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THE ARCHBISHOPS AND ADMINISTRATION OF THE DIOCESE

AND PROVINCE OF DUBLIN 1181 - 1298 .

MARGARET MURPHY .

A thesis submitted to the School of History in the University
of Dublin for the degree of Doctor in Philosophy .

Trinity College

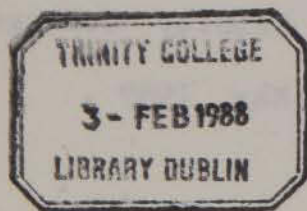
May 1987 .

THE UNIVERSITY AND ADMINISTRATION OF THE DUBLIN

AND THE HISTORY OF THE DUBLIN

THOMAS WHELAN

A thesis submitted to the School of History in the University
of Dublin for the degree of Doctor in Philosophy



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THE ARCHBISHOPS AND ADMINISTRATION OF THE DIOCESE AND PROVINCE OF

DUBLIN 1181 - 1298 .

MARGARET MURPHY .

From the death of Archbishop Laurence O'Toole in 1180 and the election of the royal clerk John Cumin to the see of Dublin in 1181 , the archbishops of Dublin were without exception of the Anglo-Norman nation . All owed their position to their service to monarch or pope , or in some cases to both . Those archbishops who came to Dublin in the thirteenth century , and up to 1271 the archbishops were largely resident , were faced with a two fold task . Firstly they were obliged to introduce and develop in their diocese and province the machinery of Anglo-Norman ecclesiastical administration and to ensure as far as possible that in the area under their control the Irish church was governed by the same laws and customs which pertained to the English dioceses , where many of the archbishops had spent some time as ecclesiastical administrators . Secondly the archbishops of Dublin were expected to participate in the secular administration of the Irish colony which was based in Dublin . Sometimes this meant that they held a formal office in the administration , sometimes not , but they were always counted among the inner council of the king's faithful in Ireland and their advice was frequently sought on important matters . A study of the archbishops and the administration of the diocese must therefore take account of this dual function . This is reflected in the nature of the sources used for the study which comprise both ecclesiastical records and records of the secular administration .

None of the thirteenth century archbishops was entirely successful at combining both functions and frequently it appears to have been the spiritual side of their duties which they neglected . However , an effective administrative machine had been created by the first two archbishops made up for the most part of canons of the secular cathedral of St. Patrick's . This chapter provided the archbishop with clerks and administrators from an early date . With the establishment of the office of archdeacon a deputy existed who could perform most of the archbishop's spiritual functions . This hierarchy of ecclesiastical administrators bore the burden of governing the see during the long periods during the latter part of the century when the church of Dublin was without a pastor either because of vacancy or absenteeism .

Conflict between the ' two nations ' which characterized so much of the history of the medieval Irish church , was not a major factor in the thirteenth century province of Dublin where from an early date the clergy were largely anglicised . Many of the bishops and higher ecclesiastics followed the example of their archbishop and became involved in the secular administration , thus ensuring that there was to a great extent a unity of interests and aims among the churchmen of the province . This did not preclude the possibility of disputes , but it did ensure that they were less frequent than in the province of Armagh for example . However , involvement with the secular administration did not mean that the archbishops were prepared to sacrifice any of the liberties of their church . The thirteenth century archbishops strongly defended the possessions and privileges of the see of Dublin even when it involved a conflict with the officers of the crown or the monarch himself .

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e) Secondary Sources - Articles .	p.376.
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ABBREVIATIONS .

Full bibliographical references can be found in the bibliography p. 356-84.

Al.Reg.	Calendar of Archbishop Alen's Register , ed. C. McNeill .
Anal.Hib.	Analecta Hibernica .
Ann.Dunstable	The Annals of Dunstable in Ann.Mon. See below.
Ann.Mon.	Annales Monastici , ed. H.R.Luard
Ann.Tewkesbury	The Annals of Tewkesbury in Ann.Mon.See above.
Arch.Hib.	Archivium Hibernicum .
Betham,Custodian's Account.	W.Betham , The Account of Thomas de Cheddesworth P.R.I.A. (1853) I45-62 .
B.I.H.R.	Bulletin of the Institute of Historical Research .
B.R.U.I./C.	Biographical Register of the University of Oxford/Cambridge .
Cal.Chart.Rolls	Calendar of the Charter Rolls.
Cal.Lib.Alb/Nig.	Calendar of the Liber Niger and Liber Albus Of Christ Church Dublin .
Cam.Hist.Jrnl.	Cambridge Historical Journal .
C.A.R.D.	Calendar of Ancient Records of Dublin .
C.C.C.D.	Calendar of the Christ Church Deeds .
C.D.I.	Calendar of Documents relating to Ireland .
C.J.R.	Calendar of the Justiciar Rolls , Ireland .
Ch.St.Mary's	Chartularies of St.Mary's Abbey ,Dublin .
Churchill, Cant.Admin.	I.J.Churchill , Canterbury Administration .
Cl.Rolls	Close Rolls of the reign of Henry III .
Clyn Annals	The Annals of Friar Clyn .
Councils & Synods	Councils and Synods with other documents relating to the history of the English Church
C.P.R.	Calendar of the Patent Rolls .
C.P.L.	Calendar of Papal Letters .
Crede Mihi	Crede Mihi , the Register of the Archbishops of Dublin .
Dignitas Decani	The Dignitas Decani of St.Patrick's Dublin.
D.N.B.	Dictionary of National Biography .
D.K.F.R.I. rep.	Report of the deputy keeper of Public Records.
Edwards, Eng.Sec.Cath.	K.Edwards English Secular Cathedrals in the Middle ages .
E.H.R.	English Historical Review .
Giraldus, Expug.Hib.	Giraldus Cambrensis Expugnatio Hibernica , ed. Scott & Martin .
Giraldus, Opera	Giraldus Cambrensis Opera ed.Brewer,Dimock & Warner .
Haines , Worcester	R.M.Haines The administration of the diocese of Worcester .
Hist.Studies	Historical Studies : papers read before the Irish Conference of Historians .
H&M.Docs.	Historic and Municipal Documents .
Hndb.Brit.Chron.	Handbook of British Chronology .
Hovenden , Chronicle	Chronica Magistri Rogeri de Hovenden .
I.C.H.C.P.	Proceedings of the Irish Catholic Historical Committee.
I.E.R.	Irish Ecclesiastical Record .
I.H.S.	Irish Historical Studies .

