and bailiffs. Copies of the indentures were enrolled on the memoranda roll.¹³ Further inquests of this kind were held during the Easter vacation in 1312.¹⁴

Commissions given to exchequer officials in Michaelmas term 1312 were worded quite differently. The officials were instructed to hold inquests to establish which debts were clear and how quickly they could be levied,

9. Stat. Ire., John-Hen.V, pp. 44-5.

10. See above, p. 91.

11. See above, p. 3.

12. J.F. Lydon, 'Edward II and the revenues of Ireland in 1311-12', Ir. Hist. Stud., xiv (1964-5), pp. 45-7, 49-51.

13. ibid., pp. 51-2; RC 8/5, pp. 4-9.

14. RC 8/6, p. 170.

how sheriffs and other officials had performed in the levying of debts, and why and by whom the levying of debts had been delayed. They were given powers to do anything and everything else which they considered would hasten the levying and payment of debts. The total value of the clear debts was to be recorded in indentures made between them and the sheriffs or other local officials. In addition they were to make inquiries concerning the goods and chattels of the Templars, and the farms and rents of manors and other demesne lands.¹⁵

It is possible that the charge in wording represented a substantial change in procedure. However it is more likely that the only important difference between the commissions of 1311 and those of Michaelmas term 1312 was that inquests held under the latter extended to revenues other than the profits of justice. After 1312 inquests seem to have been held in most counties about once a year. Both the commissions of 1311 and those of Michaelmas term 1312 were used as models. Thus commissions made in 1313 and 1319 were modelled on those of 1311,¹⁶ while a commission made in 1316 was modelled on those of Michaelmas term 1312.¹⁷

There is no evidence that officials holding inquests concerning debts received payments of debts in the early fourteenth century. This would have been contrary to the principle that all debts levied by the sergeants should be paid to the sheriff and receiver at collections, unless they were paid directly to the exchequer by the debtor.¹⁸ However in 1330 Thomas Warilowe was commissioned to levy and receive all debts in arrears in Munster and South Leinster.¹⁹ This may have been exceptional, but by the 1350s it was normal for debts to be received by officials hastening the levying of debts.²⁰ In 1361 it was ordained that officials assigned to hasten the levying of debts were to account for money received by them, even if their commissions made no mention of receipts.²¹

15. RC 8/7, pp. 84-8.

16. *ibid.*, p. 462; EX 1/2, m. 7d.

17. RC 8/10, p. 547.

18. See above, pp. 39, 43.

19. RC 8/15, p. 614.

20. e.g. receipts in the exchequer on 26 Feb. 1352 (E 101/242/12).

21. Philomena Mary Connolly, 'Lionel of Clarence and Ireland, 1361-1366' (Ph. D. thesis, Dublin University, 1977), pp. 176, 208 (citing *Foedera*, iii, part 2, p. 606).

There were three main stages through which a legal action brought in the exchequer could pass. In the first stage of initial and mesne process the plaintiff or his legal representative sought the appearance of the defendant in the exchequer to answer the charge or claim made against him. The action was resolved in the second stage, either by pleading, trial and judgment, or by the making of a recognisance or mainprise. In the third stage of final process a successful plaintiff or his legal representative sought the enforcement of the judgment, recognisance or mainprise.¹

In practice few actions passed through all these stages. This fact emerges clearly from Table XVIII, which summarises an analysis

of the types of entry in which legal actions were recorded in the memoranda and plea rolls of 1309/10. Slightly less than a quarter of the actions were resolved in the course of the year, and more than half of these appear to have been resolved by a recognisance or mainprise without any writs of mesne process having been issued.² Less than one action in 16 was resolved by pleading, trial and judgment during the year. Almost half the actions were recorded only in entries of initial and mesne process. Almost one quarter were recorded only in entries of final process.

The records of legal proceedings in the exchequer in 1309/10 are exceptionally full. It is likely that most initial, mesne and final process was recorded in the writs issuing sections of the memoranda and plea rolls.³ The pleas sections of the rolls provide an almost complete record of pleading, trial and judgment.⁴ And the 'Debts recognised and other memoranda' section of the memoranda roll is dominated by entries of recognisances of debts, appointments of attorneys, mainprises and days given.⁵

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1. See below, pp. 103-6.
 2. e.g. 981, 1343 and their cross references.
 3. See below, p. 214.
 4. See below, pp. 197-209.
 5. See below, pp. 160-91.

TABLE XVIII: TYPES OF ENTRY IN WHICH LEGAL ACTIONS WERE RECORDED IN THE MEMORANDA AND PLEA ROLLS FOR 1309/10

<u>Types of entry in which actions were recorded</u>	<u>Number of actions</u>
(a) Actions recorded in entries of pleas, verdicts and judgments ⁶	50
(b) Actions recorded in entries of recognisances of debts or mainprises to acquit third parties of debts, but not in entries as at (a) ⁷	143
(c) Actions recorded in entries of initial and mesne process (writs seeking the appearance of defendants in the exchequer, days given for appearance, and mainprises for appearance), but not in entries as at (a) and (b) ⁸	382
(d) Actions recorded in entries of final process (writs seeking the enforcement of judgments, recognisances and mainprises, consisting almost entirely of writs of <u>levare facias</u>), but not in entries as at (a)-(c) ⁹	200
(e) Actions recorded only in entries of appointments of attorneys and other types of entry not mentioned at (a)-(d) ¹⁰	42
TOTAL	817

The evidence available for other years is much less satisfactory. Before 1309 the memoranda rolls contained entries relating to actions of all kinds, including those later recorded in the plea rolls. Calendars

6. e.g. 962, 2171 and their cross references

7. e.g. 238, 560 and their cross references.

8. e.g. 1730, 1826 and their cross references.

9. e.g. 1733 and its cross references.

10. e.g. 1314, 1793 and their cross references. An attorney might be appointed at any stage of proceedings.

of the rolls of 1294/5 and 1307/8 are available¹¹ and have been analysed by Hand.¹² Unfortunately there was almost no record of initial, mesne and final process in the roll for 1294/5, while the record of process in the roll for 1307/8 was highly selective and biased towards actions affecting the king's interests. In 1309/10 more than two-thirds of the actions then current were recorded only in entries of initial, mesne and final process. It therefore seems likely that less than half the actions current in 1294/5 and 1307/8 are now on record.

In 1309 it was decided to keep a separate plea roll devoted mainly to entries of pleas, writs issued and days given in actions not directly affecting the king. Only two medieval plea rolls survived long enough to be calendared, those for 1309/10 and 1324/5.¹³ Consequently the evidence concerning such actions from 1310 to 1324 and after 1325 is confined largely to entries of appointments of attorneys and recognisances of debts in the memoranda rolls. Moreover it was unusual for pleading, trial and judgment in actions affecting the king to be recorded in the memoranda rolls from 1319 to 1369.¹⁴ During the latter period the evidence concerning actions affecting the king is for the most part limited to entries of initial, mesne and final process, appointments of attorneys, mainprises and days given.

Given the nature of the sources, this discussion of legal proceedings in the exchequer must rely mainly on the evidence contained in the memoranda and plea rolls for 1309/10.

Jurisdiction

The types of legal action recorded in the rolls for 1309/10 are analysed in Table XIX. Many of the actions are described as

actions of debt, trespass and account in the rolls themselves. All but 15 of the remainder can be placed in one or other of these categories by analogy with those which are so described. Actions of debt were by far the most numerous, amounting to more than four-fifths of the total. It

11. See below, pp. 114 - 15.

12. Hand, Eng. law in Ire., pp. 101-3.

13. See below, pp. 120-1.

14. See below, pp. 117, 207-8.

TABLE XIX: TYPES OF LEGAL ACTION RECORDED IN THE MEMORANDA AND PLEA ROLLS FOR 1309/10

<u>Types of action</u>	<u>Number of actions</u>
Actions of debt ¹	672
Actions of trespass ¹	113
Actions of account ¹	17
Action of wreck of sea ²	1
Actions which cannot be classified because of lack of evidence ³	14
TOTAL	817

should be noted that there were no actions concerning real property and no actions of felony. Such actions were never heard in the exchequer.⁴

The terms debt, trespass and account had much the same meaning as in other courts. In addition to actions claiming sums of money, the term debt undoubtedly comprehended actions claiming fungible goods by number, weight or measure.⁵ It probably also included actions claiming the return of specific chattels, which the professional lawyer referred to as actions of detinue.⁶ The term trespass was used to cover all cases in which the defendant was accused of doing a wrong to the plaintiff.⁷ An action of account was one in which the plaintiff demanded that the defendant render account for money received on the plaintiff's behalf.⁸

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1. For references to examples see footnotes to Table XXI below.
 2. 90.
 3. e.g. 288, 1731.
 4. cf. Gorges Edmond Howard, A compendious treatise on the rules and practice of the pleas side of the exchequer in Ireland, (Dublin, 1759), i, pp. 1-2.
 5. e.g. 1003 and cross references.
 6. A.W.B. Simpson, A history of the common law of contract: the rise of the action of assumpsit, (Oxford, 1975), pp. 53-61.
 7. S.F.C. Milsom, 'Trespass from Henry III to Edward III', Law Quarterly Review, lxxiv (1958), pp. 195-224, 407-36, 561-90.
 8. S.J. Stoljar, 'The transformation of account', Law Quarterly Review, lxxx (1964), pp. 203-24.

Legal actions can also be viewed in terms of the extent to which they affected the king's interests. In the headings of the pleas and writs issuing sections of the memoranda and plea rolls a distinction is made between two groups of actions: those concerning the king, and common actions.⁹ The typical action concerning the king was one in which the king was sole plaintiff. The typical common action was one brought by an individual plaintiff against another individual in which the king's interests were not directly affected. However this distinction ignores the existence of a third major group of actions, those in which the king and individuals were joint plaintiffs. Such actions were sometimes treated as actions touching the king and at other times as common actions. Table XX show the results

of an analysis of the extent to which legal actions recorded in the rolls for 1309/10 affected the king's interests. More than two-thirds of the actions were brought by individual plaintiffs against other individuals. The king and individuals were joint plaintiffs in slightly less than one quarter of the actions. The king was sole plaintiff in less than one eighth of the actions.

During the thirteenth and fourteenth centuries repeated complaints were made concerning the hearing of common pleas in the exchequer.¹⁰ On several occasions the king found it necessary to order that the exchequer should not hear legal actions unless they affected his own interests or those of exchequer officials or their servants.¹¹ Generally speaking it seems that this limitation on the jurisdiction of the exchequer was obeyed in the early fourteenth century. However it is clear the jurisdiction of the exchequer was rather broader than a literal interpretation of the limitation might suggest. There is ample evidence that officials who had to account in the exchequer and other persons who owed debts to the king could bring actions of debt or account in the exchequer.¹² It was of course in the king's interest that they should recover debts owed to them, as they would then have been in

9. See below, pp. 192, 210.

10. e.g. Cal. doc. Ire., 1285-92, p. 2.

11. e.g. Foedera, iii, pt. 1, p. 216 (Cal. close rolls, 1349-54, p. 292).

12. For example see the entries referred to in the index under 'Brett, Geoffrey'; 'Hackett, Henry'; 'Pembroke, Roger'; 'Rice, John'; 'Roche, George'; and 'St. John, Thomas' (all these were former sheriffs of county Tipperary).

TABLE XX: THE EXTENT TO WHICH THE KING'S INTERESTS WERE AFFECTED IN LEGAL ACTIONS RECORDED IN THE MEMORANDA AND PLEA ROLLS FOR 1309/10¹³

<u>Groups of action</u>	<u>Number of actions</u>
Actions in which the king was sole plaintiff	85
Actions in which the king and individuals were joint plaintiffs	179
Actions brought by individual plaintiffs against other individuals	551
Actions in which individual plaintiffs sought redress from the king for wrongs done in his name	2
TOTAL	817

a better position to pay their own debts to the king. Also the king sometimes gave special permission for particular individuals to bring actions in the exchequer.¹⁴ About one third of the individual plaintiffs in legal actions recorded in the rolls for 1309/10 can be identified as Italian merchants.¹⁵ They may have received special permission to bring actions in the exchequer, although most of them probably either owed money to or were owed money by the king.

Table XXI shows the results of an analysis of the extent to which the king's interests were affected in actions of the three main types recorded in the rolls for 1309/10. More than three-quarters of the actions of debt were brought by individual plaintiffs against other individuals. About one-fifth were actions brought by the king and

13. For references to examples see the footnotes to Table XXI below.

14. e.g. Doc. affairs. Ire., no. 118.

15. The names 'Chimbardi, Gerard' and 'Marsh, Leopardus' occur especially frequently (see index).

TABLE XXI: THE EXTENT TO WHICH THE KING'S INTERESTS WERE AFFECTED IN ACTIONS OF DEBT, TRESPASS AND ACCOUNT RECORDED IN THE MEMORANDA AND PLEA ROLLS FOR 1309/10

	<u>Actions of debt</u>	<u>Actions of trespass</u>	<u>Actions of account</u>
Actions in which the king was sole plaintiff	9 ¹⁶	67 ¹⁹	—
Actions in which the king and individuals were joint plaintiffs	146 ¹⁷	21 ²⁰	11 ²³
Actions brought by individual plaintiffs against other individuals	517 ¹⁸	23 ²¹	6 ²⁴
Actions in which individual plaintiffs sought redress from the king for wrongs done in his name	—	2 ²²	—
TOTAL	672	113	17

individuals as joint plaintiffs in which the individual plaintiffs demanded that the defendant acquit them of debts owed to the king. Only nine were brought by the king as sole plaintiff, as a debt owed to the king could usually be levied without a preliminary court hearing. For much the same reason none of the actions of account were brought by the king as sole plaintiff. On the other hand the king was sole plaintiff in more than half the actions of trespass.

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- 16. e.g. 747, 1993 and their cross references.
 - 17. e.g. 81, 822, 1587 and their cross references.
 - 18. e.g. 816, 1742, 1955 and their cross references.
 - 19. e.g. 294, 761 and their cross references.
 - 20. e.g. 1080, 1688 and their cross references.
 - 21. e.g. 1837, 2001 and their cross references.
 - 22. 70-1 and their cross references.
 - 23. e.g. 170, 1965 and their cross references.
 - 24. e.g. 1591.

Procedure

A party to a legal action could at any stage appoint an attorney. Plaintiffs were more likely to do so than defendants. About half the attorneys appointed in 1309/10 can be identified as either exchequer officials or professional lawyers. Most attorneys were probably appointed in the exchequer, although some may have been received by exchequer officials outside the exchequer. A few were received by the justiciar or by officials specially ordered to receive them.¹

Contested actions must normally have been begun by the plaintiff or his attorney coming to the exchequer and making a complaint or claim against the defendant. At least on occasion the complaint or claim was made in writing in a document called a bill,² and this may in fact have been common practice. The use of bills of plaint was of course a standard feature of procedure in eyres, in the English court of king's bench and in the Irish justiciar's court.³

Usually the exchequer then issued one or more writs demanding the appearance of the defendant in court. It must be stressed that the first writ issued was not an original writ of the kind issued by chancery to initiate proceedings in the benches in Westminster and Dublin. Strictly speaking the latter courts had no jurisdiction in a particular case until an original writ had been obtained.⁴ The exchequer had permanent jurisdiction in actions of the kinds properly heard in it, so an original writ was not required. Consequently the first writ issued by the exchequer in an action was equivalent to a judicial writ in an action heard in another court.⁵

In most cases the writ used by the exchequer to demand the appearance of

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1. See below, pp. 166-9.
 2. e.g. RC 8/10, pp. 59-62.
 3. Alan Harding, 'Plaints and bills in the history of English law, mainly in the period 1250-1330' in Legal History Studies, 1972: papers presented to the Legal History Conference, Aberystwyth, 18-21 July 1972, ed. Dafydd Jenkins (Cardiff, 1975), pp. 65-86; G.J. Hand, 'Procedure without writ in the court of the justiciar of Ireland', R.I.A. Proc., lxii (1961-3), C, pp. 9-20.
 4. S.F.C. Milsom, Historical foundations of the common law, (London, 1969), pp. 23-4.
 5. cf. Howard, Treatise on the pleas side of the exchequer in Ireland, pp. 2, 13-14.

a defendant was that of venire facias. This ordered the attachment of the defendant by gage and pledges, and could if necessary be re-issued many times.⁶ In cases initiated by original writ in other courts, the original writ was generally a writ of summons, and a writ of pone ordering attachment by gage and pledges could only be issued if the writ of summons failed to secure the appearance of the defendant.⁷ This must have been one of the reasons why plaintiffs wished to have cases heard in the exchequer rather than in other courts. On the other hand it seems that for a period in the early fourteenth century the exchequer restricted the use of the more severe process of distraint to cases directly affecting the king's interests or those of royal officials.⁸

In especially important or urgent actions in which the king was a plaintiff the writ normally used was that of attachies or habeas corpus. This ordered the attachment of the defendant by the body, and was a form of arrest. It rarely failed to secure the appearance of the defendant.⁹

In actions brought in the English exchequer against persons residing in London or Middlesex, unsealed bills or precepts were sometimes used in place of sealed writs.¹⁰ Presumably the bills were handed directly to the sheriffs or their subordinates, and it was therefore not necessary to seal them to prove their validity. It seems likely that unsealed bills could be used in actions brought in the Irish exchequer against persons living in county Dublin. There is a reference to a bill which was probably a bill of this kind in the record of a case heard in 1313.¹¹

When the defendant appeared in the exchequer, the action could be resolved in one of two main ways. These could be a formal hearing of the case in which the plaintiff and defendant made oral pleas. This was followed by a trial of the matter at issue, usually by a jury, and the giving of judgment by the court. This was the only means by which actions of trespass were resolved, but very few actions of debt were

6. See below, pp. 217-20.

7. Donald W. Sutherland, 'Mesne process upon personal actions in the early common law', Law Quarterly Review, lxxxiii (1966), pp. 482-96.

8. See below, pp. 222-3.

9. See below, pp. 223-6.

10. Select cases in exchequer, pp. cxxx-cxxxii.

11. RC 8/7, p. 471.

resolved in this manner.¹²

The normal means by which an action of debt was resolved was the making of a recognisance or mainprise. A recognisance was a formal acknowledgement made by the debtor in which he declared himself bound to pay the debt to the creditor at a stated time. Recognisances were generally made in actions in which the creditor was an individual plaintiff. In actions brought by the king and individuals as joint plaintiffs, the debtor usually mainprised to acquit the individual plaintiff of a debt owed to the king.¹³

Of course many actions were never resolved in court. It is impossible to say what proportion were never resolved at all. Some must have been settled out of court. In actions of debt the issue of an exchequer writ demanding the appearance of the debtor in court must sometimes have persuaded him to pay the debt immediately.

Final process in the exchequer was concerned almost entirely with the levying of sums of money or specified goods. If an action of trespass was resolved in favour of the king as plaintiff, the defendant normally made fine. If it was resolved in favour of an individual plaintiff, he might be awarded damages.¹⁴ And obviously if an action of debt was resolved in the plaintiff's favour, the debt was then due for payment.

If the money or goods were owed to the king, the debt was presumably recorded in the estreats and levied by summons.¹⁵ Orders for the collection of debts owed to individuals were generally made in the form of writs of levare facias.¹⁶ If more than a year had elapsed since the date on which a debt became payable under the terms of a recognisance, a writ of scire facias was issued first, ordering that the debtor be warned to appear in the exchequer to show why the debt should not be levied from his goods.¹⁷

The fact that so many actions were recorded only in entries of final

12. See below, pp. 192-209.

13. See below, pp. 162-6, 180-3.

14. See below, p. 206.

15. See below, pp. 242-7.

16. See below, pp. 230-3.

17. See below, pp. 227-8.

process in the rolls for 1309/10 merits some attention. No doubt in some cases recognisances had been made or judgment given in previous years, but it seems unlikely that this was so in all or even most cases. Many of the actions in question were brought by Italian merchants. The latter seem to have made little effort to induce their debtors to make recognisances in their favour in the exchequer, but they may have made greater use of the procedure for the making of recognisances before the mayors and other local officials under the Statute of Merchants.¹⁸ It is tempting to speculate that the exchequer may have been prepared to order the levying of debts recognised locally under the Statute, on production of the bill obligatory issued to the creditor in accordance with the Statute.¹⁹

18. See below, p. 163.

19. Stat. Ire. John-Hen. V, p. 102.

The records of the Irish chancery are one of the most important sources for the history of medieval Ireland. The records recorded in the rolls fall into three main groups.

- (i) copies of writs issued from the King, the English chancery or the Irish chancery conveying orders or information to the justices

PART II

- (ii) abstracts of writs issued by the chancery giving orders to sheriffs and other officials for recording grants of lands and offices

The memoranda and plea rolls

- (iii) memoranda of a variety of proceedings in the upper chancery, including writs of various kinds and statements of account, recognisances of debts, appointments of attorneys, assignments for the payment of debts and the appearance of persons in the chancery, days given for appearance, and pleas made and verdicts and judgments given in legal actions.

Like most chancery records, the memoranda rolls were normally annual rolls covering the year beginning on 29 December (the eve of Michaelmas). Two original rolls survived the destruction of the Public Record Office of Ireland in 1922. They are the rolls for 2 Edward II (29 September 1307 to 29 September 1310, abbreviated as 1309/10) and the roll for 13-14 Edward II (1319/20). In addition numerous calendars and extracts are available for about 150 rolls covering the period 1124-1509.¹

1. James F. Lyden, 'Survey of the memoranda rolls of the Irish chancery, 1174-1509', *Irish Historical Studies*, 23 (1964), pp. 49-126. The current system of short references to the records in P.R.O.I. had not been devised when this article was written. The original memoranda rolls are now in the record class X 1. The calendars prepared in P.R.O.I. are referred to by Lyden as 'calendars', now form the record class X 2. The calendars prepared for the record class X 3. See also *Irish Historical Studies*, 23 (1964), pp. 127-30. The Public Record Office of Ireland ceased to exist in 1922 and its records were transferred to the Public Record Office of Northern Ireland. There are no more of this kind of the roll for 1309/10.

THE ROLLS IN GENERAL

The memoranda rolls of the Irish exchequer are one of the most important sources for the history of medieval Ireland. The entries recorded on the rolls fall into three main groups:

- (i) copies of writs received from the king, his English ministers or the Irish chancery conveying orders or information to the exchequer
- (ii) abstracts of writs issued by the exchequer giving orders to sheriffs and other officials and recording grants of lands and offices
- (iii) memoranda of a wide variety of proceedings in the upper exchequer, including proffers of revenue, views and statements of account, recognisances of debts, appointments of attorneys, mainprises for the payment of debts and the appearance of persons in the exchequer, days given for appearance, and pleas made and verdicts and judgments given in legal actions.

Like most exchequer records, the memoranda rolls were normally annual rolls covering the year beginning on 30 September (the morrow of Michaelmas). Two original rolls survived the destruction of the Public Record Office of Ireland in 1922. They are the rolls for 3 Edward II (30 September 1309 to 29 September 1310, abbreviated as 1309/10) and the roll for 13-14 Edward II (1319/20). In addition manuscript calendars and extracts are available for about 150 rolls covering the period 1294-1509.¹

1. James F. Lydon, 'Survey of the memoranda rolls of the Irish exchequer, 1294-1509', Analecta Hibernica, 23 (1966), pp. 49-134. The current system of short references to the records in P.R.O.I. had not been devised when this article was written. The original memoranda rolls now form the record class EX 1. The calendars prepared in P.R.O.I., referred to by Lydon as 'Calendar', now form the record class EX 2. The calendars prepared for the record commission, referred to by Lydon as 'Rec. Comm.', now form the record class RC 8. See also Philomena Connolly, 'The Irish memoranda rolls: some unexplored aspects', Irish economic and social history, iii (1976), pp. 66-74. The latter article is concerned mainly with the lists of goods and chattels which occurred occasionally on the rolls. There are no lists of this kind on the roll for 1309/10.

For a number of reasons the plea rolls of the exchequer are much less important to the historian. No original rolls survive, and there are calendars of only two rolls, those for 1309/10 and 1324/5. In any case they were much smaller than the memoranda rolls and contained a much narrower range of entries. However they were an offshoot from the memoranda rolls and the types of entry recorded in them were also found on the memoranda rolls.² Consequently both series of rolls must be examined, if a full understanding of either is to be achieved.

The number of memoranda rolls kept per year

The memoranda rolls were kept by the remembrancers. Until 1295 there was only one remembrancer. It follows that only one memoranda roll can have been kept per year. But from 1295³ there were always two remembrancers. This gives rise to the question: did the second remembrancer keep a duplicate memoranda roll? In the English exchequer the two remembrancers kept separate memoranda rolls, which in the fourteenth century were still largely duplicates of each other.⁴ It might be expected that the same would have been true of the Irish exchequer after 1295.

The most obvious reason for thinking that this was not the case is that in the early nineteenth century there was only one series of memoranda rolls, held by the chief remembrancer.⁵ However in the case of the pipe rolls it is certain that two rolls were kept per year in the middle ages, although only one was kept in later centuries.⁶ This could also have been true of the memoranda rolls. Moreover the communia rolls of the modern period, held by the lord treasurer's remembrancer, were

2. See below, pp. 120-1, 192-241.

3. Cal. doc. Ire., 1293-1301, nos. 273, 346.

4. Cal. mem. rolls, 1326/7, pp. vii-viii.

5. Rec. comm. Ire. rep. 1-5, p. 157; Wood, Guide to records in P.R.O.I., p. 121.

6. Rec. comm. Ire. rep. 1-5, pp. 135-9; Rec. comm. Ire. rep. 6-10, pp. 125-36; Wood, Guide to records in P.R.O.I., p. 123; 'Catalogue of accounts on the great rolls of the pipe of the Irish exchequer, 13 Henry III - 22 Edward III', P.R.I. rep. D.K. 35-54.

clearly closely related to the memoranda rolls.⁷ They were not in any sense duplicates of the memoranda rolls, but it must be remembered that the two series of English memoranda rolls had by this time ceased to be duplicates of each other.⁸ It is therefore possible that the communia rolls were successors to an earlier second series of memoranda rolls.

Another reason for thinking that the Irish exchequer never kept more than one annual memoranda roll is that there were no duplicates among those memoranda rolls for the period 1294-1509 which survived in the nineteenth century. The lists of memoranda rolls⁹ might lead one to think that there were some duplicate rolls, but when calendars of the latter are examined it becomes clear that they belonged to the following categories:

- (i) rolls of other courts¹⁰
- (ii) exchequer plea rolls¹¹
- (iii) rolls of attermined debts¹²

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7. Rec. comm. Ire. rep. 1-5, p. 132; Wood, Guide to records in P.R.O.I., p. 117.
 8. Guide to the contents of the Public Record Office, i (London, 1963), pp. 60-2, 75.
 9. Rec. comm. Ire. rep. 6-10, pp. 522-58; P.R.O.I., Detailed index of revenue and equity exchequer records in the office before 1922, pp. 434-9, 447-53; Lydon, 'Memoranda rolls', pp. 75-134. In these lists the rolls are referred to by regnal year. I have referred to them by calendar year, both because this is easier to understand and because the lists are inconsistent in their use of regnal years. For example the roll for 1309/10 covers about nine months of the regnal year 3 Edward II and about three months of the regnal year 4 Edward II, while the roll for 1319/20 covers about nine months of the regnal year 13 Edward II and about three months of the regnal year 14 Edward II. Yet the lists refer to the roll for 1309/10 simply as the roll for 3 Edward II, but refer to the roll for 1319/20 as the roll for 13-14 Edward II. Such inconsistencies are probably the work of the clerks who labelled the rolls for the record commission (Rec. comm. Ire. rep. 1-5, p.15).
 10. The list in Rec. comm. Ire. rep. 6-10, pp. 522-58, includes plea rolls of the justiciar's court and the Dublin bench the first membranes of which bore headings beginning Placita coram, Rotul' de attorn, Esson' capt', etc., and close and patent rolls of chancery the first membranes of which bore headings beginning Rot' claus', Rot' pat', etc. In the period 1307-69 the headings of the first membranes of the memoranda rolls normally began Proffra facta.
 11. See below, pp. 120-1.
 12. e.g. the roll listed as memoranda roll no. 44 in Rec. comm. Ire. rep. 6-10, p. 525 (calendared in RC 8/15, pp. 209-373).

(iv) supplementary memoranda rolls containing entries not contained in the main series¹³

(v) rolls of abstracts of selected entries in the memoranda rolls made after the latter had been completed.¹⁴

Nevertheless it is possible that there had once been a second series of memoranda rolls none of which survived in the nineteenth century.

A different way of approaching the problem is to search the surviving rolls and calendars for references to a second series of rolls. References from one series to the other are quite common in the English rolls.¹⁵ The only phrases in the Irish rolls which might be thought to be references to a second series are worded as follows: "void because in the king's roll" (vacat quia in rotulo regis). These seem rather like references from lord treasurer's remembrancer's rolls to king's remembrancer's rolls. However I know of no evidence that the titles king's remembrancer and lord treasurer's remembrancer were used in Ireland before the seventeenth century.¹⁶ And when references of this type in the roll for 1309/10 are followed up, they prove to be cross references within the roll from a membrane or rotulet headed "Common writs issuing" to a membrane headed "Writs issuing for the king".¹⁷

Another approach to the question is to compare the handwriting in the two original rolls. Two hands can be identified in the roll for 1309/10.¹⁸ There are three in the roll for 1319/20, but one occurs only on special membranes relating to the collection of debts owed to the merchants of Lucca, and can be ignored for the present purpose.¹⁹ One hand appears in both rolls. Nicholas Hemswell was chief remembrancer in both 1309/10

13. See below, p. 115.

14. See below, pp. 131-3.

15. e.g. Cal. mem. rolls, 1326/7, pp. viii and 352, n.2.

16. The earliest references to a treasurer's remembrancer of which I am aware dates from 1617 (Calendar of state papers relating to Ireland, 1615-25, p. 151).

17. 522-3, 539 and cross references.

18. EX 1/1.

19. EX 1/2.

and 1319/20, while the second remembrancers were different.²⁰ It is therefore probable that the hand common to both rolls is that of Hemswell, and that the other hands are those of the second remembrancers. If this is correct, it is most unlikely that the second remembrancer kept a second roll.

The weakness in this argument is that one cannot be sure that the remembrancers enrolled all the entries themselves. We do not know whether the remembrancers had clerks in the early fourteenth century, but they did have clerks in the 1340s.²¹ There is therefore a slight possibility that the second hands in the two original rolls are those of the chief remembrancer's clerks and that the second remembrancers and their clerks kept separate rolls. However the wording of entries of writs issuing in the rolls for 1309/10 and 1310/11 provides further evidence that the second hand in the roll for 1309/10 is that of the second remembrancer. Entries in the roll for 1309/10 written in the hand also found in the roll for 1319/20 begin Mand', which is an abbreviation of Mandatur. Entries written in the hand found only in the roll for 1309/10 begin Mand' est, which is an abbreviation of Mandatum est.²² Both forms of wording also occur in the calendar of the roll for 1310/11 in Michaelmas and Hilary terms, but the Mand' est form disappears early in Easter term.²³ Thomas Reynold was replaced as second remembrancer by William Holborn early in Easter term,²⁴ so it seems likely that the hand found only in the roll for 1309/10 was his.

It is therefore virtually certain that only one series of memoranda rolls was kept in the Irish exchequer, and that the second remembrancer acted as the chief remembrancer's assistant rather than as his controller.

20. 2252-3.

21. e.g. RC 8/21, p. 210.

22. See below, pp. 252-3

23. The last occurrence of the Mand' est form under the heading 'Writs issuing for the king' is at RC 8/5, p. 615; the last occurrence under the heading 'Common writs issuing' is at p. 642.

24. 2453, n. 13.

The earliest memoranda roll referred to in the surviving sources is that for 1236/7. A charter is said to have been enrolled in it among the memoranda relating to Connacht.¹ There is a similar reference in a transcript of a pipe roll to a writ enrolled in the memoranda roll for 1253/4 among the memoranda of Leinster.² These references prove that in the reign of Henry III at least some of the entries in the memoranda rolls were enrolled in sections devoted to particular counties or liberties. This was not the case in any of the rolls for which calendars are available. On the other hand a number of references in fourteenth century memoranda rolls prove that writs from England were regularly enrolled in memoranda rolls of the second half of the thirteenth century.³ This was also a feature of later memoranda rolls. And the report on the state of the exchequer in c.1284 describes the remembrancer as enrolling pleas and orders of the exchequer.⁴ Nearly one half of the membranes in the roll for 1309/10 were occupied by entries of pleas and of writs and summonses issued by the exchequer conveying orders to local officials.⁵

The first roll for which there is direct evidence is that for 1294/5. The next annual roll which survived until 1922 is that for 1304/5. All the rolls for the periods 1307-14 and 1321-6 are available in one form or another. But only three of the seven rolls for the years 1314-21 survived until modern times, and only three of the 12 rolls for the period 1326-38 survived. From 1338 until 1369 the pattern of survival was much better;

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1. Edmund Curtis, 'Feudal charters of the De Burgo lordship of Connacht, 1237-1325 (B.M. ADD. MSS. 6041)', Feil-sgríbhinn Eoin Mhic Néill (Dublin, 1940), p. 286.
 2. R.I.A. MS 12.D.9., p. 133.
 3. e.g. EX 1/2, m. 4 (transcript printed in Hist. and Mun. docs. Ire., pp. 435-40); RC 8/16, p.434.
 4. Cal. doc. Ire., 1285-92, p. 2.
 5. See below, p.128 , Table XXII.

out of a total of 31 rolls only six had been lost before 1922.⁶

Most of these rolls are now available only in the form of manuscript calendars and extracts. There are good calendars in English of some of the rolls for the period 1294-1310 prepared in the record office. After 1310 we must rely mainly on the calendars in Latin prepared for the record commission. These vary greatly in quality, but in general the standard of accuracy is very low. As a rule many of the entries were omitted completely and the remainder were severely abbreviated. Consequently the calendars must be supplemented by extracts of individual entries wherever possible.⁷

There is an English calendar of about two-thirds of the roll for 1294/5.⁸ For the remainder of the roll we are dependent upon a much less satisfactory Latin calendar among the record commission's calendars of plea rolls.⁹ By coincidence it was the last of the rolls for the period when there was only one remembrancer. It is therefore not

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6. See the calendars and extracts listed in Lydon, 'Memoranda rolls', pp. 75-98. Only annual memoranda rolls have been included. The rolls for Easter Term 1315 (8 Edward II) and 1343/4 (17 Edward III), which are described by Lydon as supplementary rolls (*ibid.* pp. 81, 89), were in fact parts of annual rolls and have been included. But a single membrane which probably belonged to the roll for 1326/7 (1 Edward III) has not been included. It was not included in the record commission's list of memoranda rolls, although a patent roll, two rolls of the Dublin bench and a roll of attermined debts covering the year 1 Edward III were included (Rec. comm. Ire. rep. 6-10, pp. 524-5). However it was included in the record office's list of memoranda rolls (P.R.O.I., Detailed index of revenue and equity exchequer records, p.434). A pencil note on page 525 of the copy of the record commission's list in the reading room of the record office describes it as follows: '2 Q.3. 13a is one skin of enrolments of patents and writs to Exch.East.1 Ed. III. not mentioned here'. None of the extracts listed by Lydon under the heading 1 Edward III were taken from this membrane (*op.cit.*, p.86). Most of them are contained in P.R.O.I., Ferguson Collection, i. Those on folios 235-6, 277-8lv., 284-5 and 287 were in fact taken from the memoranda roll for 1329/30 (calendared in RC 8/15, pp. 377-664). Those on folios 237-48v. were taken from one of the bench rolls already mentioned.
 7. Lydon, 'Memoranda rolls', pp. 67-74.
 8. EX 2/1, pp. 1-38.
 9. RC 7/3, pp. 247-60. This is not mentioned in Lydon, 'Memoranda rolls', p. 77.

surprising that by later standards it was a very small roll. It contained either 12 or 13 membranes.¹⁰ Like all memoranda rolls prior to 1369, its membranes were gathered together by term. Within each term the main sections consisted of pleas, memoranda affecting the king, common memoranda and debts recognised, and summonses issued. A number of writs from England were transcribed, but they were not given a section of their own.

The roll for 1304/5 was substantially larger. It contained 26 membranes.¹¹ It was not calendared and we have only a few brief extracts from it.¹² The sections seem to have been largely the same as in 1294/5. The main addition was of writs issuing for the king. There were no memoranda affecting the king because these were enrolled on a separate supplementary roll covering the period 1303-7. The latter is available in an English calendar and also two Latin calendars.¹³ It is possible that one remembrancer kept the main roll and that the other kept the supplementary roll. Taking the two rolls together, the total number of membranes for 1304/5 was 33.¹⁴

The memoranda rolls continued to grow over the next few years. The roll for 1307/8 had 37 membranes.¹⁵ There are calendars in English and Latin.¹⁶ Like previous rolls, it included sections devoted to pleas, common memoranda and debts recognised, memoranda affecting the king, writs issued for the king and summonses issued. But writs from England were now recorded on separate membranes, and proffers and common writs were enrolled for the first time.

Only extracts are available from the roll for 1308/9.¹⁷ It had 41

10. 12 in RC 7/3, but 13 according to Rec. comm. Ire. rep. 6-10, p. 81, where it was listed as plea roll no. 20.

11. Ibid., p. 84, where it was listed as plea roll no. 70.

12. P.R.O.I., M 2551, ff. 6r.-10v.

13. EX 2/1, pp. 51-259; RC 8/1, pp. 265-96; RC 8/2, pp. 301-507.

14. Membranes 12-18 of the supplementary roll related to 1304/5 (EX 2/1, pp. 108-41).

15. Rec. comm. Ire. rep. 6-10, p. 523.

16. EX 2/2, pp. 221-374; RC 8/4, pp. 1-416.

17. P.R.O.I., M 2551, ff. 115r.-130v.

membranes.¹⁸ Its sections were broadly similar to those in the roll for 1307/8. However there were two important changes, one of which related to the treatment of pleas. In Michaelmas and Hilary Terms the plea membranes were simply headed "Roll of pleas", but in Easter Term they were headed "Pleas touching the king". This change resulted from the decision to keep separate rolls of common pleas.¹⁹ The other change seems to have been made at the same time. The distinction between memoranda affecting the king and common memoranda was abandoned, and all entries of these kinds were placed under the headings "Debts recognised and other memoranda."

The format established in 1309 was maintained unchanged over the following five years. Each roll contained the same 6 or 7 sections, which were generally in the following order:

- (i) Proffers (Michaelmas and Easter Terms only)
- (ii) Writs from England and the Irish chancery
- (iii) Debts recognised and other memoranda
- (iv) Pleas touching the king
- (v) Writs issuing for the king
- (vi) Common writs issuing
- (vii) Divers summonses issuing.

The rolls were larger than before. The surviving roll for 1309/10 has 58 membranes.²⁰ The rolls for the years 1310-14 varied in size between 55 and 79.²¹

When the surviving rolls for 1309/10 and 1319/20²² are compared, the one immediately obvious difference is that there are no membranes headed "Pleas touching the king" in the later roll. The explanation is that at

18. It was not listed by the record commission, but membrane 41 is described as membrana ultima in *ibid.*, f. 130v.

19. See below, p. 120.

20. See below, pp. 126.

21. Rec. comm. Ire. rep. 6-10; p. 523. There are calendars in RC 8/5, pp. 151-811; RC 8/6, pp. 1-329; RC 8/7, pp. 1-540; and RC 8/9, pp. 1-668.

22. EX 1/1-2.

or soon after Michaelmas 1314 it was decided to include entries of pleas touching the king among the "Debts recognised and other memoranda". By 1319 pleas in actions of trespass in which juries were summoned had largely disappeared from the memoranda rolls.²³ Another difference between the rolls for 1309/10 and 1319/20 is that in the latter writs of allocate were enrolled among the "Writs from England and the Irish chancery". This change in practice occurred in the course of 1315.²⁴ The roll for 1319/20 also contains a number of membranes devoted specifically to writs seeking the payment at the exchequer of debts owed to the merchants of Lucca in exoneration of the merchants' debts to the king. Nevertheless the two rolls are as a whole very similar in form and content.

The rolls of the 1320's were rather smaller than those of the previous decade. The largest was the roll for 1322/3 with 46 membranes, while the smallest was that for 1321/2 with 37.²⁵ The reduction in size was due partly to the fact that much less space was devoted to pleas, verdicts and judgments. Also it seems that fewer writs issued by the exchequer were enrolled. The rolls of the 1320s contained an average of 8 or 9 membranes of writs and summonses issuing, whereas the roll for 1309/10 contains about 15 such membranes.²⁶ Common writs ceased to be enrolled in the memoranda roll on a regular basis at some time in 1330 or 1331.²⁷ Unfortunately the lack of any evidence concerning the content of the exchequer plea rolls after 1325 means that it is impossible to tell whether more common writs were now recorded on the plea rolls.

Views of account first emerge as a major type of entry in Michaelmas term 1324.²⁸ This innovation may have been made by Thomas Smothe, who had been promoted from the post of second remembrancer to that of chief remembrancer sometime in 1323 or 1324.²⁹ In subsequent rolls views of

23. See below, pp. 207-8.

24. See below, p. 148.

25. Rec. comm. Ire. rep. 6-10, pp. 524-5. There are calendars in RC 8/12, pp. 541-805; RC 8/13, pp. 1-586; RC 8/14, pp. 1-384, 597-881; RC 8/15, pp. 377-664.

26. See below, p. 128.

27. They were enrolled in the roll for 1329/30 (RC 8/15, pp. 463-7) but not in the roll for 1331/2 (RC 8/16, pp. 1-478).

28. RC 8/14, pp. 43-6, 60-1, 70-1, 85-6, 88.

29. RC 8/12, p. 645; RC 8/13, pp. 25, 66, 520; RC 8/14, pp. 89, 344.

account were normally entered on separate membranes within the "Debts recognised and other memoranda".³⁰ A few views of account are found on earlier rolls³¹ but they were not enrolled systematically before 1324.³²

It is difficult to generalise about the rolls of the 1330s because so many of them had been lost before 1922. However it seems that they were somewhat larger than those of the 1320s. Thus the roll of 1331/2 had 57 membranes while that for 1338/9 had 48. The roll for 1339/40 contained 60 membranes. In the following nine years the rolls varied in size between 49 membranes in 1342/3 and 1345/6 and 55 in 1347/8.³³ The main change in the form of the rolls during this period was that entries of adjournments or days given became much more common, and were enrolled on separate membranes within the "Debts recognised and other memoranda" after 1334.³⁴ Appointments of attorneys were sometimes also recorded on separate membranes.³⁵

A number of related changes took place in 1349. The number of membranes in the rolls fell to 27 in 1349/50 and 24 in 1350/1. It rose to 44 in 1351/2 but fell again to an average of about 30 throughout the following ten years.³⁶ Writs issuing for the king were no longer enrolled on a regular basis. The heading "Writs from England and the Irish chancery" disappeared, although some writs from England were recorded under the heading "Debts recognised and other memoranda". And for a few years the remembrancers failed to put the membranes in a consistent order when

30. e.g. RC 8/14, pp. 629-38.

31. cf. below, p. 185.

32. See above, pp. 82-4.

33. Rec. comm. Ire. rep. 6-10, pp. 525-6. There are calendars in RC 8/16, pp. 1-478; RC 8/18, pp. 267-669; RC 8/21, pp. 1-576; RC 8/22, pp. 173-671; RC 8/23, pp. 1-705; RC 8/24, 1-809.

34. e.g. RC 8/18, pp. 358-76, 445-60, 570-6, 662-8.

35. e.g. RC 8/16, pp. 382-5.

36. Rec. comm. Ire. rep. 6-10, p. 526-7. There are calendars in RC 8/25, pp. 1-684; RC 8/26, pp. 1-713; RC 8/27, pp. 1-630; RC 8/28, pp. 1-170.

making up the rolls. The decline in the quality of the rolls is almost certainly a consequence of the replacement of William Burton by Robert Holywood as chief remembrancer.³⁷

After 1354 greater care seems to have been taken to ensure that the membranes were assembled in a consistent order. From then until 1369 there were four main sections which were generally placed in the following order:

- (i) Proffers (Michaelmas and Easter terms only)
- (ii) Adjournments
- (iii) Debts recognised and other memoranda
- (iv) Divers summonses issuing.

The number of membranes in the rolls did not increase until 1362/3 when it rose to 39. In 1365/6 it reached a peak of 57, but then fell again to 40 in 1366/7 and 27 in 1368/9.³⁸

In July 1369 William of Windsor appointed Simon Charlton (de Charwelton) to the office of chief remembrancer and ordered him to follow English exchequer practice in carrying out his duties.³⁹ The results can be seen in the next memoranda roll of which we have a calendar, that for 1373/4.⁴⁰ It was longer than any previous roll, containing 89 membranes.⁴¹ Membranes with the same headings were brought together for the whole year, instead of being grouped within terms as had previously been done. Many types of entry were recorded for the first time, others were reintroduced, and there were changes in the wording used in many of the remainder. It would be necessary to examine the roll in great detail before the later development of the memoranda rolls could be discussed with any degree of confidence. It is therefore appropriate to end this survey of the evolution of the memoranda rolls in 1369.

37. E 101/241/16, 19; E 101/242/2; RC 8/25, pp. 31, 468.

38. Rec. comm. Ire. rep. 6-10, pp. 527-8. There are calendars in RC 8/28, pp. 171-694; RC 8/29, pp. 1-501; RC 8/30, pp. 1-114.

39. RC 8/30, pp. 98-100.

40. RC 8/30, pp. 115-573.

41. Rec. comm. Ire. rep. 6-10, p. 528.

It is a remarkable piece of good fortune that the memoranda roll for 1309/10 should have been one of the two original rolls to survive to the present day. It was the first complete roll of a new format which proved to be exceptionally long-lasting. The format in use in the 1350s and 1360s was in essence merely a simplified version of the one established in 1309. Consequently much of what I shall have to say about the roll for 1309/10 also applies to the rolls of the following 60 years.

The plea rolls

The list of the memoranda rolls which were in the Public Record Office of Ireland in 1922 indicates that there was a second memoranda roll for the year 1309/10.¹ One historian has described the surviving roll as a king's remembrancer's roll and the second roll as a lord treasurer's remembrancer's roll.² However it has already been pointed out that the titles king's remembrancer and lord treasurer's remembrancer were not used in Ireland at this date. In fact it is clear that the second roll was not a memoranda roll. It contained only 14 membranes, which were grouped by term in the following two sections:

- (i) Common writs
- (ii) Common pleas.³

It therefore seems reasonable to describe it as a roll of common pleas or plea roll.

Proof that it was a roll of common pleas is provided by the issue rolls of the exchequer and by the treasurer's account based on those rolls. Early in 1309 the Irish council decided that a new exchequer office should be created. In the issue roll for 1308/9 the new officer is referred to simply as the clerk of the chancellor of the exchequer. In subsequent rolls and in the treasurer's account he is described as

1. Lydon, 'Memoranda rolls', pp.75, 79.
2. Hand, Eng. law in Ire., p. 102.
3. See below, pp. 129-31.

enrolling common pleas and writs.⁴ In due course he became known as the clerk of the common pleas of the exchequer.⁵ The first clerk identified by name in the surviving sources is Robert Cotgrave. He may have been appointed in 1309.⁶

The plea roll of 1309/10 was the first full annual roll in the series (there was probably a roll for Easter and Trinity terms 1309 as common pleas ceased to be recorded in the memoranda rolls after Easter 1309).⁷ It was one of only two plea rolls of the medieval exchequer which survived until modern times. The other was the roll for 1324/5. At some stage the latter was attached to a plea roll of the Dublin bench of Easter term 1325. It was calendared for the record commission.⁸ When it was calendared it contained only seven membranes, but it may not have been complete as the membranes were disordered and there were no entries of writs issued in Hilary and Easter terms. It was similar in content to the roll for 1309/10, although unlike the latter it did not contain any pleas in actions in which the king and individuals were joint plaintiffs.⁹

A comparison of the English and Irish memoranda and plea rolls

Both the memoranda and the plea rolls of the Irish exchequer differed from their English counter-parts in a number of respects. In the case of the memoranda rolls the most obvious difference is that it appears that the Irish exchequer kept only one annual roll. The English exchequer kept two which were to a considerable extent duplicates of each other.¹ Another obvious difference is that the Irish rolls were much smaller.

4. Lydon, 'Enrolled account of Alexander Bicknor', p. 20.

5. e.g. RC 8/16, p. 407.

6. 2454.

7. See above, p. 116.

8. RC 8/14, pp. 387-437. The regnal year is not given in the calendar, but fortunately it was recorded in Rec. comm. Ire. rep. 6-10, p. 524.

9. See below, p. 209.

1. See above, p. 109.

Thus the Irish roll for 1309/10 contains 58 membranes,² while the English rolls contain 110 and 119.³ The discrepancy in size was greater both earlier and later. For example there were either 12 or 13 membranes in the Irish roll for 1294/5,⁴ as compared with 90 and 113 in the English rolls.⁵ And the Irish roll for 1325/6 had 44 membranes,⁶ whereas the English rolls for 1326/7 have 268 and 161.⁷

The memoranda rolls also differed substantially in form and content. The most obvious difference in this regard is that until 1369 the membranes of the Irish rolls were gathered together by section within each term, while those of the English rolls were generally assembled by section for the year as a whole.⁸ However the differences between the sections found in the English rolls and those found in the Irish rolls are much more significant. This becomes clear when the section headings used in the Irish rolls in the period 1309-14⁹ are contrasted with the following summary of the headings used in the English rolls for 1309/10:

- (i) Sheriffs' advents
- (ii) Days given to sheriffs to account
- (iii) Commissions and letters patent
- (iv) Common matters - writs addressed to the barons
- (v) Common matters - records
- (vi) Common matters - fines, mainprises, renders, affidavits and viewers
- (vii) Common matters - presentations, attorneys, days given and respites

2. See below, p.126.

3. E 159/83; E 368/80.

4. See above, p. 115.

5. J. Conway Davies, 'The memoranda rolls of the exchequer to 1307' in Studies presented to Sir Hilary Jenkinson, ed. J. Conway Davies (London, 1957), p. 154.

6. Rec. comm. Ire. rep. 6-10, p. 524.

7. Cal. mem. rolls, 1326/7, pp. vii-viii.

8. The only exception to this was that until the reign of Edward III the lord treasurer's remembrancer grouped the membranes of sections falling under the general heading 'Common matters' by term (J.F. Willard, 'The memoranda rolls and the remembrancers, 1282-1350', in Essays in medieval history presented to T.F. Tout, ed. A.G. Little and F.M. Powicke (Manchester, 1925), p. 219).

9. See above, p.116.

- (viii) Recognisances
- (ix) Non-returnable writs
- (x) Returnable writs
- (xi) States and views of accounts
- (xii) Orders made on accounts.¹⁰

To some extent the difference between the section headings is due to the fact that the classification of entries in the English rolls is much more elaborate.¹¹ Nearly all the types of entry made under the five headings "Commissions and letters patent", "Records", "Fines, mainprises, renders, affidavits and viewers", "Presentations, attorneys, days given and respites" and "Recognisances" in the English rolls were placed under the single heading "Debts recognised and other memoranda" in the Irish rolls,¹² although some of the entries enrolled as "Records" in the English rolls would have been entered as "Pleas touching the king" in the Irish rolls. Other headings on the English rolls were in fact direct equivalents of headings on the Irish rolls. Proffers at the English exchequer were recorded as "Sheriffs' advents" and the "Writs addressed to the barons" consisted mainly of writs from chancery.

The difference in the manner in which the two exchequers recorded writs issued was more fundamental. The English exchequer divided them into two groups on the basis of whether or not they required replies, while the Irish exchequer divided them into two quite different groups on the basis of whether or not they affected the king's interests. Moreover it appears that virtually all writs issued by the Irish exchequer in the period 1309-20 were recorded on either the memoranda or plea rolls. This was never the case in the English exchequer.¹³ Even more important is the fact that both series of rolls contained entries which did not appear

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- 10. The headings are given in the order they appear in the lord treasurer's remembrancer's roll (E 368/80). The same headings were used in the king's remembrancer's roll, but they appear in a slightly different order (E 159/83).
 - 11. The types of entries made under the various headings in the English rolls are described in Cal. mem. rolls, 1326/7, pp. x-xxv.
 - 12. See below, pp. 160-91.
 - 13. See below, p. 214.

on their counter-parts. Prior to 1324 there were very few entries on the Irish rolls of the kinds made under the headings "State and views of account" and "Orders made on accounts" on the English rolls.¹⁴ And proffers, which were recorded on the earliest surviving English roll, were not enrolled on the Irish rolls until 1307.¹⁵ On the other hand summonses issued were recorded only on the Irish roll.

The differences in the content of the memoranda rolls suggests that to some extent they differed in their basic purpose. The earliest English rolls were dominated by entries relating to the process of accounting, and this remained a major concern of the English rolls in the fourteenth century.¹⁶ The Irish rolls of the early fourteenth century were dominated by entries relating to legal proceedings and contained remarkably few entries concerning accounts. Unfortunately, in the absence of calendars of any Irish rolls earlier than 1294, it is impossible to say whether the Irish rolls were originally modelled on the English rolls and diverged from them in the course of the thirteenth century, or differed from them from the very beginning.

The differences between the English and Irish plea rolls were at least as great as those between the memoranda rolls. Plea rolls were kept in the English exchequer more than 70 years earlier than in the Irish exchequer.¹⁷ The English rolls were very much larger than the Irish rolls. Thus there are 73 membranes in the English roll for 1306/7,¹⁸ as compared with 14 in the Irish roll for 1309/10.¹⁹ The form and content of the latter roll can conveniently be compared with that of the

14. See above, pp. 82-4

15. See below, p. 134

16. The memoranda roll for the Michaelmas term of the first year of the reign of King John (1199-1200), with an introduction by H.G. Richardson, Pipe Roll Society, New Series, 21 (1943); The memoranda roll for the tenth year of the reign of King John (1207-8), ed. R. Allen Brown, Pipe Roll Society, New Series, 31 (1955); The memoranda roll of the king's remembrancer for Michaelmas 1230-Trinity 1231, ed. Chalfant Robinson, Pipe Roll Society, New Series, 11 (1933); Cal. mem. rolls, 1326/7.

17. Select cases in exchequer, pp. xxi, xxxix-xl.

18. Ibid., p. xxv.

19. See below, p. 130.

English roll for 1299/1300, which contained the following sections brought together by term:

- (i) Attorneys
- (ii) Pleas
- (iii) Days given at the request of the parties.²⁰

Appointments of attorneys formed an important group of entries on the English roll, but they were not recorded on the Irish roll (instead they continued to be entered on the memoranda roll). The few entries of days given on the Irish roll were not given membranes of their own, and were split between membranes devoted primarily to writs or pleas. And although the entries of pleas were the most important on the Irish roll, they were insignificant in number and occupied less than a quarter of the membranes, whereas entries of pleas and related proceedings made up more than three-quarters of the English roll. On the other hand entries of writs issued are predominant in the Irish roll but are not to be found on the English roll. The decision to keep a plea roll in the Irish exchequer may have been influenced by an awareness that such a roll was kept in the English exchequer, but the Irish rolls were not in any way modelled on the English rolls.

20. Select cases in exchequer, pp. lxxii-lxxv, 158-210.

1. ff 1/1 (see text in second volume of this series, entries 1-1071).
2. m.248 (between entries 456 and 477).
3. m.30A (918-19).
4. See note 4 to note above (entry m.252; between entries 476 and 477).
5. e.g. m.12 (see 216, m.18; 215, m.20; 216, m.21; 221, m.22).
6. e.g. m.19 (see 245, m.20; 216, m.27).

The memoranda roll for 1309/10¹

As far as one can tell the original make-up of the roll has never been disturbed. It contains 58 membranes or rotulets of parchment. The membranes are fastened together head to head with parchment lacing. They are about 22 centimetres ($8\frac{1}{2}$ inches) wide, and vary in length from about 36 centimetres (14 inches) to 75 centimetres ($29\frac{1}{2}$ inches). The roll has a diameter when rolled of about 15 centimetres (6 inches).

The lacings pass through three holes about one-third of an inch from the head of each membrane. There are between four and seven other holes at the head of each membrane. These holes were probably made before the membranes for the whole year were made up into the roll as it now is. The membranes of each section may well have been filed together during the current term. And it seems likely that at the end of each term the membranes for the term were gathered together. The membranes for all four terms must have been laced together at the end of the year. Separate filing or lacing holes were probably made at each stage.

The roll is in fairly good condition. However one membrane has been almost entirely cut away, leaving no writing other than the note on the dorse or back above the lacing.² Another membrane has been cut away so that only the first few lines of the first entries on face and dorse remain.³ These membranes must have been missing in the seventeenth century as they are not numbered. There is a possibility that a third membrane has been completely removed.⁴ Fragments are missing from some other membranes.⁵ In addition a few membranes are so worn that some entries are partly or wholly illegible.⁶

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1. EX 1/1 (see text in second volume of this thesis, entries 1-1677).
 2. m.24A (between entries 656 and 657).
 3. m.30A (918-19).
 4. See note 4 to note above lacing on m.33d. between entries 956 and 957).
 5. e.g. m.12 (see 216, n. 15; 219, n.20; 228, n.11; 231, n.13).
 6. e.g. m.19 (see 545, n.20; 551, n.12).

The 56 complete or largely complete membranes have been numbered twice. Neither set of numbers is in a medieval hand. The earlier set appears to have been written in a seventeenth century hand. The later set was almost certainly written by a clerk of the record commission. The same or another clerk of the commission also attached labels to the sides of two membranes.⁷ One was attached to membrane 36. It records the fact that the roll was calendared for the commission by Thomas Litton.⁸ The other label is blank and was attached to membrane 1 as a marker to indicate the beginning of the roll.⁹

Of the 57 membranes on which there are entries, 50 bear entries on both face and dorse. The other seven have no entries on the dorse.¹⁰ And some are partly blank on either face or dorse.¹¹ When allowance is made for this, the number of membranes occupied by entries is about 52. The total number of entries now on the roll is 1678.¹² The number of entries on individual membranes varies between two¹³ and 85.¹⁴ Four entries are written entirely in French,¹⁵ and two others recite documents in French.¹⁶ The remainder are entirely in Latin.

The membranes are grouped by term. Within each term the entries fall into the same six or seven sections. Each section was recorded on separate membranes, with the exception of "Divers summonses issuing" which were enrolled on the dorse of "Writs issuing" membranes. The number of membranes used for each section and the number of entries found on them are shown in Table XXII. Because individual entries vary in length to a much greater extent than individual membranes, the number of

7. Rec. comm. Ire. rep. 1-5, p. 15, refers to the endorsement and labelling of rolls in the chief remembrancer's office.

8. 997, n.3.

9. See below, vol. ii, p. 1, n.3.

10. mm. 1d., 18d., 20d., 31d., 33d., 44d., 46d.

11. mm. 4d., 7d., 15d., 25d., 30d., 41, 41d., 56d.

12. I omitted one entry when numbering the entries some years ago. Consequently it has been given the number 177B, and the original 177 has been renumbered as 177A.

13. e.g. m. 7 (76-7).

14. m. 16 (366-450).

15. 551, 947, 1252-3.

16. 113, 949.

membranes used is a better indication of the relative size of different sections. On the basis of the number of membranes used the "Debts recognised and other memoranda" occupy about 40% of the roll. The "Writs from England and the Irish chancery", the "Pleas touching the king" and the "Writs issuing for the king" each amount to about 15%. The "Common writs issuing" come to about 10%. "Divers summonses issuing" occupy less than 5% and "Proffers" less than 2%.

TABLE XXII: THE SECTIONS OF THE MEMORANDA ROLL FOR 1309/10

<u>Section</u>	<u>Number of membranes</u>	<u>Number of entries</u>
Proffers (Michaelmas and Easter terms only)	1	54
Writs from England and the Irish chancery	$7\frac{1}{4}$	79
Debts recognised and other memoranda ¹⁷	$20\frac{3}{4}$	509
Pleas touching the king ¹⁸	$7\frac{3}{4}$	33
Writs issuing for the king	7	476
Common writs issuing	$5\frac{3}{4}$	359
Divers summonses issuing	$2\frac{1}{2}$	168
TOTAL	52	1678

On the face of each membrane there is a heading giving the title, term and year of the section recorded on it. Membranes on which "Divers summonses issuing" were enrolled also have headings on their dorse. In addition there is a note on the dorse of each membrane above the lacing giving similar details. These notes are normally out of sight, but can be read if the lacing is loosened slightly. In Hilary, Easter and Trinity terms they are usually numbered within each section, as in the following example: "Debts recognised and other memoranda of Hilary term in the third year, first rotulet".¹⁹

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17. The first three membranes of this section are headed 'Divers memoranda and debts recognised': mm. 8-11d (89-202). Amercements were normally recorded in this section, so the entries under the heading 'Divers ameracements' on m. 7d. (78-88) have been included in it. The entries on m. 56d. (1669-77) conclude a series of entries begun on m. 51d. (1371-2).
18. In three of the four terms of 1309/10 'Pleas touching the king' precede 'Debts recognised and other memoranda', but in the period 1309-14 as a whole the order is generally that given here (see above, p. 116).
19. m. 21d. (between 565 and 566).

The entries were written in two clearly distinct hands. They are almost certainly the hands of the chief remembrancer and the second remembrancer.²⁰ If this is correct, the entries prefixed by the letter A in the text in the second volume of this thesis were written by the chief remembrancer, Nicholas Hemswell,²¹ and those prefixed by the letter B were written by the second remembrancer, Thomas Reynold.²² In addition a few postscripts made in later years were written in hands which are probably those of the remembrancers at the dates in question.²³ It seems that the chief remembrancer wrote all the more important entries. He wrote nearly all entries in sections other than those devoted to writs issuing, and some of those under the heading "Writs issuing for the king". The second remembrancer wrote many of the entries under the latter heading, and almost all those under the heading "Common writs issuing". This allocation of work was not as unbalanced as it may seem, as the remembrancers must normally also have written the writs themselves.²⁴ The allocation of work changed over time. In 1319/20 the second remembrancer wrote many of the more important entries.²⁵

The plea roll for 1309/10

The plea roll was calendared in Latin for the record commission by Thomas Litton.¹ An English calendar was prepared for the record office² by David Chart.³ The English calendar is both more accurate and more complete than the Latin calendar, but the latter cannot be ignored as its spellings of some names are more likely to be correct, and because it is sometimes helpful to know the Latin form which lies behind the wording of

20. See above, pp. 111 - 12.

21. 2452.

22. 2453.

23. e.g. 969.

24. See above, p. 12.

25. EX 1/2.

1. RC 8/4, pp. 915-1022.

2. EX 2/2, pp. 386-450.

3. P.R.I. rep. DK. 50, p. 8; 51, p. 12; 52, p. 10. In the latter report and in the calendars themselves (EX 2/2-3) the plea roll is referred to as part 1 of the memoranda roll for 3 Edward II, while the memoranda roll is referred to as part 2.

the English calendar.⁴ Accordingly the calendar contained in Appendix I in the second volume of this thesis has been based on both manuscript calendars.⁵

The roll had 14 membranes when it was calendared. There is no evidence that any membranes were missing. However some membranes had suffered from wear and tear, and as a result a few entries were partly illegible.⁶ All but three of the membranes appear to have been used to something approaching their full extent. Of the exceptions one had only four short entries on its dorse, another had only one short entry on its dorse, and the dorse of the final membrane was completely blank.⁷ In other words about $12\frac{1}{2}$ membranes were largely or completely occupied by entries. The roll contained a total of 760 entries. The number of entries on an individual membrane varied from three to 105.⁸ It seems that all the entries were written in Latin.⁹

The membranes were grouped by term. Within each term the entries fell into the same two sections. In general separate membranes were used for each section, but one membrane contained entries of one section on its face and entries of the other on its dorse.¹⁰ The number of membranes used for each section and the number of entries found on them are shown in Table XXIII.

It should be noted that nine entries of days given were split between the two sections,¹¹ so that the number of writs recorded was actually 740 and the number of pleas was 11. It should also be pointed out that the backs of two membranes of writs were used only to record writs issued in favour of specific exchequer officials or Italian merchants.¹²

4. See below, pp. 254 - 5

5. 1678-2437.

6. e.g. mm. 2 (1809-15), 9(2167).

7. mm. 3d. (1879-82), 8d. (2163), 14d. (after 2437).

8. mm. 14 (2435-7), 13-13d. (2330-2434).

9. RC 8/4, pp. 915-1022.

10. mm. 5 - 5d. (1950-71).

11. 1826, 1969-71, 2163, 2166, 2169, 2172-3.

12. mm. 4d. (1922-49), 7d. (2094-2132).

TABLE XXIII: THE SECTIONS OF THE PLEA ROLL FOR 1309/10

<u>Section</u>	<u>Number of membranes</u>	<u>Number of entries</u>
Common writs	9½	745
Common pleas	3	15
TOTAL	<u>12½</u>	<u>760</u>

The roll of abstracts from the memoranda rolls for 1309-18

This roll contained abstracts of entries on the memoranda rolls for the period July 1309 to October 1318. It was attached to the memoranda roll for Easter term 1315. The combined roll does not survive, but was calendared in Latin for the record commission.¹ It contained 23 roll membranes, of which the first 11 belonged to the memoranda roll and the remaining 12 to the roll of abstracts. The membranes of the roll of abstracts were numbered in reverse, so that the calendar should be read in the following order: membranes 23d., 23, 22d., 22, 21d., 21, 20d., 20, 19d., 19, 18d., 18, 17d., 17, 16d., 16, 15d., 15, 14d., 14, 13d., 13, 12d., 12.²

In the calendar the roll of abstracts is treated as if it was a continuation of the memoranda roll. Consequently it is not given a title of its own. However its true character becomes clear when it is compared with the memoranda rolls of the period. The entries contained in it are shortened versions of selected entries in the memoranda rolls.³ Most of them are abstracts of commissions of lands and offices, mainprises for the payment of debts to the king, and other entries among the "Debts recognised and other memoranda". Presumably these entries were selected because they affected the king's interests, were of continuing importance, and were not recorded elsewhere in the exchequer's records (unlike "Writs from England and the Irish chancery", which were also on record in the files of writs from England⁴).

1. RC 8/10, pp. 1-273.

2. Ibid., pp. 269-73, 266-9, 259-65, 253-9, 246-53, 240-6, 235-40, 229-35, 224-9, 218-24, 213-18, 205-12, 196-205, 189-96, 183-8, 177-83, 169-77, 160-9, 149-60, 140-9, 134-40, 126-33, 118-26, 110-17.

3. Entries on the roll for 1309-10 were abstracted in the following order: 82, 94, 100, 145-6, 152, 172, 178, 181, 193-5, 231-2, 250, 544, 564-5, 576, 602, 625, 632-5, 645, 969, 994, 1032, 1035, 1055, 1060, 1064, 1073, 1074, 1261, 1272, 1275, 1295, 1301, 1331, 1354, 1364, 1368.

4. See below, p. 155.

The fact that the earliest entries in the roll relate to the year in which it was decided to keep a separate roll of common pleas might be thought to indicate that it was decided at the same time to keep a roll of abstracts of entries in the memoranda rolls which were of continuing interest. However if this was so, it seems certain that the abstract of any particular entry was not made until some time after the date of writing of the entry itself. Thus the abstracts of entries for 1309/10 were written in the order in which the entries appeared on the memoranda roll after the membranes for the term in question had been brought together, rather than in the order in which the entries had been written. For example the abstracts of entries 1261 and 1272 are written in that order, although the cross references to 1261 prove that it was written later than 1272. Also the initial grant of land in Carlow to John Wogan is not recorded in the roll of abstracts, but the grant which superseded it, and resulted in its cancellation, was abstracted.⁵

In any case it is more likely that the roll of abstracts was prepared on a single occasion at a later date. It contained abstracts from all memoranda rolls for the period July 1309 - October 1318 other than the roll for 1314/15, and it was attached to the roll for Easter term 1315. This suggests that the memoranda roll for Michaelmas term 1314 and Hilary and Trinity terms 1315 had been lost, and that as a result it was decided to prepare abstracts of entries of continuing interest in other memoranda rolls which would serve as security copies in the event of the loss of further rolls. If this is correct, the reason why the earliest abstracts in the roll date from Trinity term 1309 might be that Nicholas Hemswell decided that it should cover only his period of office as chief remembrancer.⁶

All but two of the abstracts for the year 1309/10 can be traced in the memoranda roll. The calendared version of the two exceptions is transcribed in Appendix II in the second volume of this thesis.⁷ They date from Easter term 1310, and are abstracts of entries of kinds which one would expect to find among the "Debts recognised and other memoranda"

5. 602, 557.

6. 2452.

7. 2438-9.

on the memoranda roll. Since the abstracts in question were preceded and followed by abstracts of entries which can be identified on the memoranda roll, it seems almost certain that they were prepared from entries on a membrane on the memoranda roll, all or part of which has since been lost. There is no indication in the memoranda roll that a membrane of "Debts recognised and other memoranda" for Easter term has been removed. It is therefore more likely that a number of entries of "Debts recognised and other memoranda" were made on the base of one of the following membranes of "Writs issuing", and that the latter has since been cut or torn away.⁸

The earliest memoranda roll which contains entries made in Michaelmas term 1299.¹ The earliest roll in which Irish memoranda rolls for which calendars and abstracts are available were those made in Michaelmas term 1307,² but it is most unlikely that they were an innovation of the early fourteenth century. In the thirteenth century it was probably thought sufficient that they should be recorded in the files of proffer schedules mentioned later in this section.

In every Irish memoranda roll after 1292 for which evidence is available, two membranes contained entries relating to proffers. Throughout the period 1307-99 it was usual that the first membrane for Michaelmas term and the first membrane for Easter term should be concerned with the proffers due in those terms. In the roll for 1309/10 these membranes contain 31 entries relating to proffers. Details of proffers made are given in 21 of the entries.³ For example the first entry in the roll states that Thomas Rathlawe, sheriff of Dublin, proffers 120 of debts of diverse and 200 of profit of the county. The other ten entries record

8. At the end of Michaelmas term 1309 a number of entries of kinds normally made under the heading 'Debts recognised and other memoranda' were enrolled on a membrane of 'Writs issuing for the king' (356-7, 359-60).

1. The earliest roll for the Kings of Ireland of the first part of the fourteenth century is that of Michaelmas term 1299, which is contained in the Calendar of the Rolls of the Kings of Ireland, vol. 1, pp. 1-10.

2. The earliest roll for the Kings of Ireland of the first part of the fourteenth century is that of Michaelmas term 1307, which is contained in the Calendar of the Rolls of the Kings of Ireland, vol. 1, pp. 11-20.

3. The earliest roll for the Kings of Ireland of the first part of the fourteenth century is that of Michaelmas term 1309/10, which is contained in the Calendar of the Rolls of the Kings of Ireland, vol. 1, pp. 21-30.

Proffers

Proffers were made at both the English and the Irish exchequer by sheriffs and other collectors of revenue twice a year in the weeks beginning on the morrow of Michaelmas (30 September) and the morrow of the close of Easter (the Monday following Easter Monday). There is no doubt that they were one of the oldest features of procedure in the English exchequer. Its earliest memoranda roll records proffers made in Michaelmas term 1199.¹ The earliest proffers on record in Irish memoranda rolls for which calendars and extracts are available were those made in Michaelmas term 1307,² but it is most unlikely that they were an innovation of the early fourteenth century. In the thirteenth century it was probably thought sufficient that they should be recorded in the files of proffer schedules mentioned later in this section.

In every Irish memoranda roll after 1307 for which evidence is available, two membranes contained entries relating to proffers. Throughout the period 1307-69 it was normal that the first membrane for Michaelmas term and the first membrane for Easter term should be concerned with the proffers due in those terms. In the roll for 1309/10 these membranes contain 51 entries relating to proffers. Details of proffers made are given in 41 of the entries.³ For example the first entry in the roll states that Thomas Rathlawe, sheriff of Dublin, proffers £20 of debts of divers and 20s. of profit of the county. The other ten entries record ameracements of officials who failed to proffer.⁴ In six cases officials who were amerced made proffers at later dates.⁵ The amounts of the ameracements are not given but other entries in the roll record ameracements of £2 and £5 for failure to proffer.⁶ In 1330 the

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1. The memoranda roll for the Michaelmas term of the first year of the reign of King John (1199-1200), with an introduction by H.G. Richardson, Pipe Roll Society, new series, 21 (1943), pp. 4-6.
 2. EX 2/2, pp. 221-3.
 3. 1-21, 920-39.
 4. 22-7, 940-3.
 5. 9-10, 16, 21, 929, 935.
 6. 429, 824, 1217, 1231.

ameracements imposed on officials who failed to proffer on the morrow of the close of Easter and the two following days were £5 on the first day, £10 on the second day and £20 on the third day.⁷

In the Oxford English Dictionary a proffer is defined as being a "provisional payment of estimated dues into the exchequer by a sheriff or other officer at certain appointed times". A similar definition is given by Madox.⁸ However sums proffered at the English exchequer were not necessarily paid, and if they were paid might, not be paid for some time.⁹ The same is true of the Irish exchequer. Some of the proffers made in Michaelmas term 1309 were paid immediately and in full. For example the mayor and bailiffs of Drogheda both proffered and paid £20 of their farm on 30 September.¹⁰ But other proffers were not paid until some time later and the sum then paid might not be the same as the sum proffered. Thus the sheriff of Kerry proffered £20 of his arrears of account in early October, but paid only £13.3s.4d. on 10 November.¹¹ On the other hand the sheriff of Waterford proffered £5 of debts of divers on 30 September but paid £12 on 26 November.¹² A few proffers were never paid, among them the proffer of £3 made by the sheriff of Roscommon on 30 September.¹³ It is therefore clear that a proffer cannot be defined as a payment.

The definition of a proffer as a payment implies that it was made in the lower exchequer. This is explicitly stated to have been so by Mills.¹⁴ However since proffers were recorded on the memoranda rolls which were records of the upper exchequer, one can be certain that they were made in the upper exchequer. That this was so in Ireland is further proved by records relating to the misconduct of Robert Embleton as treasurer in 1349. *In these it is stated that the mayor and bailiffs of Waterford City*

7. RC 8/15, pp. 542-3.

8. Madox, Exchequer, p. 644.

9. Cal. mem. rolls, 1326/7, pp. x-xi, 1-14.

10. 15.

11. 24, 10.

12. 15.

13. 4.

14. Mabel H. Mills, 'Adventus vicecomitum, 1258-72', Eng. Hist. Rev., xxxvi (1921), p. 482.

proffered £4 of the city farm and 50s. of debts of divers on 30 September 1349. They displayed their proffer in a schedule before the treasurer and barons in the customary manner. The proffer was accepted by the treasurer and barons. The schedule was placed on the file of proffer schedules kept by the remembrancers and the proffer was enrolled on the memoranda roll. The sums proffered were paid into the receipt of the exchequer. But on 15 November the treasurer demanded to see the file of proffers. Having seen it, he removed the Waterford City schedule from the file and cancelled the entry in the memoranda roll, saying that the proffer had neither been paid nor accepted by him.¹⁵

The fact that a proffer had to be accepted by the treasurer and barons is especially important. A writ issued by the Irish exchequer on 8 April 1309 throws further light on what this may have involved. It ordered all officials who had proffered on 7 April to have in the exchequer on 28 April all money "with which they were charged as clear".¹⁶ The latter clause is reminiscent of clauses in views of summonses to the effect that a certain amount of money could be levied from clear debts.¹⁷ The use of the clause therefore suggests that some sort of view took place before a proffer was accepted. However it seems unlikely that there was a view of summonses, as there is no evidence that an official making a proffer was expected to have his summonses with him. And there cannot have been a view of account of the kind made at the English exchequer, as the latter was concerned with the official's discharge as well as his charge.¹⁸ If a view did take place, it was probably simply a view of the proffer schedule. It is of course possible that the proffer schedule went into more detail than the brief entry on the memoranda roll.

In the light of the foregoing a proffer may be defined as a statement made in the upper exchequer by a collector of revenue at the beginning of Michaelmas or Easter term concerning the amount of money which he was

15. Doc. affairs. Ire., p. 201; RC 8/25, pp. 69-71 (the details of the sums proffered have been taken from the latter, as they appear to have been garbled in the former).

16. P.R.O.I., M 2551, f. 125v.

17. e.g. 1371-2.

18. See above, pp. 82-3.

able to levy and would pay into the lower exchequer either immediately or during the current and following terms. The proffer was recorded in a schedule shown to the treasurer and barons for acceptance by them. It may well be that a view took place before the proffer was accepted. Once the proffer had been accepted the schedule was filed and an entry of the proffer was made on the memoranda roll.

In the early fourteenth century proffers were made at the Irish exchequer by the sheriffs of counties, the seneschals of major liberties, the mayors and bailiffs of cities and boroughs held at fee farm, and the escheator. The latter proffered issues of the escheatry. All the others proffered debts of divers. In addition sheriffs proffered the profit of their county, and mayor and bailiffs proffered the farm of their city or borough. Occasionally sheriffs and seneschals proffered royal service.¹⁹ The seneschal of Ulster seems never to have proffered, although he was amerced for failure to do so on several occasions.²⁰ In Michaelmas term 1323 and Easter 1324 reeves and receivers of manor were amerced because they did not proffer.²¹ This implies that an effort was being made to force them to proffer but there is no evidence that they actually did so. A more successful attempt to extend the scope of proffering was made in the 1330s. From Easter term 1332 until at least Easter term 1335 proffers were made for the issues of the customs, the royal manors and other crown lands.²² By Michaelmas term 1338 the making of proffers for the issues of manors and crown lands had ceased.²³ The keeper of the great custom continued to proffer at least until Michaelmas term 1339, but by Michaelmas term 1342 he had ceased to do so.²⁴

In Table XXIV the sums proffered by sheriffs and other collectors of revenue in 1309/10 are compared with the sums paid into the exchequer by them during the year. The table shows that there was no exact

19. e.g. 4.

20. e.g. EX 2/2, p.303; RC 8/12, p. 710.

21. RC 8/13, pp. 338-40, 513-14.

22. RC 8/16, pp. 282-5; RC 8/18, pp. 270-8, 493-501.

23. RC 8/21, pp. 1-3.

24. RC 8/21, p. 334; RC 8/22, pp. 173-5.

relationship between the sums proffered and the sums paid. Nevertheless the total amount proffered was roughly the same as the total amount paid. So it seems that proffers did give the exchequer a reasonably accurate impression of the amount of revenue likely to be received from the officials in question over the following six months. They can therefore be used by historians for a similar purpose for years for which receipt rolls are not available. However it must be remembered that the proportion of total revenue collected by the officials who proffered varied from year to year. In 1309/10 the sums paid into the exchequer by the officials who proffered amounted to about one third of the total exchequer receipts.²⁵

TABLE XXIV: A COMPARISON OF THE SUMS PROFFERED AND THE SUMS PAID BY COLLECTORS OF REVENUE IN 1309/10

<u>Collector of Revenue</u>	<u>Sum proffered</u> ²⁶	<u>Sum Paid</u> ²⁷
	(£ s.d.)	(£ s.d.)
<u>Sheriffs of counties</u>		
Carlow	-	-
Connacht	46-13- 4	66-13- 4
Cork	40- 0- 0	34- 5- 0
Dublin	41-13- 4	10-18- 0
Kerry	26- 0- 0	26-13- 4
Kildare	35- 0- 0	10- 0- 0
Limerick	40- 0- 0	52- 0- 0
Louth (Uriel)	34- 0- 0	40-18- 0
Meath	44-10- 0	76- 6- 9
Roscommon	5- 0- 0	2- 9- 8
Tipperary	65- 0- 0	93- 0- 0
Waterford	26-10- 0	13- 0- 0

(see also p. 139).

25. See above, p. 23, Table I.

26. The sums proffered are drawn from 1-21 and 920-39.

27. The sums paid are drawn from the treasurer's roll of great receipt for 1309/10 (E 101/235/22). They do not include the small amount of assigned revenue which does not appear in the receipt roll. In calculating the sums paid, only payments made by or on behalf of the officials in question have been counted. Payments made by individual debtors have not been counted. Also, payments have been included only if they were made in respect of categories of revenue for which proffers were made. Arrears of account paid by sheriffs have been included only if they were paid by the sheriff in office, but arrears of account paid by seneschals, mayors and bailiffs have always been included.

TABLE XXIV: A COMPARISON OF THE SUMS PROFFERED AND THE SUMS PAID BY COLLECTORS OF REVENUE IN 1309/10 - continued

<u>Seneschals of liberties</u>		
Carlow	-	-
Kildare	10- 0- 0	10- 0- 0
Kilkenny	16-13- 4	16-13- 4
Trim	2- 6- 8	1-14- 4
Ulster	-	-
Wexford	30- 0- 0	31- 6- 8
<u>Mayors and bailiffs of cities and boroughs²⁸</u>		
Cork	58- 0- 0	65- 6- 8
Drogheda on the side of Louth	40- 8- 4	41- 1-10 $\frac{1}{4}$
Drogheda on the side of Meath	31-13- 4	34-13- 4
Dublin	149- 6- 8	153-13- 4
Limerick	73- 6- 8	93- 6- 8
Waterford	66-13- 4	22- 0- 0
<u>The escheator</u>	33- 0- 0	38- 9- 3
TOTAL	915-15- 0	934- 9- 6 $\frac{1}{4}$

Great care was taken in the writing of entries on the proffer membranes. In both the surviving memoranda rolls the face of the membrane was used. The entries were made in groups in the following order: proffers by sheriffs, the proffer by the escheator, proffers by mayors and bailiffs, proffers by seneschals²⁹ and amercements for failure to proffer. Sufficient space was allocated to each group in advance to enable late proffers to be entered in the appropriate group. A symbol consisting of three ovals drawn in the margin was sometimes used to separate the parts of the membrane allocated to each group.³⁰ Late proffers can easily be distinguished from proffers made on time by the fact that the bracket linking the marginal heading of the group to the entries comprised in it had to be specially extended to include them. The fact that the relevant

28. Seneschal and bailiffs in the case of Drogheda on the side of Meath.

29. Including the seneschal and bailiffs of Drogheda on the side of Meath (e.g. 18).

30. e.g. between 930 and 931.

bracket had to be extended to cover the entry of the proffer made only three days late by the sheriff of Tipperary in Easter term 1310 suggests that proffers were enrolled on the day on which they were made.³¹ On the other hand the fact that there is no entry stating that the sheriff had been amerced for failure to proffer implies that ameracements were not enrolled until some days later.

On the proffer membrane for Michaelmas term 1309 entries of proffers which were paid are followed by postscripts recording payment.³² There are no such postscripts on the membrane for Easter term 1310. Instead we find marginalia indicating whether the sheriff or other official proffered in person or by messenger. As one might expect, the officials who proffered in person came from places close to Dublin, while messengers were sent by officials from more distant areas.³³ Unfortunately marginalia and postscripts of these kinds were usually omitted from the calendars of memoranda rolls made for the record commission. However both proffer membranes in the surviving roll for 1319/20 bear marginalia similar to those of Easter term 1310, while they lack postscripts of the kind given in Michaelmas term 1309.³⁴ The change made at Easter 1310 must therefore have been a lasting one.

Presentations

The last three entries on the proffer membrane for Michaelmas term 1309 record the presentation of the mayors of Dublin and Drogheda on the side of Louth and the seneschal of Drogheda on the side of Meath in the exchequer on 30 September. Each was presented by the community of his city or borough, and took an oath that he would carry out his duties well and faithfully.¹ The requirement that the mayor be presented in the exchequer appears in the charter granted to Dublin in 1229.² In 1307

31. 928 and footnote to heading Vicecomites above 920.

32. 1-21.

33. 920-39.

34. EX 1/2, mm. 1, 30.

1. 28-30.

2. Gearóid Mac Niocaill, Na buirgéisí, xii-xv aois, i (Dublin, 1965), pp. 88-9.

the mayors of Cork and Waterford were also presented in the exchequer.³ However in 1309 an inquisition confirmed a claim by the citizens of Cork that it was not customary for the mayor of Cork to come to the exchequer and take oath, and that the requirement that he should do so was a recent innovation by Richard Barford when he was treasurer.⁴ Thereafter only the mayors of Dublin and Drogheda on the side of Louth and the seneschal of Drogheda on the side of Meath were regularly presented. The mayor of Waterford was sometimes presented.⁵ Usually the presentations were recorded on the proffer membranes, but in 1311 and 1312 they were recorded among the "Debts recognised and other memoranda".⁶ The charter granted to the citizens of Cork in 1318 confirmed this exemption from the obligation to present their mayor in the exchequer. Similar exemptions were included in charters granted to Waterford in 1331, Dublin in 1363 and Drogheda on the side of Louth in 1364. An exemption clause was also included in a charter granted to Limerick in 1412, although there is no evidence that the mayor of Limerick was ever presented in the exchequer.⁷

Form, address and promissory of writs

Generally speaking the writs were letters giving orders to officials of the exchequer or conveying information which they should go to. All the writs entered in the roll for 1309/10 were issued in the king's name under one of his seals in accordance with instructions given by him or his English or Irish ministers. Writs issued in the names and under the seals of persons other than the king occur occasionally in later rolls.

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3. EX 2/2, pp. 253-4.
 4. P.R.O.I., M 2551, ff. 123v-125v.
 5. e.g. RC 8/9, pp. 5-6.
 6. RC 8/6, p. 32; RC 8/7, p. 17.
 7. Mac Niocaill, Na buirgéisí, i, pp. 164, 255-6, 94, 196, 243.

A total of 79 entries in the memoranda roll for 1309/10 were made under the heading "Writs from England and the Irish chancery".¹ Each entry consists of a full transcript of a single writ. Four of the writs were in French.² The remainder were in Latin. Two writs were accompanied by documents in French which were also transcribed in full.³ One writ was entered twice, once in Michaelmas term and again in Hilary term, apparently by mistake.⁴ Another was entered a second time among the "Debts recognised and other memoranda", because there was not enough space beneath the first entry for the enrolment of a postscript.⁵ In many entries the transcript of the writ is followed by notes specifying the nature of the warrant authorising the issue of the writ, or recording the date on which the writ arrived in the exchequer.⁶ In a few it is followed by a statement that the writ had been delivered to the chamberlains or engrossers,⁷ by details of a return made to the exchequer in pursuance of the writ,⁸ or by a postscript concerning subsequent proceedings in connection with the writ.⁹

Form, address and provenance of writs

Generally speaking the writs were letters giving orders to officials of the exchequer or conveying information which they needed to know. All the writs entered in the roll for 1309/10 were issued in the king's name under one of his seals in accordance with instructions given by him or his English or Irish ministers. Writs issued in the names and under the seals of persons other than the king occur occasionally in other rolls.¹⁰ Each writ issued in the king's name began with an address

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1. 31-68, 541-53, 944-56, 1245-59.
 2. 551, 947, 1252-3.
 3. 551, 949.
 4. 66, 543.
 5. 64, 232.
 6. See below, pp. 149 - 55.
 7. See below, p. 155.
 8. e.g. 31.
 9. e.g. 548.
 10. e.g. two letters patent in the roll for 1319/20 in the name and under the seal of Roger Damory appointing attorneys and a receiver in Ireland (EX 1/2, m. 18).

clause, and ended with clauses indicating its place-date (e.g. at Westminster), time-date (the day of the month and the regnal year), and either the identity of witnesses to it or the seal under which it issued. Charters and letters patent included clauses describing them as such. These clauses enable one to distinguish between letters close, letters patent and charters, and to analyse the writs by addressee and by provenance.

Letters close were normally sealed closed in such a way that it was necessary to break or remove the seal in order to read them. In general they were addressed to individuals to whom they gave instructions. Letters patent were usually sealed open so that it was possible to read them without breaking the seal. As a rule they were addressed to all persons to whom they came, and were used to make known a wide variety of grants, commissions, licences, pardons and other matters. Charters were also sealed open. They were addressed to the archbishops, bishops, abbots, priors, earls, barons, justices, sheriffs, reeves, ministers and other bailiffs, and were witnessed by a number of the most important persons present at court. They were solemn documents used mainly to record grants of lands or privileges in perpetuity.¹¹ The great majority of writs entered in the roll for 1309/10 were letters close. There are 13 entries of letters patent. None of the writs were charters, although one of the letters patent was described as a charter in the marginalia to the relevant entry.¹² Entries of charters can sometimes be found in other rolls. Thus a charter recording a fee farm grant of land in Leixlip to Godfrey son of Henry was entered in the roll for 1319/20.¹³

The results of an analysis of addressees in the writs in the roll for 1309/10 are set out in Table XXV. Most of the letters close were addressed to the treasurer and barons of the exchequer.¹⁴ Others were addressed to the treasurer alone¹⁵ or to a number of

11. Pierre Chaplais, English Royal Documents, King John - Henry VI, 1199-1461, (Oxford, 1971), pp. 4-20.

12. 35.

13. EX 1/2, m. 2; cf. Cal. charter rolls, 1300-26, p. 409.

14. e.g. 32.

15. e.g. 57.

officials including the treasurer.¹⁶ One was addressed to the justiciar and the barons of the exchequer.¹⁷ Six were addressed to persons other than exchequer officials, but all of these related to the business of the exchequer in one way or another.¹⁸ Similarly all the letters patent contained information relevant to the work of the exchequer. Most of them gave rise to letters close addressed to the treasurer and barons ordering their implementation.¹⁹ All but one were addressed to all persons to whom they came. The one exception was addressed to the Seneschal of Dieppe and all other christians.²⁰ The fact that only four were addressed to the treasurer and chamberlains is worthy of note.²¹ Writs of liberate addressed to the treasurer and chamberlains ordering payments were not enrolled on the memoranda rolls. It was evidently thought sufficient that they should be filed.²² Consequently the writs enrolled on the memoranda rolls relate almost entirely to matters concerning the upper exchequer.

TABLE XXV: ADDRESSEES IN WRITS FROM ENGLAND AND THE IRISH CHANCERY IN THE MEMORANDA ROLL FOR 1309/10

<u>Addressees in letters close</u>	<u>Number of writs</u>
Treasurer and barons of the exchequer	42
Treasurer and chamberlains of the exchequer	4
Treasurer	5
Justiciar, treasurer and barons of the exchequer	5
Justiciar and treasurer	2
Justiciar, chancellor and treasurer	1
Justiciar and barons of the exchequer	1
Justiciar	1
Sheriff of Dublin	1
William Outlaw (possibly a justice of assize)	1
Executors of a former chancellor and justice of assize	1
	<u> </u>
TOTAL	65

(see also p. 145).

16. e.g. 549.
 17. 949.
 18. e.g. 1256.
 19. e.g. 68, 544.
 20. 553.
 21. 58, 946, 950-1.
 22. See above, p. 24.

TABLE XXV: ADDRESSEES IN WRITS FROM ENGLAND AND THE IRISH
CHANCERY IN THE MEMORANDA ROLL FOR 1309/10 - continued

<u>Addressees in letters patent</u>	<u>Number of writs</u>
All persons to whom the letters come	12
Seneschal of Dieppe and all other christians	1
TOTAL	<u>13</u>

Table XXVI summarises the results of an analysis of the provenance of the writs in the roll for 1309/10. Almost two-thirds of the writs came from England. Most of these came from the chancery and would have been sealed with the great seal. Letters close and letters patent issued by the chancery can be identified by the fact that they are stated to have been witnessed by the king himself (Teste meipso) at places in England.²³ It must be stressed that by the early fourteenth century the inclusion of the words Teste meipso was a convention, and that the king was not aware of the contents of many of the letters issued by the chancery.²⁴ One writ was witnessed by the chief justice of the king's bench at Westminster.²⁵ It may have been sealed with the chief justice's own seal, as the king's bench did not have a seal until 1344,²⁶ but it is more likely that it was sealed with the great seal, as it came with a writ from the chancery.²⁷ Three writs were witnessed by English exchequer officials at Westminster.²⁸ They must have come from the exchequer and have been sealed with the exchequer seal.²⁹ Unfortunately the identity of witnesses is usually omitted in entries of writs in the calendars of memoranda rolls prepared for the record commission, so that it is sometimes difficult to tell whether a letter came from the chancery, king's bench or exchequer.

23. e.g. 541.

24. Chaplais, English royal documents, p. 16; H.C. Maxwell-Lyte, Historical notes on the use of the great seal of England, (H.M.S.O., London, 1926), pp. 242-3.

25. 950.

26. Chaplais, English royal documents, p. 48.

27. 951.

28. 34, 64, 946.

29. Chaplais, English royal documents, pp. 45-8.

TABLE XXVI: PROVENANCE OF WRITS FROM ENGLAND AND THE IRISH CHANCERY IN
THE MEMORANDA ROLL FOR 1309/10

<u>Writs from England</u>	<u>Number of writs</u>
From the chancery (witnessed <u>meipso</u> at places in England and sealed with the great seal)	43
From the wardrobe (given under the privy seal at places in England)	4
From the exchequer (witnessed by an exchequer official at Westminster and sealed with the exchequer seal)	3
From the king's bench (witnessed by the chief justice at Westminster and probably sealed with the great seal)	1
TOTAL	<u>51</u>

<u>Writs from the Irish chancery (witnessed at places in Ireland and sealed with the Irish great seal)</u>	<u>Number of Writs</u>
Witnessed by John Wogan, justiciar	21
Witnessed by Peter Gavaston, Earl of Cornwall, lieutenant of the king	4
Given by the hand of Walter Thornbury, chancellor	2
TOTAL	<u>27</u>

The four writs in French are all said to have been given under the privy seal at places in England.³⁰ They must have come from the wardrobe, as the controller of the wardrobe was still the keeper of the privy seal in 1309/10, but privy seal writs received after 1312 must have come from the privy seal office created during that year. Before 1312 the privy seal was the king's personal seal. Letters issued under it must normally have been authorised by him. After 1312 the privy seal became more closely associated with the council. While most privy seal writs probably still expressed the king's wishes, some may rather have embodied a decision of council. Although the newly created secret seal had to some extent replaced the privy seal as the king's personal seal, there are no secret

30. 551, 947, 1252-3.

seal writs in any of the memoranda rolls of the reign of Edward II now available in original or calendar form.³¹

Writs from the Irish chancery are easily recognised by the fact that they were witnessed by an Irish official at a place in Ireland. All of them would have been sealed with the Irish great seal.³² Most of those in the roll for 1309/10 were witnessed by the justiciar, John Wogan.³³ A few were witnessed by Peter Gavaston as lieutenant of the king in Ireland.³⁴ Two were described as having been given by the hand of the chancellor, Walter Thornbury.³⁵

Since printed calendars of most of the rolls of the English chancery are available,³⁶ the entries of English chancery letters on the Irish memoranda rolls might be thought to be of comparatively little importance. However by no means all the letters issued by the chancery were recorded on its rolls.³⁷ Little more than half the writs from the English chancery on the memoranda roll for 1309/10 have been traced in the calendars of chancery rolls.³⁸ A calendar of warrants for chancery letters which were not enrolled has also been published,³⁹ but warrants have been found in it for only two of the writs on the memoranda roll.⁴⁰ The memoranda rolls must therefore be used by anyone who wishes to identify all surviving letters issued by the English chancery concerning Irish affairs. They are an even more important source for

31. Chaplais, English royal documents, pp. 26-7 and 34-5; T.F. Tout, Chapters in the administrative history of medieval England (Manchester, reprinted 1937), ii, pp. 282-92; John H. Trueman, 'The privy seal and the English ordinances of 1311', Speculum, xxxi (1956), pp. 611-25.

32. Hilary Jenkinson, 'The great seal of England: deputed or departmental seals', Archaeologia, lxxxv (1935), pp. 314-20.

33. e.g. 1246.

34. e.g. 948.

35. 542, 553.

36. The calendars covering the year 1309/10 are: Cal. charter rolls, 1300-26; Cal. close rolls, 1307-13; Cal. fine rolls, 1307-19; Cal. pat. rolls, 1307-13; Calendar of various chancery rolls, 1277-1326.

37. Maxwell-Lyte, Historical notes on the use of the great seal, pp. 363-6.

38. See footnotes to entries 31-68, 541-53, 944-56, 1245-59.

39. Calendar of chancery warrants, 1244-1326.

40. 66(=543), 549.

letters issued by the Irish chancery.⁴¹ None of the close and patent rolls of the Irish chancery now survive. Those that survived in the early nineteenth century were calendared for the Irish Record Commission,⁴² but most of the rolls, including the patent roll for 1309/10,⁴³ had already disappeared by then. Moreover not all letters issued by the chancery were enrolled by it. Only two of the letters close from the Irish chancery on the memoranda roll for 1309/10 also appear in the calendar of the close roll for the regnal year 8 July 1309 - 7 July 1310.⁴⁴ Even when a letter can be traced in the calendar of close and patent rolls, it will generally be found that the entry in the memoranda roll or the calendar thereof is more complete. Privy seal letters enrolled on the memoranda rolls will not normally be found elsewhere, as very few of the wardrobe's and privy seal office's records of letters issued now survive.⁴⁵ And only one of the three letters from the English exchequer on the Irish memoranda roll for 1309/10 can be identified on the English rolls.⁴⁶

Two categories of writs addressed to Irish exchequer officials appear on the rolls of the English and Irish chanceries but not on the memoranda roll for 1309/10. Reference has already been made to the larger category, which consists of writs of liberate addressed to the treasurer and chamberlains. The other category consists of writs of allocate addressed to the treasurer and barons instructing them to allow specified sums to accountants on their accounts. These are not normally to be found on the memoranda rolls of the early fourteenth century, although they occur in large numbers after 1315.⁴⁷ Only two are to be found on the roll for 1309/10. One ordered that Robert Carrick should be allowed the 100 marks remitted to his father of a fine of 300 marks made by his

41. The preparation of a calendar of Irish chancery letters has recently commenced under the auspices of the Dept. of Medieval History, Trinity College, Dublin University.

42. Rot. canc. Hib.

43. The roll described as the patent roll for 3 Edward II in *ibid.*, pp. 12-15, was in fact the close roll.

44. 58, 1245.

45. Pierre Chaplais, 'Privy seal drafts, rolls and registers (Edward I - Edward II)', Eng. Hist. Rev., lxx (1958), pp. 270-3.

46. 64 (=232).

47. e.g. RC 8/10, pp. 415-22.

grandfather. The other directed that William son of William de Burgh be allowed half of his rent for the year for Sil Murray (Shilmurthy) as a reward for killing Aedh son of Cathal O'Connor, and was warranted by bill of the justiciar.⁴⁸ Neither is a typical writ of allocate. Most such writs related to the accounts of sheriffs, escheators and other collectors of revenue, and were warranted by bill of the exchequer.⁴⁹ Presumably the reason why it was not thought necessary to enrol them on the memoranda rolls prior to 1315 was that they were in any case engrossed on the great or pipe rolls. The motive for enrolling them on the memoranda rolls after 1315 must have been to reduce the opportunities for fraud. In 1349 the correct procedure was that the barons should not deliver writs of allocate to the engrossers for engrossment until after they had been enrolled on the memoranda rolls, and that the remembrancers should not enrol them on the memoranda roll until ordered to do so by the barons.⁵⁰

Notes of warranty, date of arrival and delivery after enrolment

About one-third of the entries of writs from the English and Irish chanceries and the English exchequer in the roll for 1309/10 include notes specifying the nature of the warrants authorising the issue of the writs. These notes of warranty must have been copied from the writs themselves. They are analysed in Table XXVII.

The warrant cited most often for English chancery letters was a writ of privy seal.¹ Other letters from the English chancery were authorised by a petition from council² or by the king himself.³ Comparison of entries in the memoranda rolls with entries of the same letters in the English chancery rolls shows that if a note of warranty occurs in the entry on one roll, it almost always occurs in the entry on the other

48. 1245, 1250.

49. e.g. EX 1/2, m. 3; cf. Rot. canc. Hib., p. 12, no. 416.

50. P.R.O. London, C 260/68, no. 88 (I am grateful to my colleague Dr. Phil Connolly for this reference).

1. e.g. 49.

2. e.g. 54.

3. 36.

roll. The lack of notes of warranty for many letters is therefore most unlikely to be the result of inconsistent practice on the part of the clerks enrolling the letters. However it may be due to inconsistent practice by the clerks preparing drafts of letters, since the letters themselves and the chancery enrolments were prepared from the same drafts.⁴

TABLE XXVII: NOTES OF WARRANTY IN WRITS FROM ENGLAND AND THE IRISH CHANCERY IN THE MEMORANDA ROLL FOR 1309/10

<u>Writs from the English chancery</u>	<u>Number of notes</u>
By a writ of privy seal	12
By a petition from the council	3
By the king himself	<u>1</u>
TOTAL	16
<u>Writs from the English exchequer</u>	<u>Number of notes</u>
By a writ of privy seal	1
<u>Writs from the Irish chancery</u>	<u>Number of notes</u>
By a writ from England	6
By the justiciar and council	1
By a bill of the justiciar	<u>1</u>
TOTAL	8

An alternative explanation for the lack of notes of warranty could be that a note was made of the warrant only if it was received in writing. The difficulty here is that the warrant "by the king himself" seems often to have represented a verbal order by the king.⁵ It has been claimed

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4. Maxwell-Lyte, Historical notes on the use of the great seal, pp. 359-62.
5. A.L. Brown, 'The authorization of letters under the great seal', Bulletin of the Institute of Historical Research, xxxvii (1964), pp. 142-5.

that writs entered without notes of warranty on the chancery rolls were normally issued on the authority of the chancellor himself.⁶ In general this may be true, but most of the writs concerning Irish affairs entered without notes of warranty on both the English chancery and the Irish memoranda rolls for 1309/10 were too important to have been authorised by the chancellor alone. For example the letters pardoning rent and debts owed by the Earl of Ulster and granting him the custody of castles must surely have originated in decisions of the king himself.⁷ If such letters were authorised by the chancellor, he must nevertheless have been acting on the basis of decisions by the king or the council.

The warrant most frequently recorded for Irish chancery letters in the memoranda roll for 1309/10 was a writ from England.⁸ Other letters from the Irish chancery were authorised by the justiciar and council⁹ or by bill of the justiciar.¹⁰ In the roll for 1319/20 notes of warranty are given for a much higher proportion of Irish chancery letters. In it the most common warrant is a bill of the lieutenant or justiciar, while a number of letters were authorised by a bill of the exchequer.¹¹ The increased frequency of warranting by bill of the chief governor appears to be associated with a rise in the number of letters ordering payments or allowances in reward for services. The appearance of notes of warranty by bill of the exchequer is a direct consequence of the enrolment of writs of allocate after 1315.¹² It is certain that nearly all the warrants noted in the rolls for 1309/10 and 1319/20 were made in writing. There is very little evidence for other years because notes of warranty were usually omitted in the record commission's calendars of the memoranda and chancery rolls. Even so it seems likely that in general only written warrants for Irish chancery letters were recorded.

6. Ibid., p. 155, citing Maxwell-Lyte, Historical notes on the use of the great seal, pp. 216-22, and B. Wilkinson, The chancery under Edward III (Manchester, 1929), pp. 23 et seq.

7. See below, pp. 155-6.

8. e.g. 45.

9. 63.

10. 1250.

11. EX 1/2, mm. 2-4d., 18-18d., 31-32d., 40-42d.

12. See above, pp. 148-9.

The dates on which letters arrived in the exchequer are noted in most entries other than the first fifteen in the roll for 1309/10.¹³ They are also included in most entries in the roll for 1319/20.¹⁴ It is therefore probable that dates of arrival were normally recorded in entries on other memoranda rolls, but if so, they were as a rule left out by the clerks who calendared the rolls for the record commission. The letters were not enrolled in exact order of arrival, as can be seen from Table XXVIII, in which all recorded dates of arrival of letters enrolled during the year 1309/10 are set out. Priority must have been given to the enrolment of letters which were to be returned to the beneficiary or to the department or court of origin, or delivered to the other officers for action by them.¹⁵ Other letters must have been set aside to be enrolled at the remembrancer's convenience.

TABLE XXVIII: DATES OF ARRIVAL IN THE EXCHEQUER OF WRITS FROM ENGLAND AND THE IRISH CHANCERY RECORDED IN THE MEMORANDA ROLL FOR 1309/10¹⁶

<u>Membrane numbers</u>	<u>Entry numbers</u>	<u>Date of arrival</u>
3	46	30 Oct. 1309
3-3d.	49 and 51	12 Nov. 1309
3d.	52	15 Nov. 1309
3d.	55	18 Nov. 1309
3d.	56	4 Nov. 1309
3d.	57	10 Nov. 1309
3d.-4	58-60	14 Nov. 1309
4	61-2	15 Nov. 1309
4	63	17 Nov. 1309
4	64	14 Nov. 1309
4	65	25 Nov. 1309
4d.	66	11 Dec. 1309
4d.	67	11 Dec. 1309
4d.	68	12 Dec. 1309
19	541	14 Jan. 1310
19	542	16 Jan. 1310
19	543	11 Dec. 1309

(see also p. 153).

13. e.g. 61.

14. EX 1/2.

15. See below, p. 155.

16. Entries in which the date of arrival was not recorded (e.g. 36) or was apparently recorded wrongly (548) have not been included.

TABLE XXVIII: DATES OF ARRIVAL IN THE EXCHEQUERE OF WRITS
FROM ENGLAND AND THE IRISH CHANCERY RECORDED
IN THE MEMORANDA ROLL FRO 1309/10 - continued

19	544	17 Dec. 1309
19	545	10 Jan. 1310
19d.	546	10 Jan. 1310
19d.	547	21 Jan. 1310
19d.	550-1	27 Feb. 1310
20	552	7 Jan. 1310
32	944-6	29 Apr. 1310
32	947	27 Apr. 1310
32	948	7 May 1310
32	949	15 May 1310
32d.	950-3	16 May 1310
32d.	954	8 May 1310
33	955	9 May 1310
33	956	22 May 1310
43	1245	22 June 1310
43	1246	3 July 1310
43	1247	8 July 1310
43	1248	22 June 1310
43-3d.	1249-50	28 July 1310
43d.	1251	29 July 1310
43d.	1253	20 Aug. 1310
44	1254	22 June 1310
44	1255	25 June 1310
44	1257-8	8 July 1310
44	1259	22 July 1310

The fact that dates of arrival are recorded for many writs enables one to calculate the time taken by them to reach the exchequer. In making this calculation, it must be remembered that the time-date in a writ is not necessarily the date on which it was written, and is unlikely to be the date on which it was issued. In an English chancery writ authorised by a written warrant under the privy or secret seal the time-date is most likely to have been the same as that given in the warrant.¹⁷ The time taken calculated on the basis of the time-date and the date of arrival is therefore more likely to be the time taken from the date of authorisation than from the date of issue.

17. Maxwell-Lyte, Historical notes on the use of the great seal, pp. 243-51.

The times taken by writs to reach the exchequer in 1309/10 are summarised in Table XXIX. The shortest time taken by writs from England to reach the Irish exchequer was two weeks.¹⁸ More than one-third took between two and three months. The times taken by writs from the Irish chancery were normally much less. One is recorded as having been received the day before its own time-date.¹⁹ The majority were received within a week. Three of the four which took very much longer to arrive at the exchequer were witnessed by Peter Gavaston.²⁰ It is possible that he brought them to England with him when he returned to England on 23 June 1309.²¹ The variations in time taken to reach the exchequer may also reflect variations in the way in which letters were brought to the exchequer. Presumably most letters were sent by messenger.²²

However letters patent in favour of individuals must normally have been brought to the exchequer by the individuals concerned or their agents. Thus letters patent pardoning the remainder of a loan made to Roger Mortimer were exhibited by his attorney in the exchequer on 24 November 1310 and enrolled on that date. The letters close ordering the treasurer and barons to acquit him of the part of the loan which was owed in Ireland had already been received on 27 February 1310.²³

TABLE XXIX: TIME TAKEN TO REACH THE EXCHEQUER BY WRITS FROM ENGLAND AND THE IRISH CHANCERY IN 1309/10²⁴

<u>Time taken by writs from England</u>	<u>Number of writs</u>
2 weeks - 1 month (14-30 days)	4
1-2 months (31-60 days)	6
2-3 months (61-90 days)	12
3-4 months (91-120 days)	5
4-5 months (121-150 days)	6
6-7 months (181-210 days)	2
9 $\frac{1}{4}$ months (277 days)	1
TOTAL	<u>36</u>

(see also p. 155).

18. 52, 61.

19. 63.

20. 59, 60, 948.

21. 'Annals' in Chartularies of St. Mary's Abbey, Dublin, ii, ed. John T. Gilbert, Rolls Series, 80 (H.M.S.O., London, 1884), p. 294.

22. For references to messengers carrying letters to the Irish exchequer see James F. Willard, 'The dating and delivery of letters patent and writs in the fourteenth century', Bulletin of the Institute of Historical Research, x (1932-3), pp. 6-7; cf. Mary C. Hill, The king's messengers, 1199-1377 (London, 1961).

23. 550.

TABLE XXIX: TIME TAKEN TO REACH THE EXCHEQUER BY WRITS FROM ENGLAND
AND THE IRISH CHANCERY IN 1309/10²⁴ - continued

<u>Time taken by writs from the the Irish chancery</u>	<u>Number of writs</u>
Less than 1 day	5
1 day - 1 week (1-7 days)	5
1 week - 1 month (8-30 days)	2
5-6 months (151-180 days)	3
10 $\frac{3}{4}$ months (325 days)	1
TOTAL	<u>16</u>

After enrolment letters patent must usually have been returned to the beneficiary or appointee. Letters close seeking information were generally endorsed with the information required and returned to the department or court which had asked for it.²⁵ Writs addressed to the treasurer and chamberlains were delivered to the chamberlains.²⁶ Writs of allocate were given to the engrossers.²⁷ The remaining letters close must have been filed in the files of writs from England to which there are occasional references in the memoranda rolls.²⁸

Subject matter

More than a quarter of the writs in the roll for 1309/10 relate to debts pardoned and grants made in recognition of service to the king or his father in Scotland and elsewhere. Most of these were issued by the English chancery. No less than eight, all but one of which came under the great seal, referred to grants made in favour of Richard de Burgh, earl of Ulster. Two letters patent renounced for ever the annual rent of 500 marks payable by the earl for his lands in Connacht, and pardoned the arrears of the rent due since a general pardon of all his debts in

24. A writ which may have been mis-dated (547) and a writ which had probably been back-dated to the previous year (1245) have not been included.

25. e.g. 34.

26. e.g. 58.

27. 1245, 1250.

28. e.g. RC 8/5, p. 223; EX 1/2, m. 10.

1304.¹ Three letters close ordered the treasurer and barons to acquit him of the rent and arrears and the debts pardoned in 1304.² Another two letters close referred to letters patent not enrolled on the memoranda roll which committed the castles of Roscommon, Rinndown and Athlone and the lands pertaining to them to the earl's custody for the rest of his life. One directed the treasurer and barons to deliver the castles and lands to him.³ The other sought information concerning the lands; it is followed on the roll by a copy of an inquisition about them taken before the justiciar and treasurer at the time of the parliament held at Kilkenny in February 1310.⁴ Letters close from the Irish chancery instructed the sheriff of Roscommon to deliver the castles and lands to the earl.⁵

Other writs of this kind issued under the (English) great seal included letters patent and close remitting for the rest of his life the annual rent of £125 owed by Edmund le Butler for his lands in Ui Maine (Omany)⁶, and letters patent granting custody of the manors of Castlewarden and Oughterard to John Blund of Rathregan at the instance of Peter Gavaston.⁷ One of the Irish chancery letters witnessed by Gavaston ordered that Henry Cogan be acquitted of the sum owed by him for lands in Kilgobbin which had been committed to his custody until Patrick de Courcy's heir came of age.⁸ Among other such letters issued under the Irish great seal was one informing the treasurer and barons that Richard Power (le Poer) had been pardoned part of his debts because of his good service in fighting felons and keeping the peace while sheriff of Waterford, and that he had been given terms for the payment of the remainder.⁹ Most of the grants and pardons recorded in these letters must have been made as a result of written petitions to the king. Thus one of the privy seal writs enclosed a petition from Henry Hackett, late sheriff of Tipperary, seeking allowance for items with which he was

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1. 35, 37.
 2. 39, 545-6.
 3. 38.
 4. 552.
 5. 1246.
 6. 68, 544.
 7. 36.
 8. 60.
 9. 63.

charged on his account which could not be levied, and directed the justiciar, chancellor and treasurer to do what seemed best, having regard to Hackett's work and service.¹⁰

Another large group of writs related to claims by various persons that they had been wrongly charged with debts or that they had not been paid sums to which they were entitled. All of these were letters close and most of them came from the English chancery. Three writs concerning complaints by Walter Jorz, archbishop of Armagh, directed that he be acquitted of a demand for £35 in respect of an amercement imposed on his predecessor, Nicholas Mac Maoil Iosa, which had been reduced from £40 to £5, asked for information concerning another amercement of £40 imposed on Nicholas, and ordered the release of any distraint made for rent received by Nicholas from lands acquired without licence after publication of the Statute of Mortmain.¹¹ Another three letters referred to complaints by John Power (le Poer) of Dunhill, Drew de Merlon and Theobald de Verdon that royal service had been levied for lands which were in the king's hand when the service in question was proclaimed, or that a greater service had been demanded than was due.¹² Another complaint by de Verdon gave rise to a letter instructing that he be paid the accustomed fee for his part of the castle and town of Drogheda on the side of Meath.¹³ Among the writs of this kind received under the Irish great seal was one which recited a claim by Isabella de Vescy that she was entitled to £11 4s. 2d. from the pleas and perquisites of county Kildare as part of her dowry.¹⁴ The claims and complaints mentioned in these letters were probably normally made in writing. The bill in which Drew de Merlou set out his complaint was received with the writ addressed to the treasurer and barons.¹⁵

Several letters close from England gave orders concerning surveillance and Just over half the writs from the Irish chancery concern legal actions heard in the exchequer. Several instructed the treasurer and barons to receive attorneys appointed before the justiciar by parties to such

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10. 551.
 11. 47-8, 53.
 12. 65, 949, 95.
 13. 954.
 14. 956.
 15. 949.

actions.¹⁶ And the first writ on the roll empowered William Outlaw to receive an attorney in an exchequer action.¹⁷ A number of writs stated that a party to a case heard in the exchequer had alleged error in the judgment, and ordered that the plea be brought before the justiciar for review.¹⁸ The letters patent addressed to the seneschal of Dieppe referred to the case between Nicholas John and Ralph Kenefick. Goods belonging to the latter had been seized before the seneschal at the suit of Nicholas. The writ informed the seneschal that Ralph had disappeared, and asked him to do what was just if Ralph himself or his goods were found there.¹⁹

A number of writs were received concerning grants of office. All but one came from the English chancery. Several related to offices in the exchequer itself. Among these were two letters patent recording the appointment of Walter Islip and William Moenes as barons of the exchequer.²⁰ The last writ in the roll ordered the admission of Thomas Warilowe as lieutenant of the chief engrosser, Richard Woodhouse, because the latter was about to set out for England on the queen's business.²¹ Three writs related to the office of sheriff of Cork. Richard Clare was appointed sheriff on 28 August 1309. The appointment of William Condon (de Caunteton) as sheriff was announced in letters dated 1 November 1309, but does not seem to have taken effect.²² Letters patent from the Irish chancery, announcing the appointment of Andrew Gerard as collector of the customs for payment to the Frescobaldi, arrived at the exchequer two days after letters close under the English great seal giving instructions that money from the customs be delivered to the Frescobaldi or their attorneys.²³

Several letters close from England gave orders concerning purveyance and other matters relating to the war in Scotland. For example two letters

16. e.g. 56.

17. 31.

18. e.g. 40.

19. 553.

20. 49, 51.

21. 1259.

22. 46, 52, 61; cf. 927.

23. 541-2.

under the great seal directed that stated quantities of wheat, oats, fish, salt and wine be purveyed and sent to Skinburness for the sustenance of armies and garrisons in Scotland.²⁴ Another letter from the English chancery ordered that it be publicly proclaimed that noone should send victuals or arms to the king's Scottish enemies under pain of forfeiture, and that any of his enemies who came to Ireland should be arrested.²⁵ A long privy seal writ informed the treasurer that the king had ordered the earl of Ulster and other Irish magnates to be at Loch Ryan in Galloway on 8 September 1310, and commanded him to do all he could to expedite their passage and to come with them to Loch Ryan. It further instructed him to attempt together with the earl of Ulster and the justiciar to put an end to the wars and disputes between John son of Thomas and others concerning the lands of Agnes de Valence, or at least to postpone them for the duration of the war with the Scots.²⁶

The three writs from the English exchequer all relate to matters arising out of the account of the former treasurer, Richard Barford. The most important of them informed the treasurer and barons that at the instance of the earl of Ulster the king had pardoned Henry Walton, a former chamberlain of the exchequer, his trespasses in taking from the treasury about £20 of the king's treasure and about £200 of deposits made with the chamberlains. It ordered them to charge Walton with the sums in question and, having obtained surety from him for the payment of the sums in instalments of £10 a year, to deliver to him his lands, tenements, goods and chattels.²⁷ The writ from the king's bench and the associated writ from the English chancery sought records of pleas between Geoffrey Morton and Barford heard before Thomas Quantock (de Cantock), Edmund Butler and Neil le Brun.²⁸

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24. 549, 1251.
25. 1249.
26. 1252.
27. 64 (=232).
28. 950-1.

DEBTS RECOGNISED AND OTHER MEMORANDA

This section of the memoranda roll differs markedly from the other six sections. It contains many different types of entry, whereas each of the others is confined to one or at most two types of entry. In other words it is the general or miscellaneous section of the roll. Since the entries are so varied, they must be grouped by type before they can be discussed in detail. Table XXX shows the number of entries in each identifiable type containing two or more entries.

The discussion of the various types of entry which follows is based on this classification, but they will be considered in a modified order. The different kinds of entry relating to private debts are best examined in succession rather than widely separated. Oath takings were similar in purpose to commissions and will therefore be analysed with them. Returns to writs will be dealt with in association with writs issuing. Some days given took the form of entries of writs issuing, so the discussion of them will follow that of writs issuing. The entries of days given on the plea roll will also be examined at this point. Days given and mainprises are both concerned with days for appearance in the exchequer; mainprises will therefore be analysed after days given rather than before commissions. Recognisances of obligation to acquit accountants are very like certain mainprises and will be considered with them. The seven entries of pleas, verdicts and judgments will be discussed with other entries of the same kind in other sections of the memoranda and plea rolls.¹ Finally, many of the miscellaneous entries have features in common with or clarify problems concerning entries which can be classified, and will therefore be discussed with them.

1. See below, pp. 192-209.

TABLE XXX: TYPES OF ENTRY RECORDED AS DEBTS RECOGNISED AND OTHER MEMORANDA IN THE MEMORANDA ROLL FOR 1309/10²

<u>Type of Entry</u>	<u>Number of entries</u>
Recognisances of private debts	123
Appointments of attorneys	91
Mainprises	56
Commissions	52
Writs issuing	40
Days given	34
Amercements	29
Views	11
Assignments of private debts	8
Returns to writs	8
Pleas, verdicts and judgments	7
Recognisances of satisfaction of private debts	6
Deliveries of records	5
Renders	4
Committals to the custody of the marshal	3
Oath takings	2
Recognisances of obligation to acquit accountants	2
Miscellaneous	33
Illegible or incomplete	5
TOTAL	519

2. The total of 519 entries includes 10 entries recorded under the heading 'Writs issuing for the king' which would normally have been recorded under the heading 'Debts recognised and other memoranda' (see below p. 212, n. 3).

Recognisances of private debts and related entries

In the fourteenth century the two most secure means of recording private debts were bonds (often referred to as letters obligatory) and recognisances. A bond was a deed sealed with the debtor's seal in which he declared himself bound to pay the debt to the creditor at a stated time. If the debtor failed to pay by the time stated, the debtor could bring a legal action to recover the debt. The production of the bond by the creditor confined the hearing in court to the question of whether the bond was genuine. Once it was proved or admitted to be genuine, judgment was given automatically in favour of the creditor. The appropriate sheriff or other local official could then be ordered to have the debt levied.

A recognisance was a formal acknowledgment made in a court by the debtor in which he declared himself bound to pay the debt to the creditor at a stated time. It also included a statement by the debtor to the effect that, if he failed to pay the debt by the time stated, the appropriate sheriff or other local official could be ordered to have the debt levied. The advantage to the creditor of having his creditor make a recognisance rather than a bond was that no further court hearing was necessary before the sheriff could be ordered to have the debt levied, as a recognisance was equivalent to a judgment. The disadvantage was that the debtor had to be induced or forced to appear in court to make the recognisance.¹

A total of 123 recognisances of debts made in the exchequer were recorded among the debts recognised and other memoranda in the memoranda roll for 1309/10. The recognisance made by William Beck on 15 January 1310 is a typical example. He recognised himself bound to John Usher, constable of Dublin Castle, for 18s and a crannock of wheat payable to Usher at the feast of the Purification (2 February). And if he had not paid the debt by then, he granted that the sheriff

1. See M.M. Postan, 'Private financial instruments in medieval England', Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte, xxiii (1930), pp. 26-75 (reprinted in M.M. Postan, Medieval trade and finance (Cambridge, 1973), pp. 28-64).

might have it levied from his lands and chattels, no matter who might have them.²

The creditors in just over half the recognisances can be identified as officials of the exchequer.³ Some of the remainder held other official positions,⁴ but many seem to have had no official connection.⁵ In only nine recognisances were the creditors Italian merchants.⁶ This is somewhat surprising, given the large number of actions of debt brought by Italian merchants in the exchequer.⁷ Presumably they made much greater use of the procedure for the making of recognisances before mayors and other local officials under the Statute of Merchants.⁸

As a rule the debt recognised was purely monetary, but in 12 cases it was wholly or partly in kind.⁹ Most of the recognisances of debts in kind were made in the summer of 1310 and concerned debts of grain payable at Michaelmas after the harvest.¹⁰ Only 22 of the recognisances of monetary debts give any reason for the debt. In 14 of these money was owed for the fruits or tithes of churches, vicarages, rectories and prebends.¹¹ In other cases money was owed for having the office of usher in the exchequer,¹² Walter de la Haye's arrears of account as escheator,¹³ a bequest,¹⁴ the sale of a haggard,¹⁵ grain and wool,¹⁶ and arrears of an annual

2. 556

3. e.g. 145.

4. e.g. 587.

5. e.g. 153.

6. 150, 221, 611, 980, 991, 998-9, 1002, 1307.

7. See above, p. 101.

8. *Stat. Ire., John-Hen. V*, pp. 46-7, 101-3.

9. 222, 556, 988, 1049-50, 1266, 1276, 1283, 1290-1, 1297, 1300.

10. e.g. 1266.

11. 132, 571-3, 623, 653-5, 1280, 1289, 1301, 1334, 1343, 1365.

12. 226.

13. 1317.

14. 652.

15. 124.

16. 999.

pension.¹⁷ One recognisance seems to have been made in return for having temporary custody of Dublin Castle,¹⁸ and another to have been made in return for a quitclaim by the creditor of any action against the debtor concerning certain trespasses.¹⁹ Of course many of the debts for which no cause is given are likely to have been simple loans.

Payment of the debt at one or more stated dates, generally not more than a year later, was required in 83 of the recognisances: one in 48 entries²⁰ and two or more in 35.²¹ Payment at the will of the creditor was required in 26 entries.²² Immediate payment was stipulated in 10.²³ In two entries part of the debt was to be paid immediately and part on one²⁴ or two stated dates.²⁵ In the remaining two entries the relevant phrases have been torn away or are illegible.²⁶

Postscripts follow 42 of the recognisances of debts. The remembrancer clearly expected such postscripts to be made after recognisances, as he normally left a larger than usual space below them. Most of the postscripts state that the creditor or his attorney came into the exchequer and recognised that he had been satisfied for the debt. The original recognisance was then cancelled.²⁷ One postscript records the fact that the debtor came into the exchequer and produced the creditor's letters of acquittance. Again the original recognisance was cancelled.²⁸ It seems likely that many of the debts recorded in uncanceled recognisances which are not followed by postscripts were in fact paid, but that the debtor did not bother to have the

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17. 1287.
 18. 1353.
 19. 164.
 20. e.g. 115.
 21. e.g. 124.
 22. e.g. 104.
 23. e.g. 145.
 24. 214.
 25. 1358.
 26. 161 219.
 27. e.g. 125.
 28. 151.

recognisances cancelled because they had letters of acquittance from their creditors.

A recognisance of satisfaction of a debt could also be recorded as a separate entry on the memoranda roll. There are seven such recognisances among the debts recognised and other memoranda in the roll for 1309/10.²⁹ One of them related to a recognisance of debt which could not be traced in the memoranda rolls.³⁰ Another referred to a debt recorded in a bond.³¹ Others recorded the satisfaction of all debts owed by the prior and convent of Great Connell to two Italian merchants.³²

Eight entries record assignment of debts originally recorded in bonds.³³ For example on 4 Feb. 1310 Joan daughter of William Finglas came into the exchequer and assigned to Richard Woodhouse a debt of 10 marks owed to her by Roger de la Hinde in part payment of her own debts to Richard.³⁴ In other cases a number of debts were assigned at the same time.³⁵ All of the entries state that the bonds recording the debts were delivered to the assignee. In one case the full text of the bond was entered on the roll.³⁶ One assignment was cancelled, and is followed by a postscript explaining that the debtor later recognised his debt to the assignee elsewhere in the roll.³⁷

There are five miscellaneous entries relating to private debts. In one a widow recognised that her deceased husband owed 100 shillings, and conceded that goods and chattels of her husband to that value should be delivered to the creditor.³⁸ Another recites a bond

29. 116, 190-1, 209, 558, 1267.

30. 116.

31. 558.

32. 190-1.

33. 111, 192, 230, 239, 581, 601, 1043, 1333.

34. 601.

35. 111, 239, 1333.

36. 581.

37. 192.

38. 1322.

recognised by the debtor to be his and enrolled at the request of the creditor.³⁹ A third is a recognisance of receipt of money for cattle delivered.⁴⁰ The fourth records the assignment of a rent in part payment of debts.⁴¹ The last is a complex entry concerning a pension previously assigned in the exchequer; the assignor quitclaimed the assignee's heir for the pension, the grantor of the pension recognised his obligation to pay it to the assignee's heir, and the assignee's heir remitted the arrears of the pension.⁴²

In England an enrolment fee was normally payable to the remembrancers for each recognisance or related entry enrolled on the memoranda rolls.⁴³ The fact that a fee was due was noted in the margin beside the entry.⁴⁴ The Irish rolls do not contain marginal notes of this kind, but it is likely that similar fees were payable. The remembrancers may also have been entitled to penalty payments if the debtor failed to pay on time. Recognisances in the Irish memoranda roll for 1294/5 contain clauses obliging the debtors to make such penalty payments.⁴⁵ These clauses do not appear in recognisances on later rolls, but it is possible that such payments were customary, and that it was therefore not considered necessary to record the obligation.

Appointments of attorneys

A total of 84 entries record the appointment of attorneys in legal proceedings. A good example of this type of entry at its simplest is one in Trinity term 1310 which may be translated as follows: Walter Brett put Martin Fisacre in his place against the prior of St. Katherine's concerning a plea of debt.¹ This entry is typical of

39. 1325.

40. 184.

41. 98.

42. 610.

43. Red book of the exchequer, iii, pp. 864-5.

44. Cal. mem. rolls, 1326/7, pp. xix-xx.

45. EX 2/1, pp. 6, 11, 25, 37

1. 1356.

more than two-thirds of the total in that it does not even indicate whether the party appointing the attorney was the plaintiff or the defendant. In 16 entries it is clear that the attorney was appointed by the plaintiff.² In 6 entries we know that the defendant appointed the attorney because the other party was the king.³ Fortunately it is possible in most other cases to determine whether the party appointing the attorney was the plaintiff or defendant by checking the cross references to the entries in question. When this is done we find that about 60% of the parties appointing attorneys were plaintiffs, while about 40% were defendants. Presumably the reason for the discrepancy is that many defendants seem never to have responded to actions brought against them,⁴ and therefore never had cause to appoint an attorney.

In about one third of the entries the attorneys appointed can be identified as junior officials of the exchequer. The second remembrancer, Thomas Reynold, was made an attorney on 12 occasions,⁵ while the usher, Martin Fisacre, was made an attorney eight times.⁶ The employment of professional lawyers seems to have been less common. Four of the attorneys named in a total of 17 entries have been identified as attorneys, essoiners or pleaders in the justiciar's court and the Dublin bench. They are John Cornwallis,⁷ Richard Manning,⁸ William Penny,⁹ and William Widworthy.¹⁰ Of the attorneys named in the remaining entries, almost half of the total, some were clearly relatives of the parties who appointed them.¹¹ A

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2. 95-6, 107-8, 120, 128-9, 144, 183, 205, 641, 1000, 1003, 1021, 1028, 1352.
 3. 90, 228, 964, 973, 1001, 1008.
 4. See above, pp. 96-7.
 5. 95-6, 170, 183, 205, 639, 963, 968, 1001, 1003, 1278, 1252.
 6. 592-3, 976, 1284, 1314, 1316, 1318, 1356.
 7. 119, 977; Cal. justic. rolls Ire., 1308-14, pp. 68-9, 76, 103, 134, 254; RC 7/13/4, p. 72.
 8. 121, 133, 144, 163, 224, 228, 567, 579, 600, 1008; Cal. justic. rolls Ire., 1308-14, p. 83; RC 7/13/4, pp. 71-2.
 9. 101, 217, 627, 1075; Cal. justic. rolls Ire., 1308-14, pp. 47-8, 75; bench roll calendared in RC 8/5, pp. 90-7.
 10. 224, 1277; Cal. justic. rolls Ire., 1308-14, pp. 47, 83.
 11. e.g. 562.

few represented religious houses of which they were members.¹² Many probably came from the same localities as the appointing parties.¹³ It is of course possible that some were professional lawyers who practised mainly in local courts.¹⁴

Unlike the corresponding entries on the English memoranda and plea rolls,¹⁵ the entries on the Irish memoranda rolls do not give any indication as to where or by whom the attorneys were received. But it is significant that the entries do not state that the party appointing the attorney came to the exchequer, unlike recognisances, pleas and other entries recording actions by individuals.¹⁶ This implies that attorneys did not necessarily have to be appointed in the exchequer. Probably most were in fact appointed there, but as in England others may have been received by exchequer officials outside the exchequer. For example, it seems quite likely that a sequence of six appointments of attorneys by parties from counties Tipperary and Limerick¹⁷ were made before the treasurer while he was acting as paymaster for a military expedition and holding inquests concerning debts in Munster in the spring of 1310.¹⁸ Of course attorneys in legal actions in the exchequer could also be received by the justiciar,¹⁹ or by justices of assize and other officials ordered to receive them in writs issued by the exchequer.²⁰ However appointments of attorneys so received were not normally recorded under the heading 'Debts recognised and other memoranda'.²¹ The names of attorneys received

12. e.g. 1007

13. e.g. 199. Robert Skreen (de Scryn) almost certainly came from Skreen in county Meath.

14. Robert C. Palmer, The county courts in medieval England (Princeton, New Jersey, 1982), pp. 89-112.

15. Cal. mem. rolls, 1326/7, p. xviii; Select cases in exchequer, pp. cxvii-cxviii.

16. e.g. 555, 559, 657.

17. 972-7.

18. See above. pp. 75, 93.

19. See above, pp. 157-8.

20. See below, p. 241.

21. The one possible exception in the roll for 1309/10 is 964, although in this case the attorney may have been received in response to a verbal order by the treasurer, rather than a writ from the exchequer.

by the justiciar were recorded in writs from the Irish chancery, while the names of those received in response to writs from the exchequer were presumably recorded in returns to those writs.

Five entries in the roll for 1309/10 record the appointment of attorneys by accountants. Two simply state that the accountant put the attorney in his or her place to render account.²² The other three recite the accountants' letters appointing attorneys to render account on their behalf. In two of these it is recorded that the attorney was received by the treasurer and barons, and in one that he took his oath.²³ The small number of entries and the fact that none relate to sheriffs' accounts both confirm the impression that accountants were rarely allowed to appear by attorney at all stages of their account, although it may have been normal for a sheriff to be represented by his clerk in the period between the crucial opening and closing stages.²⁴ It is interesting that an accountant could appoint an attorney by letter, whereas it appears that a party to a legal action had to name his attorney before an authorised official. The explanation may be that exchequer officials could be expected to recognise an accountant's seal, but might be unable to tell whether or not a seal purporting to be that of a private individual was genuine.

Two entries record the appointment of general attorneys. John Holtham, chancellor of the exchequer, appointed attorneys and keepers of all his goods in Munster and Carlow before he left Ireland to become escheator north of Trent.²⁵ And Master Henry Brown named attorneys to attend to all matters affecting him in the exchequer.²⁶ Also, one of the miscellaneous entries recorded the making of letters patent for William Dowse, attorney of Alexander Bicknor in Ulster, ordering all concerned to be attentive to him.²⁷

22. 189, 1062.

23. 223, 566, 1071.

24. See above, p. 88.

25. 140, 2446.

26. 963.

27. 621.

Commissions and related entries concerning offices and lands

A total of 52 entries record commissions of offices, special duties, lands and so on, made in letters patent issued under the exchequer seal. It is clear that most of the entries are no more than brief summaries of the letters issued, although a few recite the commissions in full. Each of the latter includes a clause directing all concerned to be attentive and responsive to the commissioner.¹ Presumably the letters which have been summarised all contained similar clauses. The date when the commission was made is specified in every entry. Many entries also give details of writs issued and oaths taken or to be taken.

Almost half the entries relate to commissions of offices. Five of them concern commissions of the office of sheriff in counties Kerry, Tipperary, Meath, Carlow and Louth.² Most of these entries include clauses indicating that the office was to be held during pleasure, and that the sheriff was to answer at the exchequer for the issues of the shrievalty.³ All of them also record the issue of writs ordering the previous sheriff to deliver to his successor the rolls, tallies, writs, summonses and other things affecting the county. One refers to an indenture to be made between the two sheriffs concerning the records handed over.⁴ Entries of commissions of the office of sheriff made after the creation of new office of receiver in Hilary term 1310 also give details of writs issued ordering the receiver of the county in question to be attentive to the sheriff.⁵

Commissions of the lesser offices in the counties are recorded in 14 entries. The nine commissions of the new office of receiver have already been discussed in detail.⁶ The other five commissions

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1. e.g. 646.
 2. 173, 1034, 1076, 1270, 1326.
 3. e.g. 1076.
 4. 173.
 5. e.g. 1034.
 6. See above, pp. 38-9.

were of the office of sergeant. The sergeancies of the crosses of Ossory, Ferns and Leighlin were committed to three different persons in the course of the year 1309/10.⁷ The unusually rapid turnover in the office may have been a consequence of the disorder in the area connected with the killing of John Bonneville.⁸ The other two commissions related to the sergeancies of county Roscommon and the crosses of Meath.⁹ Four of the sergeants were to pay as much each year as their predecessors.¹⁰ The sergeant of the crosses of Meath was to pay one mark per year.¹¹ It should be remembered that sergeants of the long established counties, in which the office of chief sergeant was hereditary, were not normally appointed in the exchequer.¹²

Of the remaining six commissions of offices, three were made for purveyors of victuals in Drogheda and Dublin for the king's expedition to Scotland.¹³ Two related to the great custom. The custom at Galway was granted to Cruchius Huberti del Passo, in return for the payment of 50 marks per year to the Frescobaldi; while the custom in Ulster was granted to William Dowse for £30 per year.¹⁴ And the custody of the castle in Leixlip was committed to Maurice Barefoot during pleasure for the accustomed fee.¹⁵

All these officials must have taken oaths, but relevant clauses occur in only just over half of the entries. Those recorded as taking their oaths in the exchequer were the sheriff of Kerry, a sergeant of the crosses of Ossory and Leighlin, the purveyors at Dublin, and the

7. 194, 1272, 1331. Only Ossory and Leighlin are referred to in 194.

8. Otway-Ruthven, Med. Ire., p. 220.

9. 1060, 1295.

10. 194, 1272, 1295, 1331.

11. 1060.

12. See above, p. 37.

13. 599, 605, 628.

14. 114, 568.

15. 244.

receivers of Louth, Meath, Waterford and Dublin.¹⁶ The receiver of Cork took his oath before the treasurer in Cork.¹⁷ The justiciar, the escheator, a bishop and the mayor, seneschal and bailiffs of Drogheda were asked to receive the oaths of other officials.¹⁸

The 11 entries of commissions of special duties are very varied in character. The chamberlains of the exchequer were commissioned to hold inquests concerning debts in county Louth, while the barons were commissioned to do the same in counties Dublin, Meath, Carlow and Kildare.¹⁹ At the same time the chamberlains were commissioned to hear accounts concerning property formerly belonging to the Templars in counties Dublin, Meath and Louth.²⁰ Later in the year they were also commissioned to supervise and hasten the levying of all rents and farms of the king's demesnes in counties Dublin and Kildare.²¹ Other commissions related to the property of persons of who died owing debts to the king. Two of these arose from the death of John Bonneville. George Roche (de Rupe) and the sheriff of Waterford were commissioned to arrest the stud of horses belonging to Bonneville driven from county Carlow by men of county Waterford.²² And the escheator and Hugh Cannon were assigned to take an inquisition concerning goods and chattels of Bonneville said to have been misappropriated by John Lyvet.²³

Commissions of lands, manors, mills, and other property are recorded in 13 entries.²⁴ In most cases they were to be held during pleasure.²⁵ In others the commissioner was to have them for a

16. 173, 194, 605, 648-9, 1019, 1026.

17. 967.

18. 599, 628, 1018, 1270-1.

19. 646-7. cf. above, pp. 93 - 4.

20. 645.

21. 1363.

22. 622.

23. 1275.

24. 152, 172, 178, 193, 212, 557, 564, 602, 632, 988, 994, 1055, 1368.

25. e.g. 1368.

term of years.²⁶ A few of the entries refer to an extent to be made of the land.²⁷ Two commissions were made of mills in county Dublin.²⁸ One was made of the marriage of a royal ward.²⁹

The attestation clauses of the commissions are not recorded. However many are said to have been made or authorised by the treasurer. These include all but one³⁰ of the commissions of the office of sheriff, all those of the offices of receiver and sergent, and the more important commissions of special duties.³¹ Others were almost certainly witnessed by the chancellor or one of the barons of the exchequer, a practice we know to have been normal later in the century.³²

Two entries record the taking of oaths by exchequer officials. Martin Fisacre took his oath as usher on 17 November 1309, and William Holtham took his oath as lieutenant of the chancellor on 21 November.³³

Four of the miscellaneous entries relate to offices or lands. The men of Newcastle Lyons elected Peter son of Thomas as their reeve in full exchequer; presumably the election took place in the exchequer because the previous reeve had been committed to prison for trespass.³⁴

The chief sergeanty of county Limerick, taken into the king's hand for unspecified reasons, was restored to Walter Maunsell.³⁵ The seal of the Statute of Merchants for Dublin was produced in the exchequer by the former mayor and delivered to the new mayor.³⁶ And the lands of

26. e.g. 602.

27. e.g. 172.

28. 146.

29. 987.

30. 173.

31. e.g. 645-7.

32. e.g. Lydon, 'Memoranda rolls', p. 62.

33. 188, 204.

34. 127 and its cross references.

35. 131.

36. 94.

Esker and Finnstown, held at the king's will, were returned to the king's hand by William and Joan West.³⁷

Writs issuing

Of the 38 writs issuing under discussion here, 26 were writs of mandamus ordering the assignment of revenue. The entries abbreviate the writ to varying extents. The full wording can be determined by comparison of two of the fuller entries with one of the miscellaneous entries which recites a writ of mandamus and the resulting acquittances. The writ was addressed to a local collector of revenue, and instructed him to cause a named person to have a stated sum of money without delay. The collector was to receive the assignee's letters patent testifying to the receipt of the money. The money would be allowed to him on his account, so he was to have the writ and letters patent with him when he came to account.¹ On occasion the writ and letters patent were subsequently exchanged for a tally, but this was not normal practice in the early fourteenth century.²

Taking into consideration four writs of mandamus enrolled under the heading 'Common writs issuing',³ a total of 10 writs ordering assignments were addressed to sheriffs,⁴ six to mayors and bailiffs,⁵ six to farmers of manors and receivers of rents,⁶ three to purveyors of victuals,⁷ two to collectors of customs,⁸ two to keepers of deceased bishop's goods,⁹ and one to the seneschal of a

37. 149.

1. 1005, 1004, 198.

2. See above, pp. 29-30.

3. See below, p. 241.

4. 99, 227, 609, 1005, 1027, 1046-7, 1329, 1342, 1369.

5. 237, 359, 629, 1029-30, 1327.

6. 357, 503, 992, 1078, 1244, 1323.

7. 636, 1298-9.

8. 1033, 1044.

9. 112, 437.

liberty.¹⁰ In 10 cases money was to be paid to purveyors of victuals,¹¹ in six to exchequer officials,¹² in four as alms to religious houses,¹³ in three to Isabella de Vescy for her share of the pleas and perquisites of county Kildare,¹⁴ in three to the constable or keeper of a castle,¹⁵ in two to the creditors of a deceased bishop,¹⁶ in one to the justice of the justiciar's court,¹⁷ and in one to a widow for her quarantine.¹⁸ The sums assigned in these writs varied from one mark (13s 4d.) to 100 marks (£66 13s 4d.)¹⁹ and amounted to a total of about £175.

The writ of mandamus ordering an assignment did not require the addressee to make a return to the exchequer on a specified date. Five of the other writs to be considered here were also non-returnable. They are miscellaneous in character. By far the longest is one addressed to Andrew Gerard, collector of the Irish customs on behalf of Frescobaldi; it recited the writ from the English chancery assigning the customs to the Frescobaldi, and ordered Gerard to deliver money collected to them.²⁰ There are three entries of writs addressed to sheriffs, commanding one to supersede a distraint, another to permit a crown debtor to keep terms granted to him for payment, and a third to provide carriage for corn purveyed for the king's expedition to Scotland.²¹ And the chancellor and farmer of the manor of Clontarf was instructed to deliver two millstones to the farmer of the manor of Cooley.²²

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10. 435.
 11. 99, 636, 1005, 1027, 1029-30, 1033, 1044, 1298-9.
 12. 227, 359, 629, 1047, 1327, 1369.
 13. 237, 503, 992, 1323.
 14. 1046, 1244, 1342.
 15. 357, 1078, 1329.
 16. 112, 437.
 17. 609.
 18. 435.
 19. 1044, 1047.
 20. 1045.
 21. 138-9, 651.
 22. 1367.

The nine writs requiring a return to the exchequer on a specified date were also very varied. Three were concerned with arrears of account owed by former sheriffs.²³ Two writs gave orders for the delivery of goods belonging to John Bonneville to his widow.²⁴ Another two conveyed instructions to the escheator regarding the lands and goods of Theobald de Verdon.²⁵ The sheriff of Louth was ordered to have all livestock on the lands of the Templars in his bailiwick valued and then to deliver them to the chancellor.²⁶ And the keepers of the goods of the deceased bishop of Leighlin were ordered to deliver corn belonging to the bishop at Killory to Master Stephen Crispin.²⁷

It may seem surprising that writs issuing were recorded among the debts recognised and memoranda, given that two other sections of the memoranda roll were devoted specifically to writs issuing. It is of course possible that some of the writs were recorded in this section in error. However it is clear that writs ordering assignments were deliberately entered here. The one feature which most entries of these and other writs in this section have in common is that in general they give a much fuller version of the writs recorded in them than do entries in the writs issuing sections.²⁸ It therefore seems reasonable to conclude that if it was thought desirable for the exchequer to have something approaching a full copy of a writ about to be issued, the writ was usually enrolled among the debts recognised and other memoranda.

Return to writs

All returns made by recipients of writs issued should normally have been on record in the files of writs returned kept by the remembrancers and the clerk of common pleas.²⁹ Consequently

23. 197, 620, 1036.

24. 1073-4.

25. 143, 181.

26. 100.

27. 135.

28. cf. below, pp. 213-14.

29. See above, pp. 12-13.

most returns were not enrolled. Presumably those that were enrolled were considered to be unusually important.

There are eight entries of returns among the debts recognised and other memoranda on the memoranda roll for 1309/10. Five of these record the names of collectors of customs elected in the ports of Drogheda, Cork, New Ross, Wexford and Limerick.³⁰ The sheriff of Tipperary had been ordered to levy arrears of the account of Walter de la Haye as escheator; his return stated that one of the debtors had no possessions in the county, and that the other denied that they owed the debts.³¹ When commanded to take into the king's hand for the expedition to Scotland all corn for sale in his bailiwick, the seneschal of Trim replied that he had taken 454 crannocks of wheat and 215 crannocks of oats in hand.³² And when instructed to deliver to the bishop of Connor chattels of his which had been taken in hand, having taken surety for the payment of £30, the sheriff of Dublin confirmed that he had done so and supplied the names of pledges found by the bishop.³³ In addition a few entries of writs issuing are followed by postscripts giving details of returns received. These include a list of 48 persons who entered into a mainprise on behalf of Theobald de Verdon.³⁴

Days given

These entries record the giving of days to various persons for their appearance in the exchequer for stated purposes. Of the 34 days given recorded among the debts recognised and other memoranda in the memoranda roll for 1309/10, all but four related to various stages of accounting. In 13 entries days were given for rendering account: three each to the sheriffs of Connacht¹ and Waterford,² and one

30. 582-6.

31. 220.

32. 595.

33. 1364.

34. 181.

1. 136, 577, 1006.

2. 174, 996, 1320.

each to the sheriff of Roscommon,³ the seneschal of Kilkenny,⁴ the mayor and bailiffs of Roscommon,⁵ the constable of Newcastle Mackinegan,⁶ a former sheriff of Cork for money received for purveyance,⁷ Reynold Russell for Decies,⁸ and the tenants of the manor of Dunbro.⁹ Five days were given for the closing of accounts: two to the seneschal, sheriff and former sheriffs of Carlow,¹⁰ and one each to the sheriffs of Cork¹¹ and Tipperary¹² and the seneschal of Kilkenny.¹³ A total of nine days were given for answering for arrears of account: three to former sheriffs of Tipperary,¹⁴ and one each to a former sheriff of Connacht,¹⁵ the seneschal of Kilkenny,¹⁶ the mayor and bailiffs of Dublin,¹⁷ and Drogheda on the side of Louth,¹⁸ Reynold Russell's attorney,¹⁹ and Edmund Butler for the rent of Ui Maine (Omany).²⁰ A former sheriff of Carlow had a day to hear the judgment of the court concerning his own debts and his arrears of account.²¹ A former sheriff of Cork was given a day to pay money levied from the citizens of Cork for which he had not acquitted them.²² And the men of Roscommon had a day for having in the exchequer the charter by which they claimed the liberty of accounting through a mayor and bailiffs, and for paying the arrears of their farm.²³

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- 3. 137.
 - 4. 117.
 - 5. 1009.
 - 6. 1077.
 - 7. 196.
 - 8. 175.
 - 9. 624.
 - 10. 245, 596.
 - 11. 1039.
 - 12. 176.
 - 13. 619.
 - 14. 177A, 202, 606.
 - 15. 225.
 - 16. 1040.
 - 17. 249.
 - 18. 180.
 - 19. 591.
 - 20. 246.
 - 21. 1273.
 - 22. 186.
 - 23. 1293.

Of the other four days given, one was given to the reeves and receivers of the demesne lands in counties Dublin and Kildare for the payment of their rents and farms.²⁴ Another was given to Meiler Kendale for having in the exchequer six silver bowls belonging to John Bonneville.²⁵ And two were for answering the king concerning trespasses.²⁶

Most of these days were probably given by writ. In 10 cases this was undoubtedly so.²⁷ The writs in question were either writs of sis ordering the addressee to be in the exchequer himself or writs of venire facias ordering him to cause the accountant or other party to come to the exchequer.²⁸ Almost two-thirds of the entries simply say that the accountant or other party was given a day or has a day to be in the exchequer,²⁹ but in general there is little reason to think that the persons in question were more likely to have been in the exchequer than those we know to have been given days by writ. For example it is most unlikely that all the reeves and receivers of the demesne lands were present in the exchequer when they were given a day.³⁰

However there is definite reason for thinking that three days were given orally in the exchequer. Two entries state that it was granted to accountants that they might pay debts on a stated date; the wording suggests that they were present in court, and this impression is reinforced by the cross references to these entries.³¹ And in one case clerks of accountants were enjoined by the treasurer on 11 December 1309 to warn their principals to be in the exchequer on 15

24. 607.

25. 1274.

26. 1025, 1054.

27. 117, 136-7, 174-5, 577, 996, 100, 1009.

28. cf. below, pp. 219-20, 227.

29. e.g. 225, 249.

30. 607.

31. 180, 186.

December to close their accounts.³² So while it is likely that most days were given by writ, it cannot be assumed that this was so in every case.

The nine entries of days given on the plea roll can conveniently be considered at this point. They occur in roughly equal numbers on membranes devoted primarily to entries of pleas or writs issuing. They vary quite substantially in wording, but each had the practical effect of postponing the hearing of an action until a specified date. A good example is the entry which states that the abbot of Monasteranenagh (Mayo) had been attached to be in the exchequer on the morrow of Hilary 1310 to answer Cambinus Donati concerning a sack of wool and £15 of silver, that the parties came on that date, and that they had a day on the quindene of Easter at their request.³³ Four other entries state that the day was given at the request of the parties,³⁴ and this may well have been the reason for adjournment in another three.³⁵ In the remaining entry the hearing was postponed so that an inquisition could be made by a jury.³⁶ All but one of the entries relate to actions of debt. The one exception concerns an action of trespass.³⁷ The days were probably given orally, as the parties or their attorneys seem all to have been present in the exchequer.

Mainprises and related recognisances

The 56 mainprises were formal undertakings that someone would appear in or make a payment to the exchequer. In just over half of the entries one or more persons (generally two) mainprised to have one or more other persons in the exchequer on a stated date for a stated purpose.¹ In eight entries one or more persons mainprised

32. 245.

33. 2163.

34. 1826, 1969, 1971, 2172.

35. 1970, 2166, 2169.

36. 2173.

37. 1971.

1. e.g. 123, 970, 1292.

themselves, with named pledges, to be in the exchequer for a stated purpose, generally on a stated date.² In the remaining 18 entries one or more persons mainprised themselves, without pledges, to be in or to make a payment to the exchequer, generally on a specified date.³ One of the miscellaneous entries makes it clear that mainpernors or pledges had to make a recognisance in the exchequer and be received into plevin.⁴ They must also have offered a surety, but the Irish remembrancers did not make the distinction made by the English remembrancers between mainprises corpus pro corpore and monetary mainprises.⁵ Postscripts recording amercements⁶ suggest that they were normally monetary.

Slightly more than three-quarters of the mainprises relate to the rendering of accounts, the satisfaction of arrears of account, or the satisfaction of debts owed to the king. The six mainprises for rendering account refer to accounts for county Roscommon,⁷ the manors of Clontarf and Kerdiffstown,⁸ Decies,⁹ Nicholas Clere's debts,¹⁰ and the papal tenth.¹¹ The accountants who mainprised or were mainprised to answer for their arrears of account included sheriffs,¹² a collector of customs¹³ and purveyors of victuals.¹⁴ Nine mainprises were made by or for persons who undertook to answer for sums with which sheriffs and other

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2. e.g. 93, 1032.
 3. e.g. 130, 631, 1345.
 4. 113.
 5. Cal. mem. rolls, 1326/7, p. xvii.
 6. e.g. 233, 633.
 7. 1022.
 8. 971, 1354.
 9. 993.
 10. 979.
 11. 1268.
 12. e.g. 169, 1292.
 13. 210.
 14. 242.

accountants had charged themselves on their accounts.¹⁵ Five persons mainprised to satisfy the king for debts owed by others.¹⁶ Other persons entered into mainprises that the king would be satisfied for a wide variety of debts, including issues of the archbishopric of Armagh,¹⁷ arrears of rent,¹⁸ sums due from a subsidy and a common amercement of county Meath,¹⁹ tithes²⁰ and a relief.²¹

There are five mainprises that persons other than the king would be satisfied for debts owed to them. Two were made in favour of the treasurer as assignee of the escheator concerning arrears of account of the former escheator granted to him.²² Another was made in favour of the escheator and probably related to the same arrears.²³ In the fourth the mainpennor undertook to satisfy the treasurer for £4 given for purveyance made on behalf of the chamberlain of North Wales.²⁴ The fifth related to the payment of arrears of rent to Richard Barford, a former treasurer and crown debtor.²⁵ In each case the king's interests were clearly affected. The seven remaining mainprises gave security for the appearance in the exchequer of defendants in legal actions in which the king was a plaintiff.²⁶ So it may be said that all mainprises recorded on the memoranda roll for 1309/10 touched on the king's interests in one way or another.

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15. e.g. 216, 576, 1056.
 16. e.g. 130, 1345.
 17. 123, 631.
 18. 633-4.
 19. 574.
 20. 969.
 21. 1336.
 22. 643, 1061.
 23. 970.
 24. 575.
 25. 238.
 26. 234, 895-7, 1004, 1063, 1338.

The practice of the Irish exchequer with regard to mainprises differs strikingly from that of the English exchequer. In the latter the only form of mainprise seems to have been that in which two or more persons mainprised one or more other persons to appear in the exchequer.²⁷

It would appear that the Irish exchequer defined mainprises much more loosely than the English exchequer, and that in Ireland debtors mainprised to satisfy the king for debts where in England they would have made an affidavit to the marshal or a recognisance.²⁸ No affidavits or recognisances of debts to the king appear in the Irish memoranda roll for 1309/10, while personal mainprises with or without pledges seem to have been used only for undertakings to answer or satisfy the king or others concerning debts.

Two persons recognised that they would acquit accountants of sums with which the latter had charged themselves on their accounts.²⁹ There is no obvious reason why these should have been termed recognisances rather than mainprises, as mainprises were normally used for this purpose.

Amercements and related entries

The 29 entries of amerancements record the fact that an accountant, debtor or defendant was in mercy for a stated offence against the king. In 12 cases sheriffs or other persons were amerced for failing to pay debts as ordered or mainprised.¹ Seven accountants were amerced for not coming to render or close their accounts.² Seven sheriffs or other officials were amerced for not returning writs.³ Others were amerced for false claim,⁴ contempt⁵ and trespass.⁶

27. Cal. mem. rolls, 1326/7, pp. xvii, xxxi-xxxii, 155-63.

28. ibid., pp. xvii, xix-xx.

29. 92, 1012.

1. e.g. 84, 1015.

2. e.g. 78, 1359.

3. e.g. 91, 1302.

4. 626.

5. 1269.

6. 1286.

The amount of the amercement was not stated in the entry. Presumably it was assessed and entered in the estreats of fines and amercements at a later stage. It is possible that all amercements imposed during a particular term were assessed and entered in the estreats on a single occasion at the end of term.⁷ It appears that when the amount of an amercement had been decided and it had been entered in the estreats, a cross or other symbol was written beside the entry in the memoranda roll to indicate that this had been done. The word misericordia which had previously been written in the margin was normally cancelled at the same time.⁸

Many amercements were recorded in postscripts to other entries.⁹ It is therefore necessary to explain why the amercements were recorded separately. In most cases the reason was that the amercements related to entries in previous terms. The amercements were not placed in the estreats for those terms, presumably because the estreats had already been made up. Consequently they were entered in the memoranda roll for the current term, so that they would be entered in the estreats for that term.¹⁰ Other amercements were probably recorded in separate entries because they related to a number of entries.¹¹

One of three related entries stated that all amercements imposed on the sheriff of Louth had been pardoned.¹² Another records two fines for trespass which had not been estreated where previously recorded.¹³ And the sheriff and two former sheriffs of Carlow were at the will of the court for insufficient answers on their account concerning a particular debt.¹⁴

7. cf. Crown pleas of the Wiltshire eyre, ed. C.A.F. Meekings
Wiltshire Archaeological and Natural History Society, Records
Branch, xvi (1960), pp. 106-7.

8. See below, vol. ii, p. vi.

9. e.g. 897, 931.

10. e.g. 78-88, 1014-17.

11. e.g. 91, 580.

12. 1057.

13. 1070.

14. 235.

Views

There are 11 entries of views. None of the views were of the type made of English sheriff's accounts after each proffer as a preliminary to audit.¹ One was a view of summonses held by the sheriff of Dublin made by the barons of the exchequer as part of an inquiry concerning debts in a number of counties in Leinster.² Views made during inquiries concerning debts were probably usually recorded on special rolls. Presumably the Dublin view was recorded on the memoranda roll because it was made in or near the exchequer.³

The other 10 views were made in early autumn 1310 because the exchequer needed money urgently to pay for purveyance. Half of them were views of summonses held by sheriffs, mayors and bailiffs in Dublin and neighbouring areas made in order to determine how much they would be expected to levy and pay into the exchequer at Michaelmas.⁴ The other five were views of the accounts or arrears of account of reeves and receivers of demesne manors made in order to establish the amount of rent or arrears of rent which they could be required to pay on the same date.⁵

Deliveries of records

Two of the five entries to be considered here concern the delivery of records to exchequer officials. Indentures of various particulars of

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1. See above, pp. 82-3.
 2. 892.
 3. cf. above, p. 93.
 4. 1371-2, 1669-71.
 5. 1672-6.

receipts held by a former chamberlain, Henry Walton, were delivered to the engrosser.⁶ And the sheriff of Louth delivered indentures concerning goods of the Templars to the chamberlains.⁷ The third entry states that two summonses were delivered to John Pipe of Youghal to be brought to the sheriff of Cork.⁸ The fourth records the delivery of bonds belonging to Simon Rudham to Simon's heir, Roger Rudham.⁹ The fifth concerns the delivery by the treasurer and barons to Andrew Fulbourn of acquittances under the seal of the late Queen Eleanor for money paid by Stephen Fulbourn.¹⁰

Renders

The four entries of renders record the payment in kind of rents owed for lands in Ranelagh, Kilbarrack, Crumlin and Dalkey, all in county Dublin. The items rendered were a pound of pepper, a half pound of pepper, two pairs of gloves and a goshawk.¹¹ It appears that renders were due once a year in Michaelmas term, although in two cases two years' rent were paid at one time, and in one of these the payment was made in Trinity term.¹² Renders were paid to the treasurer and chamberlains in the lower exchequer,¹³ and reported by the chamberlains to the upper exchequer,¹⁴ where they were recorded on the memoranda rolls. It is not clear what the exchequer did with the items received.

Committals to the custody of the marshal

Three entries record committals to the custody of the marshal. Former sheriffs of Tipperary and Roscommon were committed to his custody

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6. 1058.
 7. 1064.
 8. 109.
 9. 1324.
 10. 1328.
 11. 106, 110, 126, 1319.
 12. 126, 1319.
 13. 126; RC 8/13, pp. 22, 24.
 14. e.g. 1319.

until they had satisfied the king concerning their arrears of account.¹⁵ And a former chamberlain, Henry Walton, was committed to his custody, pending the giving of security for the payment of his debts to the king.¹⁶ In addition many entries of pleas, verdicts and judgments in actions of trespass include postscripts stating that the defendant was committed to the custody of the marshal following conviction, and was admitted to make fine at a later date.¹⁷

Miscellaneous entries

Many of the miscellaneous entries have already been considered earlier in this section. A few such as the treasurer's order concerning dividend tallies,¹⁸ have been discussed in the first part of the introduction. Of the remainder, several related generally to the hearing of accounts. One of these recorded a decision that an account could be engrossed, even though the particulars had been lost, because they had already been carefully examined before they were lost.¹⁹ Another states that it was agreed that purveyors in Waterford should have £20 for their expenses over the previous seven years.²⁰ And when John Bonneville's bailiff at Nobber accounted in the exchequer, his account was enrolled on the memoranda roll.²¹ There are also some miscellaneous recognisances. For example three mariners recognised receipt of stated quantities of victuals from purveyors.²²

15. 594, 1366.

16. 201.

17. See below, p. 206.

18. See above, p. 22.

19. 1337.

20. 1351.

21. 989.

22. 1350.

Dating of entries

Somewhat more than half the entries among the debts recognised and other memoranda are dated. The result of an analysis of the dating of entries is set out in Table XXXI. It will be seen that some types of entry were always dated, others were never dated. This gives rise to the obvious question: why was it thought necessary to date some types of entries, but not others?

TABLE XXXI: DATING OF ENTRIES AMONG THE DEBTS RECOGNISED AND OTHER MEMORANDA IN THE MEMORANDA ROLL FOR 1309/10

<u>Entries which were always dated</u>	<u>Entries which were sometimes dated</u>	<u>Entries which were never dated</u>
Recognisances of debt and related entries	Writs issuing Returns to writs Days given in writ form	Appointment of attorneys Days given in simple form
Commissions and oath takings	Mainprises and related recognisances	Amercements Views
Deliveries of records	Committals to the custody of the marshal	
Renders		

In commissions and oath takings the date was an essential element in the facts recorded. Obviously the exchequer needed to know the date from which a person held an office or lands. This was especially important if he was liable to render account for his income and expenditure, or was in receipt of a fee.

Recognisances of debts were probably dated in order to facilitate the tracing of particular entries. It would have been important to the

remembrancers to be able to find a particular recognisance, both in order to confirm that its terms were as stated by a plaintiff who alleged default, and to enable him to cancel it when the debt was satisfied. When a recognisance was made, the creditor was probably given a bill obligatory as a secondary record of the debt.¹ If so, the bill would certainly have been dated. Tracing the recognisance would therefore have been easy, as the bill could be used to establish its date.

Renders were probably dated for similar reasons. The exchequer must have issued some form of acquittance to a tenant making a render. The latter would have produced it on his account as proof of payment. As it would certainly have been dated, tracing an entry on the memoranda roll in order to verify the acquittance would have been that much easier if the entry was also dated. It is less easy to see why deliveries of records should have been dated. It may be that an indenture was made between the parties concerned, and that the entries were dated in order to make it easier to find the entries and thereby authenticate the indentures.

It is easy enough to understand why entries of days given in simple form and entries of amercements were not dated. Normally the remembrancers must have wanted to trace all entries in which a particular day was given, or all amercements imposed in a given period. Dating the entries would not have made this any easier. And even when they did need to trace a particular entry, they would not usually have had to hand any document giving the date of the entry. In the case of views a number of entries were generally enrolled on a single membrane, and it may therefore have seemed unnecessary to date them.

1. This was certainly done when a recognisance was made before a mayor under the Statute Merchant (Stat. Ire, John - Hen. V, p. 102; Statutes of the realm, 1, p. 98).

The fact that appointments of attorneys were not dated is more surprising. The remembrancers must sometimes have had cause to check the validity of a person's claim to be another's attorney. It therefore seems unlikely that attorneys had letters which gave the date of their appointment. If they did have such letters, tracing the corresponding entries on the memoranda roll would surely have been easier if the entries were dated.

The most puzzling entries are those that are sometimes dated and sometimes not. In the case of writs issuing, most writs ordering assignments were dated, while most other writs were not. It is possible that in May 1310 the chief remembrancer decided that entries of writs ordering assignments should be dated, so that they could more easily be found when the addressees produced the writs on their accounts. Only one of the 11 entries made up to the middle of May is dated, while all but two of the 15 made thereafter are dated.² In the case of mainprises, it seems that many of the dated entries recorded undertakings to acquit a third party of arrears of account or a debt owed to the king.³ It is possible that the third party was given a dated bill which made it easier to trace the mainprise at a later stage.

In general the dated entries are in chronological order, but this is not always so. So while most entries were probably written at the time of the fact recorded, this cannot always have been true. This caveat applies especially to entries of commissions. For example, two commissions dated 28 February were enrolled among a number of entries dated 6 March.⁴ A few recognisances of debt were also dated out

2. Those dated are: 636, 1029-30, 1033, 1044, 1046-7, 1298-9, 1323, 1327, 1324, 1369. Those not dated are 99, 112, 227, 237, 357, 359, 609, 629, 992, 1005, 1078, 1329.

3. e.g. 1011, 1013.

4. 642-50.

of order, although only to the extent of one or two days.⁵ In general other dated entries were always made in chronological order, except for one period in May 1310 when the order breaks down.⁶ The fact that dated entries are generally but not always in order obviously determines the extent to which undated entries can be assigned dates. They can be roughly dated by reference to a number of the preceding and following entries, but precise dating is not possible.

These entries begin by mentioning the place name by placet and date, which is why they are described simply as placet to the heading on the rolls. However some of them also give details of 'series' and of judgments, while some records a verdict and the resulting judgment but not any place which had been held before the case.⁷ As a rule the place name and the verdict and judgment given in a particular entry were all enrolled in a single entry, but the proceedings recorded in a particular entry concern one action only. The rolls which follow the date registered and other statements relate to the same action,⁸ while a third is largely a duplicate of entry among the placet touching the king. And another entry among the placet touching the king refers to the separate though related actions.⁹

There appears to be no significance in the fact that a few of the entries on the memoranda roll were enrolled as debts registered and other memoranda rather than as placet touching the king. But the distinction made in the rolls between placet touching the king and other placet was both real and important. The nature of the distinction is made clear in Table XIII, which shows the extent to which the king's memoranda were

1. 69-73, 137-47, 213-19, 252-62, 1260-4.
2. 105, 122, 127, 240, 307, 1000, 1012.
3. 1350-1, 2100-3, 2167-9, 2170-1, 2435-7. Further details given under this heading have been discussed with the entries of 2028 given among the debts registered and other memoranda in the memoranda roll (see above, p. 130).

5. e.g. 114-16.
6. 1044-78.

PLEAS, VERDICTS AND JUDGMENTS

Both the memoranda roll and the plea roll contain entries of pleas made and verdicts and judgments given in legal actions heard in the exchequer. On the memoranda roll 33 such entries were made under the heading 'Pleas touching the king';¹ a further seven occur among the debts recognised and other memoranda.² On the plea roll 11 entries of this kind were enrolled under the heading 'Common pleas'.³ Normally these entries begin by summarising the pleas made by plaintiffs and defendants, which is why they are described simply as pleas in the headings on the rolls. However most of them also give details of juries' verdicts and of judgments, while one records a verdict and the ensuing judgment but not any pleas which may have been made in the case.⁴ As a rule the pleas made and the verdicts and judgments given in a particular action were all enrolled in a single entry, and the proceedings recorded in a particular entry concern one action only. But two entries among the debts recognised and other memoranda relate to the same action,⁵ while a third is largely a duplicate of entry among the pleas touching the king. And another entry among the pleas touching the king refers to two separate though related actions.⁷

There appears to be no significance in the fact that a few of the entries on the memoranda roll were enrolled as debts recognised and other memoranda rather than as pleas touching the king. But the distinction made in the rolls between pleas touching the king and common pleas was both real and important. The nature of the distinction is made clear in Table XXXII, which shows the extent to which the king's interests were

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1. 69-77, 657-67, 918-19, 957-62, 1260-4.
 2. 105, 168, 185, 240, 597, 1031, 1052.
 3. 1950-1, 2164-5, 2167-8, 2170-1, 2435-7. Entries of days given under this heading have been discussed with the entries of days given among the debts recognised and other memoranda on the memoranda roll (see above, p. 180).
 4. 960.
 5. 240, 597.
 6. 959, 1031.
 7. See below, p. 194, n. 11.

TABLE XXXII: THE EXTENT TO WHICH THE KING'S INTERESTS WERE AFFECTED IN LEGAL ACTIONS RECORDED IN ENTRIES OF PLEAS, VERDICTS AND JUDGMENTS IN THE MEMORANDA AND PLEA ROLLS FOR 1309/10

	<u>Entries on the memoranda roll under the heading 'Pleas touching the king'</u>	<u>Entries on the memoranda roll under the heading 'Debts recognised and other memoranda</u>	<u>Entries on the plea roll under the heading 'Common pleas'</u>	TOTAL
<u>Entries concerning:</u>				
(a) Actions in which the king was sole plaintiff	21	5	1	27 ⁸
(b) Actions in which individual plaintiffs sought redress from the king	2	-	-	2
(c) Actions in which the king and individuals were joint plaintiffs	10	2 ⁹	4	16 ¹⁰
(d) Actions brought by individual plaintiffs against other individuals in which the king's interests were not affected	-	-	6	6
TOTAL	<u>33¹¹</u>	<u>7¹²</u>	<u>11</u>	<u>51¹³</u>

NOTE: Footnotes are on following page.

affected in the legal actions recorded in entries of pleas, verdicts and judgments. In more than half the actions the king was sole plaintiff. In almost one third the king and an individual were joint plaintiffs. Less than one eighth of the actions did not affect the king's interests in any way. All but one of the entries of actions in which the king was sole plaintiff are to be found on the memoranda roll.¹⁴ In the one exception an individual's interests were also affected although he was not named as joint plaintiff.¹⁵ The two actions in which individuals sought redress from the king for wrongs done in his name were also entered on the memoranda roll.¹⁶ On the other hand all the actions brought by individual plaintiffs in which the king's interests were not affected were recorded in entries on the plea roll.¹⁷ The position with regard to actions in which the king and individuals were joint plaintiffs is less clear-cut. The officials of the exchequer seem to have been uncertain how to classify such actions, as 12 of the actions are on the memoranda roll, while four are on the plea roll.¹⁸

Types of legal action

8. Although one action is recorded in entries under both headings in the memoranda roll (959, 1031), the total number of actions is the same as the total number of entries when account is taken of the subsidiary action referred to in n. 11 below.
9. Both entries relate to the same action (240, 597).
10. The total number of actions in this category is only 15, as the two entries among the debts recognised and other memoranda relate to the same action (240, 597).
11. The total number of actions recorded under the heading is 34, as one entry records proceedings in two actions (1260). It has been classified on the basis of the main action in which the king and an individual were joint plaintiffs. A verdict in favour of the defendant in this action gave rise to a subsidiary action in which the king was sole plaintiff and the individual plaintiff in the main action was defendant.
12. The total number of actions recorded under the heading is 6, because the two entries among the debts recognised and other memoranda relate to the same action (240, 597).
13. The total number of actions is 50 (see ns. 8-11 above).
14. e.g. 1264.
15. 1950.
16. 70-1.
17. e.g. 2435.
18. 75.

When determining the identify of plaintiffs in actions, it must be remembered that a plaintiff did not necessarily prosecute his case in person. Cases in which the king was sole plaintiff were often brought by someone who was described as suing on the king's behalf. On one occasion this prosecutor was the king's pleader, Richard Blund,¹⁹, but usually he was an official directly concerned with the matter, such as the escheator or the watchman of Dublin Castle.²⁰ In actions in which the king and an individual were joint plaintiffs the individual was often said to be suing both for the king and for himself.²¹ The wording of entries of pleas made by individuals as sole plaintiffs might be taken as implying that they always sued in person. However the defendants in three actions pleaded by attorney,²² and there is no reason to think that the plaintiffs could not do the same.

Types of legal action

The results of an analysis of the types of legal action recorded in entries of pleas, verdicts and judgments are set out in Table XXXIII. All of the actions fall into one of the following categories, trespass, debt and account. Most of them are described as belonging to one or other of these categories in the rolls themselves. Those actions which are not so described have been classified by analogy with similar actions. When classifying actions it must be remembered that the terms trespass and debt were broadly defined by the clerks of the exchequer. All actions in which the plaintiff claimed that a wrong

19. 75.

20. 657-8.

21. e.g. 69.

22. 660, 664, 1951.

TABLE XXXIII: TYPES OF LEGAL ACTION RECORDED IN ENTRIES OF PLEAS, VERDICTS AND JUDGMENTS IN THE MEMORANDA AND PLEA ROLLS FOR 1309/10

	<u>Entries on the memoranda roll under the heading 'Pleas touching the king'</u>	<u>Entries on the memoranda roll under the heading 'Debts recognised and other memoranda</u>	<u>Entries on the plea roll under the heading 'Common pleas'</u>	TOTAL
<u>Entries concerning:</u>				
(a) Actions of trespass relating to:				
(i) lands, buildings and goods in the king's hand	9	1	-	10
(ii) interference with the the purveyance of victuals	8	-	-	8
(iii) misconduct of officials	6	2	-	8
(iv) other matters	$\frac{5^1}{28^3}$	$\frac{5}{5}$	$\frac{2}{2}$	$\frac{9^2}{35^2}$
(b) Actions of debt	5	2 ⁴	7	14 ⁵
(c) Actions of account	-	-	2	2
TOTAL	<u>33⁶</u>	<u>7⁷</u>	<u>11</u>	<u>51⁸</u>

had been done to him were regarded as actions of trespass. Actions which might have been classified as actions of detinue if they had been reported in the year books were included among actions of debt in the records of the exchequer.⁹

About two-thirds of the entries of pleas, verdicts and judgments related to actions of trespass. Just over a quarter concerned actions of debt. Most of the actions of trespass were brought by or on behalf of the king as sole plaintiff or the king and individuals as joint plaintiffs. Consequently it is not surprising that all but two of them were recorded in entries on the memoranda roll. The actions of debt are fairly evenly divided between those in which the king and individuals were joint plaintiffs and those brought by individual plaintiffs only. The entries in which they are recorded are similarly divided between the memoranda roll and the plea roll. The two actions of account were both brought by the king and individuals as joint plaintiffs and are both recorded on the plea roll.

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1. The number of actions is 6, as one entry records proceedings in two actions (see above, p. 194 n.11).
 2. Although one entry under the heading 'Pleas touching the king' records two actions of this type (see n. 1 above), a third action was recorded in entries under both headings on the memoranda roll, so that the total number of actions is the same as the total number of entries.
 3. The total number of actions is 29, as one entry records proceedings in two actions (see n. 1 above).
 4. The two entries relate to a single action (240, 597).
 5. The total number of actions is 13, as the two entries among the debts recognised and other memoranda relate to a single action (see n. 4 above).
 6. The total number of actions is 34, as one entry records proceedings in two actions (see n. 1 above).
 7. The total number of actions is 6, as two entries related to a single action (see n. 4 above).
 8. The total number of actions is 50 (see ns. 1-7) above).
 9. See above, p. 99.

Almost one third of the actions of trespass related to lands, buildings and goods taken into the king's hand. A number of these concern alleged misappropriation of goods in hand. For example David Haye and Geoffrey Cheever were charged with the seizure of goods belonging to Nicholas Cheever the deceased bishop of Leighlin,¹⁰ while the sheriff of Carlow was eventually found guilty of taking for his own use goods belonging to John Bonneville which he had been ordered to take in hand.¹¹ In other actions the defendant was accused of entering lands in hand in contempt of the king.¹² In a more unusual case Maurice Pontis was convicted of persuading the heir of Master Henry Top to marry his daughter in the belief that she was the daughter of Richard Blund, and thereby misappropriating the heir's marriage which belonged to the king as lord of lands which were in hand.¹³ In another unusual case John Clerk was found to have acquired lands in Leixlip, which had been in the king's hand for more than 30 years because their owner had died in prison, by buying the previous owner's interest in the lands and conspiring with him to recover the lands by assize of mort d'ancestor.¹⁴ The two actions in which individual plaintiffs sought redress from the king also related to lands taken in hand. William Clere proved that the manor of Carnalway, which had been taken in hand in the belief that it had belonged to his brother Nicholas, a former treasurer who died heavily in debt to the king, had in fact been held jointly by them and

10. 74.
11. 962.
12. e.g. 185.
13. 657.
14. 1262.

therefore should not be burdened with Nicholas's debts.¹⁵ And a jury found that a tenement at Stathcony, which had been taken in hand on the basis that it had belonged to John Hatch, had in fact been inherited by Simon Stathcony, and had never belonged to John.¹⁶

Almost a quarter of the actions of trespass concerned interference with the purveyance of victuals. In one Andrew Selyman was accused of removing wine belonging to him which had been taken by the mayor of Dublin for the use of the justiciar.¹⁷ The other seven all arose out of resistance to the purveyance of corn in counties Dublin and Meath for the sustenance of the army in Scotland in the spring of 1310.¹⁸ Three of them referred to a mock excommunication of men threshing wheat and oats found in a barn at Scurlockstown.¹⁹ All seven actions were brought at the suit of Edmund de la Mare, the official sent from England to supervise the purveyance. They were heard at a special sitting during the vacation in the middle of Lent. Presumably it was thought necessary to have the cases tried as soon as possible in order to discourage others from hindering the purveyance of victuals.

Slightly less than one quarter of the actions of trespass were brought against officials accused of various kinds of misconduct. The treasurer's clerk was committed to prison for arriving late in the

15. 70.

16. 71.

17. 1263.

18. 661-7.

19. 662-4. cf. J.F. Lydon, The lordship of Ireland in the middle ages (Dublin, 1972), p. 136, where the date is given wrongly as 1309.

exchequer on 27 May 1310.²⁰ The defendants in two cases had left their bailiwicks without presenting lieutenants in the exchequer.²¹ A collector of murage was alleged to have favoured his friends by failing to collect murage from them.²² The keeper of the Templars' houses at Kilsaran was charged with refusing to deliver the houses to his successor when ordered to do so.²³ The reeve of the manor of Newcastle Lyons was found to have retained for his own use money levied from rents and farms.²⁴ The constable of Newcastle Mackinegan was convicted of imprisoning the reeve of the manor there, of hindering the levying of rents and of taking timber for his own use from the king's wood.²⁵ On the other hand the constable of Dublin Castle was found not guilty of repairing his houses in Francis Street with timber bought for the use of the king.²⁶

Officials were not the only persons accused of misappropriating timber. In two actions the defendants were convicted of taking oak, alder and brushwood from the king's wood at Okethy, Leixlip and Newcastle Lyons.²⁷ In a rather similar case the jury found that Gilbert Miller and Adam Harper were accustomed to fish in the River Liffey at Esker on the side belonging to the king and the treasurer.²⁸ The king's rights were also infringed when one of his betaghs was unjustly ejected from his holding in Saggart by an Englishman.²⁹ An exceptionally complicated case began with a claim by Henry Cruise that William Giffard had built a stone house with stones taken from walls on land held by Henry and his wife in the manor of Rathcosthy (? Rathcoffey) in Okethy, which would revert to

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20. 1052.
21. 76, 168.
22. 75.
23. 659.
24. 69.
25. 961.
26. 658.
27. 959-60.
28. 958.
29. 77.

the king on his wife's death; William admitted taking the stones but made a counter - claim that he had built the house to defend the area against the Irish of Offaly; the jury agreed that this was so and found Henry guilty of failing to defend the manor.³⁰

More than half the entries of pleas, verdicts and judgments in cases of debt related to actions brought by or on behalf of the king and an individual plaintiff in which the latter demanded that the defendant acquit him of a debt owed to the king. Sometimes one of the parties is identified as an official engaged in the collection of revenue. In one such case a former sheriff of Tipperary claimed that Michael Faringdon and Adam Hunt had undertaken to account for him and should therefore answer for his arrears,³¹ while in another the sergeant of Kells in county Meath was unable to deny liability for a debt of 35 shillings.³² In other cases one cannot tell whether any of the parties were collectors of revenue. Thus the executor of Jordan Condon (de Caunteton) caused William and Mabel Canteloup to answer the king for goods which had belonged to Jordan; Jordan may have been an official but he is not so described in any of the relevant entries.³³ The only action of debt in which the king was sole plaintiff also concerned goods belonging to Jordan.³⁴ The other five actions of debt were brought by individual plaintiffs and did not directly affect the king's interests. For example an Italian merchant succeeded in his claim for payment for a last of hides,³⁵ while an exchequer official failed to secure payment for a debt which had been assigned to him.³⁶ In a more complicated case the court ordered

30. 1260.

31. 1951.

32. 660.

33. 2164 and its cross references.

34. 957.

35. 2171.

36. 2168.

that the widow of a receiver of the fifteenth of 1292 and her present husband should recover £4 from her son, because he had obtained possession of land which had been delivered to her so that she could be satisfied for £4 paid to the king on behalf of her former husband.³⁷

In one of the actions of account the sheriff of Meath demanded that William Wolf (le Lowe) acquit him of 100 shillings in respect of a crop of corn belonging to a crown debtor which had been sold to Wolf. On the basis of the plea entry alone this action might be classified as one of debt, but other entries refer to it as a plea of account.³⁸ In the other action Ralph Kenefick was attached to render account to the king and Nicholas John, executor of Walter Moor, a former keeper of customs and the prise of wines at Drogheda, for goods and money with a total value of about £150 received when he was Walter's agent. Proceedings in this matter had already taken place before the mayor and bailiffs of Drogheda and the seneschal of Dieppe in Normandy, and were continued in the justiciar's court.³⁹ It also gave rise to the only action of trespass brought by an individual in which the king's interests were not affected. Unfortunately the records of the latter action are defective, but it appears that Nicholas John and the other executors of Walter Moor complained that Richard Blund, sergeant, had acted for Kenefick in the exchequer, having previously acted for them in Drogheda.⁴⁰

Form and wording of entries

Most entries of pleas, verdicts and judgments begin with one or more sentences stating that the plaintiff came when attached to answer the plaintiff and giving details of the latter's complaint or charge.¹

37. 2435.

38. 2165 and its cross references.

39. 2170 and its cross references.

40. 2167.

1. e.g. 72, 1950.

Clearly these initial sentences summarise a number of different stages of procedure. First of all the plaintiff or a prosecutor or attorney acting on his behalf must have come to the exchequer and made a complaint or claim against the defendant. It is possible that some plaintiffs presented their complaint or claim in a written bill. The exchequer must then have issued one or more writs, or sometimes perhaps unsealed bills or precepts,² ordering that the defendant be attached to appear in the exchequer on a given day. When the defendant or his attorney came, the plaintiff or his prosecutor or attorney must have reiterated his complaint or claim in an oral plea.

In nearly all entries these initial sentences are written in the past tense. All subsequent proceedings are normally written in the present tense. It therefore seems certain that the remembrancer or clerk of common pleas began keeping the record of pleas, verdicts and judgments in a case only when the defendant appeared. Of course it does not necessarily follow that the entry on the roll was written at the time of hearing. It is much more likely that the entry was written up afterwards from notes taken at the time, as was done in the Dublin bench.³

The statement that the defendant came when attached is usually followed by details of a plea made by him. The defendants in seven cases were unable to deny guilt or liability.⁴ And in some actions of debt they asked what evidence there was against them.⁵ Three defendants simply pleaded not guilty.⁶ However most defendants pleaded not guilty and put forward an alternative version of the facts

2. See above, p.104.

3. Select cases in the court of the king's bench under Edward I, ii, ed. G. O. Sayles, Selden Society, 57 (1938), pp. xxix-xx; Cal. justic. rolls Ire., 1295-1303 pp. 5-6.

4. e.g. 667, 2171.

5. e.g. 2436.

6. e.g. 658.

of the case.⁷ In actions of trespass pleading normally ended at this point, but in actions of debt and account further pleas were often made by both parties.⁸

If the defendant was unable to deny guilt or liability, the court normally gave judgment against him immediately.⁹ In actions of debt in which either or both of the parties produced written evidence, the court usually gave judgment on the basis of this evidence.¹⁰ And in a few cases of trespass in which the defendant pleaded not guilty, the court nevertheless gave judgment against him immediately.¹¹ But in a majority of cases the defendant concluded his plea or pleas with a request that the matter be investigated by a jury from the locality in question (per patriam).¹² Some plaintiffs made a similar request.¹³ Such requests seem always to have been granted and an order that a jury be summoned to appear on a given day follows. On occasion the order for the appearance of the jury includes a nisi prius clause to the effect that the jury should come to the exchequer on the day given, unless an exchequer official took the inquisition in the locality before then.¹⁴ Some entries also include details of security given for the appearance of the defendant on the day in question.¹⁵

In cases in which a jury was summoned the main entry ends at this point. Subsequent proceedings were recorded in postscripts. On the memoranda roll postscripts recording verdicts of juries are a standard feature. In only one case on the roll is there definite evidence that

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7. e.g. 659, 1950.
 8. e.g. 73, 2165, 2435.
 9. See above p.203, n.4, above.
 10. e.g. 2437.
 11. e.g. 77.
 12. e.g. 74.
 13. e.g. 1262.
 14. e.g. 657.
 15. e.g. 1264.

a verdict was given which was not recorded as a postscript to the entry of pleas.¹⁶ On the plea roll verdicts seem to have been recorded in a more haphazard fashion. Juries were summoned in six cases, but verdicts are enrolled in only two of these.¹⁷ In another two it is possible that no verdict was ever given,¹⁸ but in the remaining two it seems certain that verdicts were given but not enrolled.¹⁹ The probable explanation is that the verdicts in the latter cases were recorded in inquisitions on the files of inquisitions and extents.²⁰ If this is correct, the judgments in such cases were presumably added to the inquisitions, as they are not recorded on the rolls.

If the king was a plaintiff the jury almost always appeared on the day given. But in cases in which the king's interests were not directly affected the jurors seem to have been more ready to risk amercement for non-appearance, and it was often necessary for the court to set another day for their appearance.²¹ There must also have been occasions when a further adjournment was required because one or other party failed to come to hear the jury's verdict, but none are recorded in the rolls for 1309/10. Once both the parties and the jurors were present, the latter gave their verdict. Only rarely was this a simple statement to the effect that the defendant was either guilty or not guilty.²² Often the verdict was as long or longer than the parties' pleas, and contained a different version of the facts to that put forward by either party.²³ It seems that the court could ask the jury questions while the verdict was being given.²⁴ The names of the jurors were only recorded in three entries.²⁵

16. 963, 1425.

17. 2168, 2435.

18. 1951, 2164.

19. 1950, 2165 and their cross references.

20. See above, p. 12.

21. e.g. 1951.

22. e.g. 665.

23. e.g. 664.

24. e.g. 961.

25. 71, 658, 957.

When the jury found the defendant not guilty, the court always gave judgment in his favour immediately. In one such case the plaintiff was amerced for making a false claim,²⁶ while in another the jury's verdict led to a counter-charge being brought against him on the king's behalf.²⁷ If the defendant was found to be guilty judgment was normally given against him at once,²⁸ but sometimes the hearing was adjourned to a later date, security being taken for the defendant's appearance to hear his judgment.²⁹

When judgment was given against a defendant in an action of trespass in which the king was a plaintiff, he was generally committed to the custody of the marshal and admitted to make fine at a later date.³⁰ A more unusual penalty imposed on clergy found guilty of hindering the purveyance of victuals was to say a specified number of masses for the soul of King Edward I.³¹ An entry among the common writs issuing on the plea roll makes it clear that the exchequer could also order the payment of damages.³² In cases relating to debts owed to the king the court simply ordered that the defendant be charged with the debt.³³ When a debt was owed to an individual it ordered that the plaintiff recover the debt from the defendant.³⁴ In one of the actions of account it ordered that the defendant should render account to the plaintiff on a given day.³⁵

The procedure followed in the two actions in which the plaintiff sought redress from the king for wrongs done in his name was naturally rather different from that used in other cases. The king could not be

26. 2168.

27. 1260.

28. e.g. 958.

29. e.g. 1263.

30. e.g. 661.

31. e.g. 662.

32. 1682.

33. e.g. 1261.

34. e.g. 2435.

35. 2170.

a defendant in his own court.³⁶ Consequently the entries of these actions begin with a statement of the plaintiff's grievance and a request that a remedy be provided. In both the court proceeded immediately to trial of the issue, in one by examining deeds,³⁷ and in the other by summoning a jury.³⁸ And in both the plaintiff's claim was found to be justified and judgment was given in his favour. The procedure followed in a case brought on behalf of the king against the mayor of Dublin was also unusual in that the exchequer had first-hand knowledge of the mayor's guilt. The entry in question begins with a description of the trespass committed by him and a statement that the liberty of the city had been taken into the king's hand.³⁹

Entries in later memoranda and plea rolls

Reference must be made to a number of important changes in the manner in which pleas, verdicts and judgments were recorded in later memoranda and plea rolls. The first change occurred at or soon after Michaelmas 1314. In the memoranda roll for Trinity term 1314 there was still a membrane devoted specifically to 'Pleas touching the king'.¹ However by Easter term 1315, the next term for which evidence is available, the plea entries on the memoranda roll were all included among the 'Debts recognised and other memoranda'.² There is no obvious reason why this change should have been made.

A second change took place some time between Michaelmas 1316 and Michaelmas 1319. Entries of pleas are to be found in large numbers under the heading 'Debts recognised and other memoranda' in the

36. W.S. Holdsworth, A history of English Law, ix (London, 1950), pp. 7-12.

37. 70.

38. 71.

39. 76.

1. RC 8/9, p. 589.

2. e.g. RC 8/10, pp. 59-62.

memoranda roll for 1315/16.³ But there are only one or two such entries in the memoranda roll for 1319/20⁴ (the rolls for the intervening period did not survive long enough to be calendared). The change cannot be the result of a contraction in the jurisdiction of the exchequer, as the types of action in question are precisely those which would have fallen within its jurisdiction no matter how narrowly this was defined.⁵ Nor it is possible that pleas in actions of this kind were now being enrolled in the roll of common pleas; none appear in the roll for 1324/5.⁶ And it is most unlikely that a separate roll of pleas touching the king was being kept, as no reference to such a roll has been found in the calendars of the memoranda rolls for the period up to 1369. The key to the solution of the problem may lie in the fact that most of the pleas recorded in the memoranda rolls in the period 1309-16 related to actions of trespass in which juries were summoned. It has already been suggested that even in 1309/10 some verdicts of juries and the ensuing judgments were recorded in inquisitions in the file of inquisitions and extents.⁷ It may well be that by Michaelmas 1319 it had been decided to record all pleas and subsequent proceedings in legal actions in which a jury was summoned in the files of inquisitions and extents rather than in the memoranda and plea rolls.

A third change in the manner in which pleas were recorded was made in 1324. A much larger number of pleas in actions of debt were recorded in the memoranda roll for 1324/5 than in earlier rolls, although the number of membranes occupied by pleas remained less than in the period 1309-16. One reason for the change is that it appears that recognisances had to a limited extent been replaced by pleas in which

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3. e.g. RC 8/10, pp. 570-4.
 4. e.g. EX 1/2, mm. 10d, 45.
 5. See above, pp. 100-1.
 6. RC 8/14, pp. 387-437.
 7. See above, p. 205.

the defendant admitted liability.⁸ Another reason seems to have been a redefinition of the distinction between pleas touching the king and common pleas. In 1309/10 pleas in which the king and individuals were joint plaintiffs occurred in the plea roll as well as the memoranda roll, but in 1324/5 no such pleas were recorded in the plea roll.⁹

The results of an analysis of the entries in each register are set out in Table XIII. The entries have been grouped into three general categories. Within each of the larger categories there is a list of writs of which there are at least 10 entries in the register. The discussion of the writs issued which follows will consider largely in detail a number of general points and first of all concerning the nature of the writs issued, the difference between the writs issued in three sections, the form and purpose of the writs and secondly the identity of the persons to whom the writs were addressed.

Most of the entries in all three registers fall into two categories. The first category is made up of writs seeking the appointment of individuals to the exchequer to answer concerning debts, to render accounts, or for other reasons. The second category consists of writs relating to the collection of debts owed to the king or other persons. Each category is dominated by a single type of writ, the first by the writ *quod sitis* and the second by the writ *quod sitis*. Some of the writs were original writs of the kind issued by chancery to

8. RC 8/14, pp. 35-6, 52-3, 67-8, 77-8 etc.
9. RC 8/14, pp. 387-437.

WRITS ISSUING

Two sections in the memoranda roll and one in the plea roll for 1309/10 consist almost entirely of entries of writs issuing from the exchequer. They contain a total of 1580 entries, of which 835 are to be found in the memoranda roll, 476 being enrolled under the heading 'Writs issuing for the king' and 359 under the heading 'Common writs issuing'. The other 745 entries are enrolled in the plea roll under the heading 'Common writs'.¹

The results of an analysis of the entries in each section are set out in Table XXXIV. The entries have been grouped into nine general categories. Within each of the larger categories those types of writ of which there are at least 10 entries are shown separately. The discussion of the writs issuing which follows will consist largely of a detailed examination of the various categories and types of writ. However a number of general points must first be made concerning the nature of the writs issued, the difference between the writs recorded in three sections, the form and purpose of the entries made in them, and the identity of the persons to whom the writs were addressed.

Most of the entries in all three sections fall into two categories. The first category is made up of writs seeking the appearance of individuals in the exchequer to answer concerning debts, to render account, or for other reasons. The second category consists of writs relating to the collection of debts owed to the king or other persons. Each category is dominated by a single type of writ, the first by the writ venire facias and the second by the writ levare facias. None of the writs were original writs of the kind issued by chancery to

1. See above, pp. 128, 131.

TABLE XXXIV:

TYPES OF ENTRY RECORDED IN THE WRITS ISSUING
SECTIONS OF THE MEMORANDA AND PLEA ROLLS
FOR 1309/10²

<u>TYPE OF ENTRY</u>	<u>NUMBER OF ENTRIES</u>			
	<u>Memoranda roll</u>		<u>Plea Roll</u>	
	<u>Writs for the king</u>	<u>Common writs</u>	<u>Common writs</u>	<u>TOTAL</u>
<u>Writs seeking the appearance of individuals</u>				
Venire facias	85	85	374	544
Distringas and related writs	22	6	16	44
Attachies (habeas corpus) and related writs	54	3	2	59
Sis	17	5	-	22
Scire facias	1	15	-	16
Capias securitatem	9	5	-	14
Sequestrare facias	1	-	-	1
TOTAL	<u>189</u>	<u>119</u>	<u>392</u>	<u>700</u>
<u>Writs concerning the collection of debts</u>				
Lavare facias	137	123	317	577
Habeas pecuniam and related writs	17	3	3	23
Capias in manum	15	-	-	15
Other writs	1	6	-	7
TOTAL	<u>170</u>	<u>132</u>	<u>320</u>	<u>622</u>
<u>Writs concerning juries, inquests and extents</u>				
Venire facias	22	7	14	43
Other writs	9	1	-	10
TOTAL	<u>31</u>	<u>8</u>	<u>14</u>	<u>53</u>
<u>Writs ordering a stay in or an end to proceedings</u>				
Ponas in respectum (respectues)	2	20	1	23
Supersedeas	2	7	1	10
Other writs	1	17	2	20
TOTAL	<u>5</u>	<u>44</u>	<u>4</u>	<u>53</u>
<u>Writs concerning goods and lands taken into the king's hand</u>				
	11	17	1	29
<u>Writs concerning purveyance</u>				
	17	10	-	27
<u>Writs concerning elections and offices</u>				
	21	1	-	22
<u>Miscellaneous writs</u>				
	16	16	9	41
<u>Other entries³</u>				
	16	12	5	33
<u>GRAND TOTAL</u>	<u>476</u>	<u>359</u>	<u>745</u>	<u>1580</u>

NOTE: Footnotes are on following page.

initiate proceedings in the other central courts, as such writs were not required to initiate proceedings in the exchequer.⁴

Most of the more common types of writ issued by the exchequer were returnable. This meant that the official to whom the writ was addressed had to return the writ to the exchequer with an endorsement on its back stating what action had been taken.⁵ Returned writs were kept in files held by the remembrancers and the clerk of common pleas.⁶ A few of the more important returns were enrolled on the memoranda roll among the debts recognised and other memoranda.⁷

The difference between writs issuing for the king and common writs issuing is fairly obvious. Nearly all the writs issuing for the king relate to accounts of officials, legal actions in which the king was

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2. Some writs which contain more than one clause could be placed in more than one category or type. If any one clause in such a writ is clearly more important than the other clauses, the writ has been classified on the basis of that clause. If the clauses seem to be of equal importance, the writ has been included in the category of miscellaneous writs.
 3. Eight entries of common writs on the memoranda roll and four of writs for the king are illegible (740-1, 1437-8, 1612-14, 1631-5). Four entries among the common writs on the memoranda roll are cancelled, in at least three cases because the writs were entered among the writs for the king (522-3, 539, 876). One entry among the writs for the king was not completed (1165). One summons (313) and 10 entries of kinds normally recorded among the debts recognised and other memoranda (251, 356-7, 359-60, 703, 892, 895-7) were enrolled under the heading 'Writs issuing for the king'. In most cases this was probably done in order to avoid wasting parchment by commencing new membranes late in term. The entries have been discussed with the appropriate sections (see above, p.161, and below, p.244). Five entries of days given on the plea roll (1826, 1969-71, 2163), for which there was no specified section on the roll, have been discussed with the entries of days given on the memoranda roll (see above, p.180).
 4. See above, p. 103.
 5. See Select cases in exchequer, p. cxxvii, for an example of a return to an English exchequer writ.
 6. See above, pp. 12-13.
 7. See above, pp. 176-7.

the sole or principal plaintiff, debts owed directly to the king, or other matters in which the king's interests were immediately affected. The great majority of the common writs were concerned either with debts owed to exchequer officials, accountants, crown debtors and Italian merchants, or with debts owed ultimately to the king but immediately to such individuals.

The distinction between the common writs entered on the memoranda roll and those entered on the plea roll is less clear-cut. Quite often a series of entries concerning a single debt is split between the two rolls.⁸ However writs of levare facias ordering the levying of debts which had been recognised in the exchequer were usually recorded on the memoranda roll, even if related writs of venire facias had been recorded on the plea roll.⁹ Also writs of scire facias, a writ used mainly in connection with recognisances of debts, are to be found only on the memoranda roll.¹⁰ Clearly the remembrancers had a special interest in writs relating to the collection of debts recognised in the exchequer, perhaps because they stood to gain from the successful collection of such debts.¹¹ In addition writs ordering a stay in or an end to proceedings were generally recorded as common writs on the memoranda rolls.¹² Most other types of common writ were usually enrolled on the memoranda roll.

As a rule only one writ is recorded in an entry. The few exceptions to this rule are confined largely to entries of identical writs issued

8. e.g. 378, 383, 481, 1195, 1218, 2257 and their cross references.

9. e.g. 222, 570, 1042, 1355, 1894, 1955 and their cross references.

10. See below, pp. 227-8.

11. See above, p. 166.

12. See below, pp. 237-8.

to a number of officials.¹³ On a few occasions a single writ appears to have been enrolled twice.¹⁴ The writs are summarised rather than being given in full. Normally the following details are given: the county or other locality concerned, the title of the official or name of the person to whom the writ was addressed, the nature of the writ (venire facias, levare facias, etc.), the names of the parties involved, the matter at issue (account, debt, trespass, etc.), and the date given for appearance, payment or other action. The identity of the witness¹⁵ and the date of the writ are almost always omitted. However the dates of writs issued for the king were recorded for a couple of weeks in Easter Term 1310; they prove that the writs were enrolled in date order.¹⁶ A few entries are followed by postscripts stating that the addressee was to be amerced because he had failed to return the writ.¹⁷

In cases where a number of common writs were issued in succession, it was usual either to issue two writs in Michaelmas term and one in each of the other terms,¹⁸ or to issue one writ a month during term.¹⁹ It is harder to discern a pattern in the issue of writs for the king, but a common practice was to issue one writ a month, not necessarily only during term.²⁰ Series of writs relating to particular cases generally appear to be complete. It is therefore likely that most if not all writs issued by the exchequer were recorded on either the memoranda or the plea roll. A further indication that this was so is that there are more entries in the writs issuing sections of the Irish memoranda roll for 1309/10 than there are on the English memoranda rolls for 1326/7,²¹ although the English exchequer must always have issued a much larger number of writs than the Irish exchequer.

13. e.g. 1487-8.

14. e.g. 1349 and 1398; 2203 and 2219.

15. In the 1370s returnable writs were normally witnessed by a baron of the exchequer (RC 8/30, pp. 451-551)

16. 1079 - 1100.

17. e.g. 296.

18. e.g. 1744-5 and their cross references.

19. e.g. 1780 and its cross references.

20. e.g. 322, 684, 1432 and their cross references.

21. Cal. mem. rolls, 1326/7, nos. 1577-2117.

Table XXXV shows the results of an analysis by addressee of the writs issuing recorded in the Irish memoranda and plea rolls for 1309/10. All addressees named in five or more entries have been included. The great majority of the writs were addressed to the sheriff of a county, the seneschal of a liberty, or the mayor and bailiffs of a city or borough.

The only other addressees named in five or more entries were the escheator and the bishop of Emlly. More than half of the writs were addressed to just five officials: the sheriffs of counties Tipperary, Dublin, Kildare and Meath, and the seneschal of the liberty of Kilkenny. It is interesting that more writs were sent to the sheriff of Tipperary than to the sheriff of Dublin. No doubt this was due partly to the fact that county Tipperary was much larger than county Dublin (excluding major liberties). However it must also be remembered that some orders to the sheriff of Dublin were probably conveyed by unsealed bill rather than by writ.²²

To the historian the writs issuing sections are probably the least interesting sections of the rolls. Their subject matter is generally routine in character, and even the more important entries are usually so abbreviated as to be of limited value. However it is clear that they were of considerable importance to the exchequer. The writs issuing membranes of the memoranda rolls for 1309/10 and 1319/20 are more heavily worn and must therefore have been more frequently consulted, than any other membranes.²³ It seems likely that they were used as agenda papers, and that the wear and tear was a result of the remembrancers repeatedly checking the membranes to see what matters were due to be considered on particular dates.

22. See above, p.104.

23. EX 1/1-2.

TABLE XXXV: THE PRINCIPAL ADDRESSEES IN WRITS ISSUING RECORDED
IN THE MEMORANDA AND PLEA ROLLS FOR 1309/10²⁴

<u>Addressees</u>	<u>Number of writs</u>
Sheriff of county Tipperary	245
Sheriff of county Dublin	190
Sheriff of county Kildare	149
Seneschal of the liberty of Kilkenny	139
Sheriff of county Meath	99
Sheriff of county Limerick	93
Sheriff of county Cork	90
Sheriff of county Louth	71
Seneschal of the liberty of Trim	67
Sheriff of county Waterford	61
Sheriff of county Carlow	51
Mayor and bailiffs of Dublin city	47
Mayor and bailiffs of Drogheda on the the side of Louth	27
Sheriff of county Connacht	22
Sheriff of county Roscommon	22
Sheriff of county Kerry	16
Seneschal of the liberty of Carlow	13
Seneschal of the liberty of Ulster	11
Mayor, seneschal and bailiffs of Drogheda on both sides of the river	12
Mayor and bailiffs of Cork city	9
Mayor and bailiffs of Waterford city	9
Escheator	9
Bishop of Emly	8
Seneschal and bailiffs of Drogheda on the side of Meath	7
Seneschal of the liberty of Kildare	5

24. This table has been prepared from the index of persons and places. It includes writs issuing recorded among the debts recognised and other memoranda or in the course of entries of pleas, verdicts and judgments. A few writs recorded in more than one entry have therefore been counted twice. All addressees named in five or more entries are included in the table.

Writs seeking the appearance of individuals in the exchequer

Venire facias

There are 544 entries of writs of venire facias among the writs issuing. Only writs of levare facias occur in larger numbers. The main reason why there are so many writs of venire facias is that it was the writ normally used to secure the appearance of an accountant, defendant or debtor in the exchequer. Also it could be re-issued many times if the person in question failed to appear.¹

In both England and Ireland the use of venire facias as the primary means of securing the appearance of individuals in court was a peculiarity of the exchequer. At common law it was used mainly to secure the appearance of juries.² In the English exchequer it seems to have come into use during the thirteenth century. There is no example of it in the memoranda roll for 1229/30; instead there are entries of standard common law writs of summons (summone per bonos summonitores) and attachment by gage and pledges (pone per vadium et salvos plegios).³ In the memoranda roll for 1326/7 the latter writs have disappeared and been replaced by writs of venire facias.⁴ Writs cited by Madox suggest that the change took place before the end of the reign of Henry III.⁵ The earliest surviving reference to

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1. e.g. 1910, 1977 and their cross references.
 2. Registrum Omnium Brevium (London, 1595), table of judicial writs, venire facias.
 3. The memoranda roll of the king's remembrancer for Michaelmas 1230 - Trinity 1231, ed. Chalfant Robinson, Pipe Roll Society, New Series, 11 (1933), pp. xxxviii, 124-5; the editor renders the writ of attachment as pone per vadia... but this is almost certainly a mistake, as the standard form was certainly pone per vadium... (Early registers of writs, ed. Elsa de Haas and G.D.G. Hall, Selden Society, 87 (1970), pp. 312-14).
 4. Cal. mem. rolls, 1326/7, pp. 232-88.
 5. Madox, Exchequer, pp. 556-9.

the use of venire facias by the Irish exchequer dates from 1285.⁶ As no memoranda rolls are available in any form until 1294,⁷ it can only be presumed that venire facias came into use in Ireland at about the same time as in England.

In essence the writ consisted of a command that a sheriff or other official caused a named person to come on a given date for a stated purpose. When used in common pleas the writs themselves probably included a clause indicating that the plaintiff had given security for prosecuting his claim or ordering the sheriff to obtain such security,⁸ but this is left out of the entries in the rolls. In the seventeenth century the English exchequer writ of venire facias was described as being in the nature of a summons.⁹ However there is no doubt that even at that date it was in fact a writ of attachment by gage and pledges. Thus the correct return by a sheriff to the writ if it had been successfully executed was Infranom' AB attachiat' est per pleg' viz: IF, RD. AB Armig' Vic'. Exitus eorum, dim'marc'.¹⁰ This was similar to the return to the standard common law writ of attachment by gage and pledges,¹¹ but was quite unlike the return to a writ of summons.¹² An example of a return in this form is to be found in the Irish memoranda roll for 1315/16, where in response to a writ of venire facias it is stated that Alice Selby has been attached (attachiata est).¹³

6. Doc. affairs Ire., no. 42.

7. See above, p. 113.

8. For an example of an English exchequer writ of venire facias including such a clause see Pierre Chaplais, English royal documents: King John to Henry VI, 1199-1461 (Oxford, 1971), p. 57 and plate 4.

9. Michael Dalton, The office and authority of sheriffs (London, 1662), p. 387.

10. *Ibid.*

11. *Ibid.*, p. 208.

12. *Ibid.*, p. 150.

13. RC 8/10, pp. 610-11.

By the late fifteenth century the pledges named in returns to English exchequer writs of venire facias were usually fictitious.¹⁴ However a plea heard in the Irish exchequer in Michaelmas Term 1310 proves that pledges named in returns to Irish exchequer writs of venire facias of that date must have been real. The coroners of Meath had been ordered to cause Richard Teeling, the former sheriff of Meath, to come to the exchequer to answer Richard Dardis, the current sheriff, concerning the sheriff's fee. The jury found that a sergeant went to Teeling's parish church on a Sunday with a warrant for the arrest of Teeling. The latter took the warrant, and said that he would not find mainpernors and did not wish to attach himself there, claiming that there were no well known men there who were willing to mainprise him.¹⁵

The reasons for requiring the appearance of persons in the exchequer given in entries of writs of venire facias in the writs issuing sections of the rolls for 1309/10 are summarised in Table XXXVI. Just over three-quarters of the entries sought the appearance of persons to answer concerning debts. Most of these related to debts owed to other individuals and were enrolled on the plea roll. Slightly less than one-tenth of the entries related to actions of trespass. They were split fairly evenly between the three sections of writs issuing. A little over one-tenth required the appearance of accountants. In most cases the accounts were to be rendered to the king, and the writs were enrolled as writs issuing for the king. The remaining 21 entries include 10 in which the persons named were to come to do and receive as enjoined on behalf of the king. The persons in question had been selected for appointment as receivers in various counties.¹⁶

14. Delloyd John Guth, 'Exchequer penal law enforcement, 1485-1509' (Ph.D. thesis, University of Pittsburgh, 1967), p. 99.

15. RC 8/5, pp. 271-5. cf. 2351.

16. 755-9, 785-8, 1430 and their cross references.

TABLE XXXVI: REASONS FOR REQUIRING THE APPEARANCE OF PERSONS IN THE EXCHEQUER GIVEN IN ENTRIES OF WRITS OF VENIRE FACIAS IN THE WRITS ISSUING SECTIONS OF THE MEMORANDA AND PLEA ROLLS FOR 1309/10

<u>REASON FOR REQUIRING APPEARANCE</u>	<u>NUMBER OF ENTRIES</u>			<u>TOTAL</u>
	<u>Memoranda roll</u>	<u>Plea Roll</u>		
	<u>Writs for the king</u>	<u>Common writs</u>	<u>Common writs</u>	
<u>To answer concerning debts</u>				
To answer the king ¹⁷	8	1	3	12
To answer the king and other individuals (or to acquit others against the king) ¹⁸	1	16	97	114
To answer other individuals ¹⁹	4	43	239	286
TOTAL	<u>13</u>	<u>60</u>	<u>339</u>	<u>412</u>
<u>To answer concerning trespass, contempt or related charges</u>				
To answer the king ²⁰	14	1	-	15
To answer the king and other individuals ²¹	3	5	11	19
To answer other individuals ²²	-	7	11	18
TOTAL	<u>17</u>	<u>13</u>	<u>22</u>	<u>52</u>
<u>To render account</u>				
To render account to the king ²³	37	5	2	44
To render account to the king and other individuals ²⁴	-	3	3	6
To render account to other individuals ²⁵	-	3	6	9
TOTAL	<u>37</u>	<u>11</u>	<u>11</u>	<u>53</u>
<u>Other reasons or reason illegible</u>	<u>18</u>	<u>1</u>	<u>2</u>	<u>21</u>
<u>GRAND TOTAL</u>	<u>85</u>	<u>85</u>	<u>374</u>	<u>544</u>

17. e.g. 727, 1685.
 18. e.g. 811, 822, 1679, 1697.
 19. e.g. 329, 367, 1972-4.
 20. e.g. 280, 677, 1134.
 21. e.g. 1240, 2175.
 22. e.g. 1594, 2350.
 23. e.g. 673, 826.
 24. e.g. 498, 2228.
 25. e.g. 438, 1874, 2326.

Distringas and related writs

If an accountant, defendant or debtor failed to appear in response to a writ of venire facias, a writ of distringas could be issued. There are 43 entries of the latter type of writ in the rolls for 1309/10. The writ commanded a sheriff or other official that he distrain (distringat) a named person to appear in the exchequer on a given date for a stated purpose. In most entries the sheriff was ordered to distrain the individuals so 'that he be here' (quod sit hic).¹ In others the sheriff was ordered to distrain him so 'that he (the sheriff) have his body here' (quod habeat corpus suum hic).² As there is no obvious pattern in the use of the two forms, it is unlikely that any procedural distinction lies behind the difference in wording. Some entries also state that the sheriff is to distrain the person concerned 'by his lands and chattels' (per terras et catalla sua).³ It seems that this phrase was a standard feature of writs of distringas.⁴ It is probable that it appeared in all Irish exchequer writs of distringas and that it was omitted from the entries on the rolls solely for the sake of brevity. When abbreviated in entries on English rolls, it was often rendered as an order to distrain 'by issues' (per exitus); these were defined in 1285 as rents, crops in the grange and most moveables.⁵

An action brought in the exchequer in Trinity term 1320 provides a good illustration of the process of distraint.⁶ Several writs of venire facias had been sent to the sheriff of Meath ordering him to cause the bishop and clergy of the diocese of Meath to come to answer

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1. e.g. 261.
 2. e.g. 791.
 3. e.g. 308.
 4. e.g. Early registers of writs, p. 314 (n 13); G.H. Fowler, Rolls from the office of the sheriff of Bedfordshire and Buckinghamshire, 1332-4, Bedfordshire Historical Record Society, Quarto Memoirs, iii (1929), p. 37, no. 75.
 5. Fowler, Rolls from the office of the sheriff, p. 17, citing Statute of Westminster II, 13 Edward I, c. 39 (Statutes of the realm, i, p. 91; Stat. Ire, John - Hen. V, pp. 164-5).
 6. EX 1/2, m. 45; see also *ibid*, mm. 16d., 29d., 39.

the treasurer concerning arrears of an annual pension. The sheriff made no return to a number of these writs. Eventually he replied that the bishop had been attached to come on the morrow of the close of Easter (7 April), but the bishop failed to appear. The sheriff was then ordered to distrain the bishop to be in the exchequer three weeks after Easter (21 April). The sheriff's return reported that the chief sergent of the crosses of Meath had informed him that the bishop had been distrained by 10 oxen which had been given to Adam Deveney (le Deveneis) and Thomas Walsh (le Waleis) for safe-keeping. When the bishop again failed to appear, the sheriff was ordered to retain the goods already in the king's hand, to take more, to answer for issues of the goods in the exchequer on the morrow of the Ascension (9 May) and to take surety from the bishop for his appearance before the barons on the same day. It should be noted that this rather complicated writ was recorded on the writs issuing membrane of the memoranda roll simply as an order to distrain the bishop to be in the exchequer.⁷ The sheriff answered that the chief sergent had told him that the goods already taken in hand were being kept safely, that six more oxen had been taken and that the bishop had been attached by Thomas Walsh and Robert Doge. This time the bishop appeared by attorney. The case was then adjourned to the octave of Trinity (2 June), when pleadings were heard and judgment was given.

It seems that for a period in the early fourteenth century the exchequer permitted the use of writs of distringas only in matters directly affecting the king's interests. In 1309/10 a total of 22 writs of distringas were entered among the writs for the king, of which 11 sought the appearance of minor accountants,⁸ eight ordered the distraint of persons to answer the king concerning debts,⁹ and three ordered distraint for other reasons.¹⁰ By contrast only six

7. Ibid., m. 39.

8. e.g. 308, 790-2.

9. e.g. 1094, 1580.

10. e.g. 793.

writs of distringas were enrolled among the common writs in the memoranda roll,¹¹ and in two of these the plaintiffs were exchequer officials¹² and in a third the escheator was the plaintiff.¹³ There are entries of 16 writs of distringas on the plea roll,¹⁴ but all were issued before the middle of November 1309.¹⁵ The last of these entries does not contain the word 'distrain',¹⁶ but it appears that the writ was an example of the more complicated form of the writ of distringas referred to in the previous paragraph. The disappearance of writs of distringas from the plea roll after November 1309 may have been a consequence of John Holtham's departure from Ireland, and the appointment of William Holtham as his lieutenant in the office of chancellor of the exchequer.¹⁷ Writs of distringas remained very rare in the common writs sections of the memoranda rolls until at least Trinity Term 1316.¹⁸ However by Michaelmas Term 1319 the restriction on the use of the writ had been relaxed,¹⁹ and thereafter the writ was used as often in common pleas as in matters affecting the king's interests.²⁰

Attachies (habeas corpus) and related writs

There are 50 entries of writ of attachies or habeas corpus in the writs issuing sections of the rolls for 1309/10. At first sight it seems that two different types of writ are recorded in these entries.

11. 386, 388, 515, 857, 869, 1658.

12. 857, 869.

13. 388.

14. 1691, 1695-6, 1700, 1708, 1710, 1726, 1745, 1762, 1807, 1814, 1833, 1835-6, 1838.

15. The writ in 1835 was probably issued shortly after 12 Nov. as the previous writ in the suit sought the appearance of the defendant on that date (438). Those in 1836 and 1838 cannot be independently dated as they were the only writs issued in Michaelmas Term 1309 in the actions in question.

16. 1838.

17. 2445-6.

18. RC 8/5-7; RC 8/9-10.

19. EX 1/2.

20. RC 8/12-14.

In 25 of them it is stated that a sheriff or other official was ordered that he attach (attachiet) or cause the attachment of (attachiare faciat) a named person so that he be or so as to have him in the exchequer.¹ There can be no doubt that the writs in question ordered attachment by the body; in entries of such writs the sheriff was sometimes expressly instructed that he attach by the body (attachiet per corpus).² On the other hand 17 entries indicate that the sheriff was commanded that he have the body (habeat corpus) of a named person in the exchequer.³ It might be thought that the writs recorded in these entries were examples of the common law writ of habeas corpus. However the latter writ had ceased to be used in common law mesne process in the late thirteenth century;⁴ it would be surprising if it had remained in use in the Irish exchequer. In fact it is almost certain that attachies and habeas corpus were merely different abbreviations of a single type of writ. The occasions on which they were used were similar. Eight entries actually combine the two forms, as in the following example: attachies ita quod habeas corpus suum hic.⁵ Moreover all but one⁶ of the habeas corpus entries were written by the second remembrancer, Thomas Reynold. They disappear from the memoranda rolls for more than two years after his replacement by William Holborn in Easter term 1311.⁷

1. 252-3, 294-5, 860-1, 887-9, 893, 1135, 1554,-61, 1565-9, 1727.

2. e.g. RC 8/5, pp. 631-2; EX 1/2, m. 38d.

3. 254-5, 288, 684, 765, 795-6, 800-2, 807, 890, 1091, 1162, 1384, 1400, 1472.

4. Donald W. Sutherland, 'Mesne process upon personal actions in the early common law', Law Quarterly Review, lxxxiii (1966), pp. 482-96; William Duker, 'The English origins of the writ of habeas corpus: a peculiar path to fame', New York University Law Review, liii (1978), pp. 990-1002.

5. 1128, 1133, 1393, 1399, 1425, 1445, 1448, 1680.

6. 890.

7. No Habeas corpus entries appear between Hilary Term 1311 and Trinity Term 1313 (RC 8/5-7). For Reynold's replacement by Holborn see 2453, n. 13.

I have been unable to find any description of the process of attachment by the body in Irish records. Fortunately the English evidence has been thoroughly examined by Fox.⁸ He has established that attachment by the body was a form of arrest. It is therefore not surprising that it was an unusually effective means of securing an individual's appearance in the exchequer. In several cases the cross references to attachies and habeas corpus entries make it clear that the person to be attached appeared as required.⁹ That this was generally true is suggested by the fact that writs ordering attachment by the body were rarely re-issued. In 1309/10 the only person who failed to appear in response to a succession of such writs was Simon Cantwell, who owed an account for issues of a church given to him at farm by the escheator.¹⁰

Attachies and habeas corpus entries are found almost exclusively among the writs issuing for the king.¹¹ This reflects the fact that attachment by the body was normally used only when the king's interests were directly affected.¹² In especially important or urgent cases defendants could be attached by their bodies without prior recourse to attachment by gage and pledges or distraint. This was done in legal proceedings concerning alleged resistance to purveyance for the war in Scotland,¹³ in the course of the case between Nicholas John and Ralph Kenefick,¹⁴ and when a former sheriff escaped from the custody of the marshal.¹⁵ Attachment by the body was employed after attachment by gage and pledges or distraint had failed to secure an appearance mainly in order

8. Sir John C. Fox, The history of contempt of court (Oxford, 1927), pp. 56-69, and 'The writ of attachment', Law Quarterly Review, xl (1924), pp. 43-60.

9. Cross references to 254-5, 294-5, 765, 801, 807, 887-90.

10. 684 and its cross references.

11. The only exceptions are 860-1, 1680 and 1727, all of which concerned matters of interest to the king.

12. Fox, publications cited in n. 8 above.

13. 887-90, 893, 1128, 1133, 1135.

14. 860-1.

15. 252, etc.

to force recalcitrant accountants to come to the exchequer. Accountants who were to be attached by the body in 1309/10 included a former sheriff,¹⁶ provosts and burgesses of Athlone,¹⁷ the provost of Rinndown,¹⁸ farmers of manors,¹⁹ and a collector of the fifteenth of 1292.²⁰ Also sheriffs and other officials could be attached by the body for failure to collect debts. Thus in the autumn of 1310 13 writs were issued to coroners and other officials ordering that sheriffs, seneschals, mayors and bailiffs be attached by the body to answer the king because they did not obey orders to levy all debts and have the money owed in the exchequer on 31 August to be spent on purveyance for the Scottish war.²¹

Occasionally the exchequer directed not merely that someone be attached but also that the sheriff take into the king's hand (capiat in manum regis) his lands and chattels. Five such writs are recorded among the writs issuing for the king²² and one is enrolled among the common writs in the memoranda roll.²³ A closely related writ instructed a sheriff to attach the former keeper of a manor to explain why he did not permit the new keeper to have custody of the manorial buildings, and to attach all his goods and chattels.²⁴ This foreshadows writs of a kind which first appear in 1316, ordering the attachment of named persons together with their goods and chattels (una cum bona et catalla).²⁵

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16. 807.
 17. 1448.
 18. 1400.
 19. 1384, 1445.
 20. 1393.
 21. 1554-61, 1565-9.
 22. 260, 292, 686, 799, 1377.
 23. 1201.
 24. 346.
 25. RC 8/10, pp. 581; cf. EX 1/2, mm. 14d., 52.

Sis

Writs of venire facias, distringas and attachies (habeas corpus) were not normally used to secure the appearance of sheriffs, seneschals, and mayors and bailiffs during their terms of office. Instead a sheriff or other official was simply commanded that he be (sit) in the exchequer on a given date for a stated purpose. Writs of sis were sometimes also addressed to lesser officials, such as the constable and the reeve of Newcastle Mackinegan.¹ There are 22 entries of writs of sis among the writs issuing (17 among the writs for the king and five among the common writs on the memoranda roll). A number are also to be found among the debts recognised and other memoranda.² Just over half of the writs of sis among the writs issuing ordered sheriffs and other officials to attend the exchequer to render account.³ Six demanded the appearance of sheriffs and other officials to answer the king and others concerning trespasses or other charges laid against them.⁴ The other four writs sought the presence of officials with all money owed,⁵ with a writ of mandamus ordering an assignment,⁶ with charters so that it could be established whether murage was payable,⁷ and in order to make the proffer due at Easter.⁸

Scire facias

A total of 16 entries record writs commanding a sheriff or other official that he cause a named person to know (scire faciat) that he should be in the exchequer on a given date to show why a debt should not be levied from his goods. Scire facias was a writ of summons;

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1. 320-1.
 2. See above, p.179.
 3. e.g. 880-1.
 4. e.g. 1095, 1145.
 5. 1142.
 6. 316.
 7. 483.
 8. 1079.

in its full form the sheriff was ordered to cause the debtor to know by good and lawful men (per probos et legales homines).⁹ It was used mainly in connection with recognisances. If no attempt was made to levy a debt during the year after it fell due under the terms of a recognisance, a writ of scire facias had to issue before the debt could be levied.¹⁰ In general it was not employed in the collection of debts owed directly to the king, although there were exceptions, as in 1314 when 11 writs were issued ordering that collectors of the fifteenth of 1292 be summoned.¹¹ The distribution of the entries in the rolls for 1309/10 reflects the link between the writ and recognisances. 15 of the entries are to be found among the common writs on the memoranda roll,¹² while only one appears among the writs for the king.¹³

Capias securitatem

There are 14 entries of writs commanding a sheriff or other official that he take surety (capiat securitatem) from a named person that he be in the exchequer on a given date for a stated purpose. When an order to take surety was included as part of a writ of distringas, the sheriff replied that the person in question had been attached by two named pledges.¹⁴ Presumably this was the normal response to such an order. If so a writ of capias securitatem was similar in effect to a writ of venire facias. The circumstances in which the two writs were used were also similar. In the nine writs of capias securitatem entered among the writs for the king, surety was to be taken for appearances to render account,¹⁵ to answer the king concerning

9. EX 2/2, pp. 224-5.

10. Statute of Westminster II, 13 Edward I, c. 45 (Statutes of the realm, i, pp. 93-4; Stat. Ire, John-Hen. V, pp. 172-3).

11. RC 8/9, pp. 615-17.

12. e.g. 375, 474, 840.

13. 1137.

14. See above, p. 222.

15. 725, 1131, 1446.

arrears of account,¹⁶ arrears of rent,¹⁷ goods of John Bonneville,¹⁸ and divers debts,¹⁹ and to answer the king and others concerning a debt.²⁰ In the five writs enrolled among the common writs on the memoranda roll surety was to be taken for appearances to answer the king and others concerning debt²¹ and trespass,²² and to answer various individuals concerning debt.²³ Given the similarity of capias securitatem and venire facias, it is not surprising that the former disappears from the memoranda rolls after Trinity Term 1314.²⁴

Sequestrare facias

One entry among the writs for the king records a writ ordering a bishop to cause the sequestration of (sequestrare faciat) all benefices of John Warre in his diocese, until John render account of his expenditure in connection with the war in Leinster.²⁵

Sequestration was the ecclesiastical equivalent of distraint. It is also referred to in a writ of levare facias ordering that a debt be levied from goods already sequestered and from other ecclesiastical goods of a debtor.²⁶

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16. 322.
 17. 263, 298.
 18. 1157.
 19. 272.
 20. 1093.
 21. 499.
 22. 519.
 23. 403, 528-9.
 24. Writs of Capias securitatem occur in RC 8/9 but not in RC 8/10.
 25. 345.
 26. 509.

Writs concerning the collection of debts

Levare facias

The writ of levare facias was the primary means by which the Irish exchequer secured the collection of debts owed to individuals. It was also employed by the exchequer to order the collection of arrears of account, of all debts owed to the king in an area and of other sums owed to the king. Writs of levare facias could if necessary be re-issued many times.¹ In the circumstances it is no surprise that the entries which occur most frequently in the memoranda and plea rolls are those recording writs of levare facias. There are 137 among the writs for the king, 123 among the common writs on the memoranda roll and 317 among the common writs on the plea roll, making 577 in all.

In essence the writ commanded a sheriff or other official that he cause the levying of (levare faciat) a debt or debts so as to have the sum or sums due in the exchequer on a given date to be paid to the king or a named creditor. As a rule the debt was expressed as a sum of money,² but occasionally a quantity of goods was specified.³ Generally a debt was to be levied from a named debtor,⁴ but sometimes a single writ ordered the collection of all debts owed to the king or other creditor in the area in question.⁵ Most entries indicate that debts are to be levied from the debtor's goods,⁶ but others state that they are to be levied from goods and chattels,⁷ lands and chattels,⁸ lands, goods and chattels,⁹ or goods and chattels, lands and tenements.¹⁰ These variations in wording may

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1. e.g. 754, 1748 and their cross references.
 2. e.g. 809.
 3. e.g. 258, 812.
 4. e.g. 1189.
 5. e.g. 1190.
 6. e.g. 380.
 7. e.g. 297.
 8. e.g. 391.
 9. e.g. 323.
 10. e.g. 269.

reflect differences in procedure, but is more likely that the writs themselves usually ordered that debts be levied from goods and chattels, lands and tenements, and that they were abbreviated to a greater or lesser extent in the entries on the rolls. In the entries on the plea rolls other details are often omitted, such as the amount of the debt and the instruction to the sheriff to have the sum levied in the exchequer.¹¹ Entries in later memoranda rolls make it clear that debts were levied by distraint, and that the items distrained were sold to raise the money owed.¹² If the items distrained were not sufficient to raise the sum due, a subsequent writ might direct that the debt be levied from the goods already in hand and from other goods of the debtor.¹³ Entries of two writs issued in 1309 give details of the items already in hand; they consisted of 10 cows and a rent of 10 marks.¹⁴

All the writs of levare facias recorded on the plea roll and more than half those on the memoranda roll required either payment to an individual of debts owed to him, or payment to the king on behalf of an individual in exoneration of debts owed by him to the king. In the plea roll it is difficult to differentiate between these two kinds of writ because they are so severely abbreviated in the entries on the roll, but it is clear that writs demanding payment to individuals predominated. A further breakdown can be given for the memoranda roll. A total of 95 common writs on the memoranda roll ordered payment to an individual,¹⁵ while only one of the writs for the king did so.¹⁶ By contrast only 25 of the common writs ordered payment to the king on behalf of an individual,¹⁷ while 33 of the writs for the king did so.¹⁸

11. e.g. 1808.

12. RC 8/10, p. 21; EX 1/2, m. 12d.

13. e.g. 1391.

14. 326, 264.

15. e.g. 368, 809, 1180, 1592.

16. 1501.

17. e.g. 391, 1188.

18. e.g. 271, 689, 1154.

The remaining 107 writs sought payment of debts owed directly to the king. Only three are common writs,¹⁹ the other 104 being writs issued for the king. Of the latter just over a quarter directed that arrears of account of former sheriffs and a variety of other accountants be levied.²⁰ Exactly one quarter issued during the summer of 1310 gave instructions that all debts owed to the king in each county, liberty, city and borough be levied to meet the expenses of purveyance for the Scottish war.²¹ Another 14 issued in Michaelmas Term 1309 ordered the levying both of arrears of account and of all debts owed to the king.²² A further nine relate to exceptionally large fines.²³ The other 26 concern a variety of debts including issues of the escheatry, prests, issues of mills and debts for which terms given had not been served.²⁴

It must be stressed that the writ of levare facias was not used by either the Dublin bench or the English exchequer. Instead the bench normally used the writ of fieri facias.²⁵ The English exchequer used the writs of fieri facias and elegit and, less often, the writ of levari facias.²⁶ The latter is clearly closely related to the Irish writ of levare facias, but in the Irish writ the verb 'to levy' is in the active voice, while in the English writ it is in the passive voice. There is no obvious explanation for this. However it should be noted that in cases of debt heard in English county courts sheriffs issued orders of levare facias for the levying of debts.²⁷ The use

19. 1212, 1622, 1630.

20. e.g. 737, 1138, 1447.

21. 1474-85, 1487-8, 1492, 1514-24.

22. 330-43.

23. e.g. 264, 267.

24. e.g. 275, 1101-2, 1464.

25. e.g. RC 8/5, p. 3.

26. Cal. mem. rolls, 1326/7, pp. 232-88; Fowler, Rolls from the office of the sheriff, p. 19.

27. Dalton, The office and authority of sheriffs, p. 503.

of levare facias by the Irish exchequer may be a vestige of procedure established in the early days of the English colony in Ireland, when the exchequer must have been very closely associated with the Dublin county court.²⁸

Habeas pecuniam and related writs

There are 23 entries of writs ordering sheriffs or other officials or debtors to have sums owed in the exchequer on given dates for payment to the king or other creditors. The writs in 15 entries are clearly of this kind despite minor variations in wording; in most of them the addressee is commanded that he have money (habeat pecuniam) in the exchequer.¹ The other eight entries are so brief, that the nature of the writs recorded is not immediately clear. The context in which they were issued might lead one to think that they were writs of levare facias, but as they were addressed directly to debtors they must in fact have been writs of habeas pecuniam or similar writs.² 17 of the entries are to be found among the writs for the king. Six of these concerned arrears of account,³ four farms of manors,⁴ two each issues of the escheatry⁵ and royal service,⁶ and one each all debts owed in a county⁷, the prise of wines⁸ and money found in a house in Youghal.⁹ Three entries among the common writs on the memoranda roll are of writs ordering the payment of money to a named person, or to the king in exoneration of a named person.¹⁰ The

28. H.G. Richardson, 'Norman Ireland in 1212', Ir. Hist. Stud., iii (1942-3), pp. 147, 149.

1. e.g. 257, 1159.

2. 1486, 1489-91, 1494-5, 1525-6.

3. 687, 794, 1380, 1468, 1486, 1526.

4. 1159, 1491, 1494-5.

5. 1489, 1525.

6. 262, 265.

7. 1147.

8. 1490.

9. 257.

10. 370, 463.

remaining three entries are enrolled on the plea roll. Two related to amercements of the men and tenants of the prior of the Hospitallers,¹¹ and one to the engrosser's fee.¹²

Capias in manum

A total of 15 entries among the writs for the king record writs in which a sheriff or other official was commanded that he take into the king's hand (capiat in manum regis) all the goods and/or lands of persons owing debts to the king, or to others who themselves owed debts to the king. Clauses directing that goods taken be valued and that the sheriff have the valuation in the exchequer on a given date occur in several entries,¹³ and were probably a standard feature of the writs themselves. Normally writs of this type were used to secure payment of debts owed to the king after the death of the debtor. Of the 11 writs issued for this reason, all but one ordered the seizure only of the debtor's goods and chattels.¹⁴ The exception, a more complex writ, ordered that lands and tenements be taken in hand.¹⁵ Of the four writs seeking payment by debtors who were still alive, two ordered that their lands and tenements, goods and chattels be taken,¹⁶ one that his lands, rents and tenements be taken,¹⁷ and one that his goods and chattels be taken.¹⁸

Other writs concerning the collection of debts

Seven other writs concerning the collection of debts remain to be mentioned. All are to be found on the memoranda roll. Three common writs combined orders that debtors' goods be sold and that money owed

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11. 1715, 2180.
 12. 2192.
 13. e.g. 733.
 14. e.g. 364, 675.
 15. 1388.
 16. 1455-6.
 17. 1511.
 18. 1457.

be brought to the exchequer for payment to the king.¹⁹ Another three writs, two common writs²⁰ and a writ for the king,²¹ directed that surety be taken for the payment of debts owed to the king. And a common writ instructed a sheriff to assist a creditor by all proper means to recover debts owed to him in the county.²²

Writs concerning juries, inquests and extents

There are 53 entries of writs concerning juries, inquests and extents. Of these, 31 are to be found among the writs issuing for the king, 14 among the common writs on the plea roll, and eight among the common writs on the memoranda roll. 43 record writs of venire facias ordering sheriffs or other officials to cause juries to come to the exchequer. Nearly all of these relate to legal proceedings. The writs are abbreviated to varying degrees, but it is clear that usually a sheriff was ordered to cause 12 free and lawful men from the neighbourhood but unrelated to the parties in question to come to inquire concerning the matter at issue.¹ In the plea roll such writs are sometimes rendered as orders to cause a good inquest (bonam inquisitionem) to come.² Two writs ordered the sheriff to cause 24 men from the neighbourhood and 12 from the adjoining tenement to come to extend manors.³

Unlike the writ of venire facias used to secure the appearance of individuals, it seems that the writ of venire facias demanding the attendance of juries was a writ of summons. Thus a member of a jury which failed to appear in Easter term 1310 was amerced because he did

19. 513-14, 878.

20. 873, 1615.

21. 1422.

22. 1208.

1. See especially 672, 891, 1087, 1100, 1451.

2. e.g. 1698-9.

3. 287, 449.

not come when summoned.⁴ Many of the writs are also recorded on the plea membranes of the rolls⁵ and some such writs are recorded only on the plea membranes.⁶ As far as legal actions in which the king was a plaintiff are concerned, it is clear that in general a jury appeared in response to the initial writ.⁷ If a jury failed to appear a second writ of venire facias could be issued.⁸ If no jury appeared in response to the second writ, the exchequer could issue writs of distringas or habeas corpora to secure the appearance of the jurors and also ordering the sheriff to cause another jury to come, but only one writ of each type is recorded among the writs issuing.⁹ The evidence with regard to legal actions in which the king's interests were not directly affected suggests that juries frequently failed to appear in response to the initial writ of venire facias.¹⁰ In one case six successive writs of venire facias were issued during the year 1309/10.

Eight entries record writs ordering that inquests or extents be made locally. Five of these writs ordered a sheriff or other official that he inquire concerning matters such as the lands and chattels of crown debtors, or arrears of farms and rent; a number of them include clauses directing that lands be taken into the king's hand, or that persons found guilty of interfering with lands and chattels be attached.¹²

Three writs ordered that lands be extended; one of these makes it clear that the extent was to be made by a jury.¹³

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4. 1532 and its cross references.
 5. e.g. 266 and 69; 2004 and 2164.
 6. e.g. 661, 1951.
 7. See above, p. 205.
 8. 72, 657, 919, 957.
 9. 1090, 1427.
 10. See above, p. 205.
 11. 1793 and its cross references.
 12. 317, 358, 767, 1086, 1444.
 13. 306, 456, 674.

Writs ordering a stay in or an end to proceedings

Nearly all the 53 entries of writs ordering a stay in or an end to proceedings are to be found on the memoranda roll. Only four were enrolled on the plea roll.¹ This reflects the fact that most of them relate to demands for payment of debts owed to the king. In the memoranda roll they appear mostly as common writs; 44 were recorded as common writs² and only five as writs for the king.³ The most likely explanation for this is that an order for a stay in or an end to proceedings was considered to be an act in favour of the individual concerned. In England, and presumably also in Ireland, writs of this kind did not require a return by the official to whom they were addressed.⁴

The most common writs of this kind, represented in 23 entries, are those ordering respites of demands for payments of debts owed to the king.⁵ In most instances a sheriff or other official was commanded that he put in respite (ponat in respectum) a demand from a named person until a given date, until otherwise ordered, or until his account; the reason for the respite is sometimes also stated.⁶ In four entries a sheriff was instructed that he respite (respectuet) a demand and release any distraint taken.⁷

10 entries record writs of supersedeas. Seven such writs commanded a sheriff or other official that he supersede (supersedeat) a demand until a given date, in most cases having taken security for payment on that date.⁸ Two ordered supersession of a demand because the debtor had terms for payment,⁹ while one ordered supersession because the

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1. 1714, 1721, 1920, 2259.
 2. e.g. 376, 392, 399.
 3. 312, 1497, 1500, 1506, 1509.
 4. Cal. mem rolls, 1326/7, p. xx.
 5. e.g. 381, 818, 1237, 1590.
 6. e.g. 457, 1227, 1638.
 7. 392, 436, 818, 1497.
 8. 376, 863, 1197, 1200, 1500, 1506, 1721.
 9. 453-4.

debt had been pardoned.¹⁰ Writs of supersedeas were similar in purpose to writs of ponas in respectum, and by 1319/20 had replaced the latter as the normal means by which the exchequer put a halt to proceedings.¹¹

Six entries record writs directing that the individuals named should not be distrained for debts owed to the king.¹² A further two are of writs giving instructions that the persons named should not be distrained for debts owed to others until their debts to the king had been paid.¹³ Five writs ordered that debtors be permitted to keep terms granted to them by the exchequer for the payment of debts by instalment.¹⁴ One writ informed a sheriff that all but £2 of a debt of £17 had been pardoned.¹⁵

All the writs discussed so far in this sub-section related to proceedings in the exchequer. The remaining six related to proceedings in local courts. In them sheriffs or other officials were ordered not to put named persons in default for failure to appear in local courts on given dates, as the persons in question had been instructed to be in the exchequer on those dates.¹⁶

Writs concerning goods and lands taken into the king's land

An individual's goods or lands could be taken into the king's hand either to secure his appearance in the exchequer or to ensure payment of debts owed by him.¹ There are 29 entries of writs concerning goods and lands which had been taken into the king's hand (excluding those relating to goods seized in connection with purveyance which are referred to in the following sub-section). Only one is on the plea

10. 477.

11. EX 1/2.

12. 433, 508, 1601, 1603, 1617, 1624.

13. 841, 1226.

14. 458, 1193, 1604, 1621, 1660.

15. 839.

16. 399, 507, 540, 1509, 1714, 1920.

1. See above, pp. 221-2, 226, 230-1, 234.

roll.² Those on the memoranda roll are concentrated among the common writs issuing. Almost half the writs commanded a sheriff or other official that he deliver or cause delivery of (deliberet, deliberare faciat, liberare faciat) goods or lands to the owners, their heirs or executors, or other persons who were to answer for their debts.³ Two writs ordered delivery of goods to creditors,⁴ and one ordered delivery of goods to pay for the owner's funeral.⁵ In six writs an official was instructed that he keep safely goods or lands taken in hand.⁶ A closely related writ directed that goods in lands should not be distrained or dissipated.⁷ Two writs sought information concerning goods taken in hand.⁸ Other writs gave instructions that a third party should not interfere with a rent in hand,⁹ that lands in hand should be ploughed,¹⁰ and that the owner of corn in hand be permitted to harvest it.¹¹

Writs concerning purveyance

In addition to writs of levare facias, attachies and other types which have already been discussed,¹² there are 22 entries of writs concerning purveyance for the king's expedition to Scotland. As might be expected, the majority are to be found among the writs for the king, but 10 are recorded as common writs on the memoranda roll. None occur on the plea roll. Seven writs ordered the seizure of corn, wheat, oats, wine, and a ship containing wine.¹³ Another seven

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2. 2360.
 3. 328, 434, 459, 466, 506, 752, 763, 769, 1199, 1236, 1385-6, 1505.
 4. 480, 2360.
 5. 829.
 6. 500, 817, 842, 894, 1213, 1664.
 7. 1628.
 8. 290, 856.
 9. 385.
 10. 1164.
 11. 1498.
 12. See above, pp. 232, 225.
 13. 361-2, 668-9, 682-3, 1103.

directed that goods and ships seized be released.¹⁴ The orders for seizure are variously worded as arrestare faciat, attachiet et arrestet and capiat in manum regis, and those for release as dearrestare faciat, deliberare faciat and liberare faciat. One writ ordered that the abbot of Mellifont be allowed reasonable sustenance from corn seized from him.¹⁵ Nine writs gave instructions that corn seized be threshed and carried to purveyors in the ports.¹⁶ A related writ required the attachment of purveyors.¹⁷ The two remaining writs gave permission for the carriage of small quantities of wine, wheat and oats to Conway in Wales.¹⁸

Writs concerning elections and offices

Of the 22 writs concerning elections and offices, only one ordering the election of a new reeve in the manor of Newcastle Lyons was recorded among the common writs on the memoranda roll.¹ The other 21 were all entered among the writs for the king. Of these 17 ordered various local officials to cause the communities of port towns to elect collectors of customs and, having received the collectors' oaths of office, to deliver to them their parts of the cocket seals.² A writ to the constable of Newcastle Mackinegan instructed him to permit the reeves there to levy and receive farms and rents.³ A similar writ directed the sheriff of Cork to permit the receiver to receive money in accordance with his commission.⁴ The two remaining writs also referred to receivers, one ordering the escheator to receive a receiver's oath of office,⁵ and the other commanding a receiver to carry out his duties in accordance with his commission.⁶

14. 482, 846, 859, 868, 870, 1203, 1233.

15. 858.

16. 729-32, 784, 882-5.

17. 879.

18. 681, 823.

1. 400.

2. 299-305, 693-702.

3. 1139.

4. 1458.

5. 1107.

6. 1459.

Miscellaneous writs

There are 41 entries of miscellaneous writs, 16 of which appear among the writs for the king, 16 among the common writs on the memoranda roll and nine among the common writs on the plea roll. Four entries record writs ordering assignments of money;⁷ normally such writs were recorded among the debts recognised and other memoranda.⁸

Another four writs ordered assignments of timber from woods at royal manors⁹ and a related writ ordered the public proclamation of a sale of wood.¹⁰ Four writs were issued concerning manors which had belonged to the Templars.¹¹ Three writs gave instructions for the receipt of attorneys outside the exchequer.¹² Other writs commanded the seneschal of Ulster to view soldiers in the company of the MacDougals of Argyll,¹³ John son of Thomas not to cross the king's lands at Okethy,¹⁴ Henry Cruise to protect his lands at Okethy,¹⁵ the seneschal of Saggart to cause a rent to be kept safely in the hands of Martin Long,¹⁶ and the sheriff of Dublin to send 41 writs and a summons to various sheriffs and other officials.¹⁷ In addition there are 20 complex writs which could with equal validity be placed in two or more categories; many order both that money be levied from a person, and that he come to the exchequer on a given date.¹⁸

7. 435, 437, 503, 1244.

8. See above, pp. 174-5.

9. 389-90, 1496, 1596.

10. 314.

11. 250, 318, 678-9.

12. 525, 2224, 2357.

13. 344.

14. 690.

15. 691.

16. 1181.

17. 1570.

18. 256, 736, 768, 798, 1187, 1228, 1503, 1512, 1588, 1598, 1623, 1626, 1650, 1707, 2001, 2029, 2066, 2078, 2311, 2346.

SUMMONSES ISSUING

Summonses were specialised writs used by the exchequer to order the collection of fines, amercements and other debts payable to the king arising from the work of the exchequer, the chancery, the escheatry and the courts. They were prepared by the summoner¹ from estreats supplied by these bodies, from transcripts of estreats and from accounts enrolled on the pipe rolls. No original summonses are known to survive, but there is a contemporary transcript of summonses addressed to the seneschal of Tipperary in the period 1402-6.² This shows that a summons consisted of three sections. In the first section the sheriff or other local official was ordered to have in the exchequer at the following Michaelmas or Easter all debts recorded in a particular estreat or account which related to his bailiwick. The second section listed the debts in question. The final section was a standard attestation clause stating that the summons was witnessed by the treasurer or his lieutenant at the exchequer on a given date.

The summonses issued by the exchequer were recorded under the heading 'Divers summonses issuing' on the backs of writs issuing membranes in the memoranda rolls. In 1309/10 two to three membranes in each term bear entries of summonses issued,³ but thereafter the entries are normally concentrated on a single membrane in each term.⁴ Each entry records one summons only. The entry itself gives the title of the estreat, account or other record from which the summons was prepared, and details of the first debt listed in the summons. The name of the county, liberty, city or borough in question and the number of the entry on the membrane are given in the margin. Summonses prepared from a single estreat or account do not necessarily

1. cf. above, p. 14.

2. N.L.I., D 1415 (Cal. Ormond Deeds, 1350-1413, no. 363).

3. 347-54, 404-29, 486-97, 704-24, 771-83, 899-910, 1109-24, 1166-79, 1401-19, 1527-53.

4. e.g. EX 1/2, mm. 13d., 25d., 39d and 51 d.

follow each other on the membrane. For example summonses prepared from the enrolled account of the liberty of Wexford on the pipe roll for 1308/9 are recorded in entries numbered 9, 12, 17, 21, 23 and 25 on membrane 16d. of the memoranda roll for 1309/10.⁵ It therefore seems certain that summonses were not normally enrolled until some time after they had been prepared, but it is not possible to tell whether the summonses recorded on a single membrane were all enrolled at the same time or on a number of separate occasions.

The entries of summonses issuing were in effect a register of summonses issued. They did not in any way substitute for the summonses themselves as they recorded only the first debts listed in the summonses. However they did prove that the summonses in question had been issued. This must have been important when a sheriff came to account, as it would have enabled the exchequer to ensure that he answered concerning all summonses sent to him. If the exchequer had not kept a record of the summonses issued, the sheriff could easily have concealed receipt of some summonses and kept for himself any money collected in respect of them. Moreover the entries of summonses issued must have helped the officials of the exchequer to identify the estreats and pipe rolls which would be required during the hearing of a particular account.

The entries of summonses were the only entries on the memoranda rolls which were numbered. They must therefore have been numbered for a good reason. The most likely explanation is that the numbers made it easier to match the summonses brought by the sheriff when he came to account with the entries on the memoranda rolls. If this is the correct explanation the title of the membrane and the entry number must have been noted on the summons itself. Unfortunately it is impossible to test the accuracy of this hypothesis in the absence of any original summonses.

5. 412, 415, 420, 424, 426, 428. An additional summons prepared from the same account is recorded in 487.

A total of 168 summonses were recorded in entries of divers summonses issuing in the memoranda roll for 1309/10. One was also recorded in an entry among the writs issuing for the king.⁶ The results of an analysis of the records used in the preparation of the summonses is set out in Table XXXVII. More than half the summonses were prepared from recently received estreats. Almost half of these estreats recorded fines and amercements imposed in the exchequer itself. However the importance of exchequer estreats is exaggerated in two ways. First of all exchequer estreats normally covered only one or two terms,⁷ while estreats supplied by other bodies normally covered periods of at least one year.⁸ Secondly the exchequer usually prepared separate estreats of fines and amercements relating to pleas touching the king and common pleas after Easter Term 1310.⁹ In fact it is likely that at least as many debts were recorded in estreats supplied by the chancery, the justiciar's court and justices of assize and gaol delivery. Also the figures for 1309/10 probably underestimate the importance of summonses prepared from estreats supplied by the bench, as larger numbers of such summonses were issued in other years.¹⁰

The other 63 summonses recorded in the roll for 1309/10 all related to debts found to be owing in the course of the hearing of accounts of sheriffs and other local officials. Two-thirds of them were prepared from accounts recently enrolled on the pipe rolls for 1308/9 and 1309/10. As a rule several summonses were prepared from a single account. One was addressed to the sheriff of the county to which the account related. The others were addressed to sheriffs of other counties and other officials; presumably it had been established that

6. 313, 774.

7. e.g. 1109-1117, 1411-15.

8. e.g. 491, 1166-71, 1533-40.

9. e.g. 1552-3, RC 8/5, pp. 755-61.

10. e.g. RC 8/7, pp. 129-32, 263-9.

TABLE XXXVII: RECORDS USED IN THE PREPARATION OF SUMMONSES
ISSUING RECORDED IN THE MEMORANDA ROLL FOR
1309/10

<u>NATURE OF RECORD</u>	<u>NUMBER OF</u> <u>SUMMONSES</u>
<u>Estreats recently received from:</u>	
the exchequer	50
the justiciar's court	11
justices of assize and gaol delivery	11
the chancery	10
the escheatry	8
officials assigned to inquire concerning debts and the misdeeds of local officials	7
the bench	4
the keeper of alnage	2
the seneschal and lieutenant seneschal of the liberty of Kildare	2
TOTAL	<u>105</u>
<u>Recently enrolled accounts relating to:</u>	
county Tipperary	9
county Carlow	6
the liberty of Kilkenny	6
county Louth	6
the liberty of Wexford	7
Dublin city	3
the borough of Drogheda on the side of Louth	2
county Roscommon	2
county Kildare	1
TOTAL	<u>42</u>
<u>Old accounts relating to:</u>	
county Tipperary	6
county Dublin	2
county Carlow	1
Dublin city	1
the liberty of Kilkenny	1
county Louth	1
county Roscommon	1
the liberty of Wexford	1
TOTAL	<u>14</u>
<u>Old estreats relating to:</u>	
county Carlow	3
county Tipperary	3
Dublin city	1
TOTAL	<u>7</u>
<u>GRAND TOTAL</u>	<u>168</u>

the debtors in question had no lands or chattels in the original county. For example summonses prepared from the account for county Carlow on the pipe roll for 1309/10 were addressed to the sheriffs of Carlow, Dublin, Kildare and Tipperary, and the seneschals of Kilkenny and Wexford.¹¹ After 1312 the summonses addressed to sheriffs of counties other than the original county were generally described as being prepared 'From the items removed from the account' (De remotionibus compoti).¹² The remaining summonses recorded in the roll for 1309/10 were prepared from old accounts on the pipe rolls and from old estreats. They gave details of unpaid debts which had not been entered in the most recent enrolled account. They were often described as being prepared 'From the letters D' because the letter D was written beside the entries of debts in old accounts and estreats which were still unpaid at the time of the most recent account.¹³

In the memoranda rolls for 1319/20 and subsequent years many summonses are described as being made from transcripts of estreats.¹⁴ These transcripts were written by the transcriber, and were probably used in place of the original estreats to charge sheriffs on their accounts.¹⁵ There are also occasional references to rolls of unpaid debts.¹⁶ These were probably merely transcripts of estreats under another name. At any rate they must have served a similar function, as there are never references to both transcripts of estreats and rolls of unpaid debts for the same county and the same year. It is surprising that there are no references to transcripts of estreats in memoranda rolls prior to 1319/20, as transcripts were being made at least as early as 1308.¹⁷ A possible explanation is that at first

11. 713, 718-21, 899.

12. e.g. RC 8/7, pp. 129-32, 263-9, 372-6.

13. e.g. 706-7, 1548.

14. e.g. EX 1/2, mm. 13d., 51d; RC 8/12, pp. 677, 707, 788.

15. See above, p. 91.

16. e.g., EX 1/2, m. 39d.; RC 8/13, p. 93.

17. See above, p. 14.

the transcripts were incorporated in the enrolled accounts on the pipe rolls. If this was so, summonses prepared from the accounts would have included unpaid debts recorded in the transcripts of estreats.

The value of the entries of summonses to historians is limited by the fact that they record only the first debt listed in each summons. Even so they throw a great deal of light on the make-up of the profits of justice. For example they are the main source of evidence concerning the size of fines and amercements imposed in the exchequer itself. They also provide useful information about officials whose own records do not survive, such as justices of assize and gaol delivery,¹⁸ the keeper of the alnage,¹⁹ and the keeper of the market.²⁰

18. e.g. 488-91, 493-7, 707, 774.

19. e.g. 348-9.

20. e.g. EX 1/2, mm. 13d., 25d.

In editing the manuscript for publication, the following principles have been followed. The original entries have been printed as they were written, and the original spelling and punctuation have been retained. The original entries have been printed in the order in which they were written, and the original numbering has been retained. The original entries have been printed in the order in which they were written, and the original numbering has been retained.

Editorial note

Each of the entries in this volume is preceded by a number which indicates the order in which the entry was written. The numbers have been printed in the order in which they were written, and the original numbering has been retained. The original entries have been printed in the order in which they were written, and the original numbering has been retained.

PART III

Editorial note

In each entry the number is printed by an uncapitalized letter. In the text of the entry the letter is capitalized. The letter A indicates that the entry was written by the first redactor, the letter B that it was written by the second redactor, and the letter C that it was written by the third redactor. The letters D and E indicate that the entry was written by the fourth and fifth redactors respectively.

Normally consecutive entries are separated from each other by a space which is less than that left between lines in an entry. They have been typed without this extra space between them only if a single postscript applies to more than one entry. The contents of consecutive addresses have been separated by a space which is in turn wider than that between individual entries.

1. R.F. Fox, Editing records for publication, British Records Association, Journal for the year, no. 4 (London, 1977); Indexing records for publication, British Records Association, Journal for the year, no. 4 (London, 1977); 'Principles of medieval English parchment', Journal of the Society of Archivists, 21, nos. 75-8 (1970), pp. 59-89.

In editing and indexing the memoranda and plea rolls for 1309/10 the rules recommended by Hunnisett have usually been followed.¹ Only the most important of the rules will be restated here. Major deviations from the rules and matters peculiar to this edition will be considered in more detail.

Numbering of entries and layout

Both the memoranda roll and the plea roll are made up of entries which vary in length from two lines to a few pages. The entries have been numbered consecutively. It would have been very difficult to have the numbers typed in bold type as recommended by Hunnisett.² Instead they have been typed in ordinary type and underlined in the entries themselves, and typed in ordinary type without underlining in cross references and footnotes.

In each entry the number is prefixed by an underlined capital letter. In the text of the memoranda roll the letter A indicates that the entry was written by the chief remembrancer, and the letter B that it was written by the second remembrancer. Entries in the plea roll, all of which were probably written by the clerk of common pleas, are prefixed by the letter C. The letters D and E indicate that the entries occur in Appendixes II and III respectively.³

Normally consecutive entries are separated from each other by a wider space than that left between lines in an entry. They have been typed without this extra space between them only if a single postscript applies to more than one entry.⁴ The contents of consecutive membranes have been separated by a space which is in turn wider than that between individual entries.

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1. R.F. Hunnisett, Editing records for publication, British Records Association, Archives and the user, no.4 (London, 1977); Indexing for editors, British Records Association, Archives and the user, no.2 (London, 1972); 'Problems of medieval English surnames', Family History, xi, nos. 75-6 (1980), pp. 69-89.
 2. Hunnisett, Editing, pp. 20-1.
 3. See below, vol ii, p.v.
 4. e.g. 522-3.

Almost all editorial comments and additions in the text and calendar of the rolls are enclosed within square brackets. The only exceptions are membrane and entry numbers. It was not possible to have editorial comments typed in italics, so they have been typed in ordinary type and underlined instead. Missing words supplied by the editor have been typed in square brackets but are not underlined. If missing words cannot be supplied, they are represented by three adjacent points (...). If only part of a word is missing, the three points are joined up to the legible part.⁵

The main editorial comments used are: Headed, Written above lacing, In margin, Cancelled, Subscript and Postscript. The phrase Written above lacing has been prefixed to the notes on the dorse of membranes in the memoranda roll written above the lacing fastening the membranes together. The phrase In margin has been preferred to the word Marginated recommended by Hunnisett, but acknowledged by him to be ungainly.⁶ Similarly the word Subscript has been preferred to the word Subscribed; it has been used mainly with reference to the notes concerning date of receipt in the exchequer which follow most enrolments of writs from England and the Irish chancery.⁷ Hunnisett suggests that the word Authorised be prefixed to notes specifying the identity of the person or the nature of the warrant authorising the issue of a writ; it has not been used here because it might suggest that such notes were added in the exchequer, when they were in fact copied from the writs.⁸ Surprisingly, Hunnisett does not recommend the use of any word to indicate that part of an entry was a postscript. It is desirable that this should be indicated, as it may not always be clear from the text itself that part of an entry is a postscript, although changes of layout and ink colour make this obvious in the manuscript. The word Postscript has been used for this purpose.

The modern forms of dates have been supplied in square brackets after the manuscript form. In the case of return days expressed in terms of feast days the dates have been converted literally, even if the day in

5. e.g. 1653.

6. Hunnisett, Editing, p.37.

7. e.g. 946.

8. Hunnisett, Editing, p.37. cf. above, pp.149-50.

question was a Sunday. In such cases it was presumably intended that the return should actually be made on the following Monday.

Cross references and footnotes

Each entry is followed by cross references to related entries, if any. There are two types of cross references: those prefixed by the word See, and those prefixed by the word cf. The word See indicates that the entries in question all relate to a single matter, such as an account or legal action. The numbers of the entries are given in chronological order. If there are more than three entries concerning a single matter, the full sequence of numbers is given once following the earliest entry; the cross references to later entries take the form of the following example: [See 1740, etc.]. The word cf. normally indicates that the entries in question recorded a number of closely related matters.

Some footnotes are similar in purpose to the cross references. For example, cross references to the receipt and issue rolls of the exchequer are given in footnotes, so that details of the relevant receipts and payments can be cited. Similarly, cross references to other copies of writs received from England and the Irish chancery are given in footnotes, in order that the precise nature of the cross reference can be made clear.

Other footnotes record annotations made on the memoranda roll in later centuries. Most of these annotations appear to have been made in 17th and 19th century hands. They include a variety of crosses, most of which were probably intended to mark especially important entries.⁹ As far as possible crosses and other symbols which were probably written by the remembrancer have been represented by symbols in the text.¹⁰

Many footnotes relate to passages which cannot be read in the manuscript. In most cases part of the relevant membrane was worn, stained or torn away. If missing words can be supplied from elsewhere in the same entry, or because they were common form in entries of the type in question, this has been done silently. But if they have been

9. e.g. 68, n. 3.

10. See below, vol ii, pp. v-vi.

supplied from related entries or other sources, this fact has been recorded in a footnote.

In order to minimise the quantity of footnotes, they have been numbered by membrane of the original rolls. Where words in several adjacent entries cannot be read for the same reason, the reason has been recorded once in a footnote to the first entry affected.

The text of the memoranda roll

In transcribing the memoranda roll I have accepted Hunnisett's recommendations concerning the use of the interchangeable or indistinguishable pairs of letters 'u' and 'v', 'i' and 'j', and 'c' and 't'.¹¹ The letters 'u' and 'i' have been used as vowels, while the letters 'v' and 'j' have been used as consonants. In the case of 'c' and 't', 'c' has been used where the corresponding modern English or French word is spelt with a 'c' or an 's', while 't' has been used where the corresponding word is spelt with a 't'. Modern practice has also been followed with regard to punctuation and the use of capital letters.

Almost all abbreviated words have been extended. The only words which are never extended are those for sums of money. In the text of the memoranda roll they are abbreviated as li., m., s., d., ob., qu. and di.¹² In most cases the same or similar abbreviations are used in the roll itself.

The correct extension of an abbreviated word can usually be established without much difficulty. Where there is a serious doubt, it is often possible to determine the correct extension by searching for examples of the same word written in the same hand elsewhere in the roll. Thus the ablative form of clam' in entry 406 might be extended as clameo or clamatione, but the use of the accusative form clamium in entry 1262 suggests that the correct extension is almost certainly clamio.

Particular difficulties are presented by the abbreviation Mand' at the beginning of entries of writs issuing. A typical entry in hand A begins

11. Hunnisett, Editing, pp. 28-30.

12. See below, vol. ii, p. v.

Mand' vic', while a similar entry in hand B begins Mand' est vic'. Fortunately entries of identical writs issued to a number of officials make it clear that the subjects of the entries were the writs themselves. A few of these entries extend the abbreviation Mand', and prove that it should be extended as Mandatur in hand A and as Mandatum in hand B.¹³

A few words which occur frequently are never extended in the manuscript. The most common of these is the abbreviation po' in entries recording the appointment of attorneys. In editions of court rolls this is generally extended in the present tense as ponit or ponunt. However Jenkinson translated it in the perfect tense,¹⁴ and it has been extended here as posuit or posuerunt. Other entries in the memoranda roll recording actions by individuals, such as recognisances and mainprises, were written in the perfect tense, and there is no obvious reason why this should not also have been true of appointments of attorneys.

Other words never extended in the original are offic', plm' and prec'. With regard to the first two it has been assumed that the words abbreviated were officialis and plegium.¹⁵ The third is undoubtedly an abbreviation of precium, but the case in which it should be extended is often unclear; usually it has been extended in the accusative.¹⁶

It can also be difficult to decide how to extend the abbreviations of days given in terms of feast days. Entries in hand B referring to days three weeks or a month after a feast day have been extended in the accusative because this is sometimes done in the manuscript.¹⁷ This is grammatically incorrect, but was probably done because the phrase in the writ itself was a die ... in tres septimanas or unum mensem.¹⁸ In entries in hand A the word in is rarely included in the marginalia, so the case in which the abbreviation should be extended is uncertain. The ablative has been chosen, because a few days are extended in the ablative in the original.¹⁹

Hunnisett recommends that abbreviations of place names and surnames

13. e.g. 300, 1482.

14. Jenkinson, Select cases in exchequer, pp. 158-60.

15. e.g. 460, 633.

16. e.g. 326.

17. e.g. 276.

18. e.g. 1388.

19. e.g. 123.

should not be extended.²⁰ In the case of place names this recommendation has usually been accepted. However in the case of surnames it is generally possible to be fairly certain of the correct extension. In some cases there is no doubt at all. For example certain occupational surnames often end with the abbreviation ^{er} representing the letters er (e.g. Carpenter, Decer, Paumer). Such abbreviations have been extended silently. In cases where there is some doubt about the correct extension, the most likely extension has been made in the text, but the manuscript form has been given in a footnote.

The calendar of the plea roll

In preparing a calendar the aim is normally to make it as short as possible, although full enough to replace the original documents for most purposes. Common form and repetition can be heavily reduced, and items expressed in well established words can be briefly summarised, as the occasional reader who needs to know the full wording can refer to the original.²¹ However the plea roll for 1309/10 no longer survives. Consequently the aim in this case has been to use the existing draft calendars to produce a revised calendar which reproduces the form and wording of the original as closely as possible.

There are two draft calendars: the calendar in Latin prepared for the Irish Record Commission by Thomas Litton,²² and the calendar in English prepared for the Public Record Office of Ireland by David Chart.²³ Given the aim of producing a revised calendar which reproduces the original as closely as possible, it might seem obvious that the revised calendar should be in Latin, and that it should be based primarily on Litton's calendar. Unfortunately Litton's calendar is severely abbreviated and very inaccurate. On the other hand Chart's calendar is so full as to be virtually a translation, and is also much more accurate. Consequently the calendar in Appendix I is in English, and is essentially an amended and corrected version of Chart's calendar.

Some phrases which occur repeatedly have been amended because it was

20. Hunnisett, Editing, pp. 26-7.

21. *ibid.*, pp. 52-3.

22. RC 8/4, pp. 915-1022.

23. EX 2/2, pp. 386-450.

felt that Chart's choice of wording did not fully express the meaning of the original. Thus the phrase Mandatum est vicecomiti quod levare faciat has been rendered here as 'Sheriff to cause to levy', in place of Chart's rendering of it as 'Sheriff to levy'. Other amendments have been made in accordance with Hunnisett's recommendations. For example the Latin li. has been rendered as '£' rather than as 'l.' In addition the word order has sometime been changed in order to make the meaning clearer.

Amendments of the kinds just described have usually been made silently, but corrections of actual mistakes in Chart's calendar have always been footnoted. Most of these corrections are based on Litton's calendar, although a few are based on the incomplete draft calendar in Latin prepared by Chart. A very high proportion of them consist of alternative readings of names which are obviously preferable to those in Chart's calendar, or which can be confirmed by the cross references to the entries in question. Footnotes have also been used to record alternative readings by Litton which may be correct, in cases where the readings given by Chart have been retained. On the other hand alternative readings in Litton's calendar which are obviously incorrect have not been footnoted.

The index of persons and places

The index covers all personal and place names referred to in the text of the memoranda roll and in the appendices. Place names have where possible been identified. Surnames have in general been modernised or standardised in accordance with the recommendations made by Hunnisett.²⁴ However it should be noted that some surnames formed from English place names have been modernised to the form in common use in Ireland today, rather than to the modern form of the place name. For example the name which appears in the rolls as Bermegham, Bermengeham, Bermengham or Bermyngham has been modernised as Bermingham rather than as Birmingham.

24. Hunnisett, Indexing, pp. 40-50, and 'Problems of surnames'.

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All sources referred to in the footnotes have been included in the bibliography. Other sources have been included only if they were found especially useful or important. The bibliography is arranged under the following headings:

- A: Manuscript primary sources.
- B: Printed primary sources.
- C: Secondary sources.
- D: Editorial aids and works of reference.

Editions of records have been treated as printed primary sources if substantial use was made of the text or calendar of the records, but they have been treated as secondary sources if they were used largely or entirely for their introductions.

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- E 368 English exchequer, lord treasurer's remembrancer's memoranda rolls

E 372 English exchequer, pipe rolls, enrolled accounts of
treasurers of the Irish exchequer

Public Record Office of Ireland

- EX 1 Irish exchequer, memoranda rolls, 3 Edward II and 13-14
Edward II
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P.R.O.I.
- EX 3 Roll of fines and amercements relating to county Meath, 3-7
Edward IV (possibly in fact a roll of transcripts of
estreats)
- Ferguson Collection, i: Extracts and notes made from the memoranda rolls
of the Irish exchequer by J. F. Ferguson
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