- J.E.H. Journal of Ecclesiastical History .
J.R.S.A.I. Journal of the Royal Society of Antiquities
of Ireland .
- Lydon,Eng.in Med.Irl. J.F.Lydon ed. The English in Medieval Ireland.
- MacInerny, Irish Doms M.H.MacInerny A History of the Irish
Dominicans .
- MacNiocaill, Charters. The charters of John Lord of Ireland to the
see of Dublin, ed. G.MacNiocaill Rep.Nov.
(1961-4) pp.282-306
- Mat.Paris Chron.Maj. Matthew Paris, Chronica Maiora, ed.H.Luard
6 vols.(R.S.1872-84) .
- Med.Studies Gwynn Medieval Studies presented to A.Gwynn , ed.
Watt, Morrall & Martin .
- Med.Studies Mediaeval Studies .
- Monck Mason, St. Patrick's W.Monck Mason The history and antiquities of
the cathedral of St. Patrick's , Dublin .
- Owen. Med. Lincolnshire D.Owen Church and Society in Medieval
Lincolnshire .
- Pat. Rolls Patent Rolls of the reign of Henry III 1216-
32.
- P.B.A. Proceedings of the British Academy .
- Pipe Roll The great roll of the pipe , a volume in
the series published by the Pipe Roll
Society (P.P.R.S.)
- Pont. Hib. Pontificia Hibernica , ed. M.P.Sheehy .
- P.R.I.A. Proceedings of the Royal Irish Academy .
- Reg. Nov. The Registrum Novum of Holy Trinity , the
medieval charters ed. M.P.Sheehy in
Rep.Nov. 3 (1961-4) pp. 249-81 .
- Reg. Hosp. St. John The Register of the Hospital of St. John the
baptist , Dublin.
- Reg. St. Thomas The Register of the Abbey of St. Thomas
Dublin .
- Rep. Nov. Reportorium Novum .
- Rep. Viridi. The Reportorium Viridi of Archbishop Alen , in
Anal. Hib. 10 (1941) pp. 173-222 .
- Rich. Sayles, Admin. Irl. H.G.Richardson and G.Sayles , The Administration
Of Ireland 1172-1377 .
- Rot. Chart. Rotuli Chartarum 1199-1216 .
- Rot. Lit. Claus. Rotuli Litterarum Clausarum 1204-1227 .
- Rot. Lit. Pat. Rotuli Litterarum Patentium 1201-16 .
- Rot. Parl. Rotuli Parliamentorum 1278-1503 .
- R.S. Rolls Series .
- Rymer, Foedera. Thomas Rymer , Foedera , Conventiones ,
Litterae
- Rodes, Ecc. Admin. R.E.Rodes , Ecclesiastical Administration in
England .
- Shirley, Royal Letters W.W.Shirley ed. Royal and other letters
Illustrative of the reign of Henry III .
- Stat. Irl. John-Henry V Statutes and Ordinances and acts of the
Parliament of Ireland King John to Henry V .

Theiner	A.Theiner , Vetera Monumenta Hibernorum et Scotorum .
Ware, Works	The whole works of Sir James Ware concerning Ireland , Translated and improved by Walter Harris .
Watt.Two Nations	J.Watt , The church and the two nations in Medieval Ireland .
Watt.Church in Med.Irl.	J.Watt , The church in Medieval Ireland .
Wilkin's Concilia	D.Wilkins ed. Concilia Magnae Britanniae et Hiberniae .

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INTRODUCTION .

The study of church organization and churchmen in medieval Ireland is greatly hampered by the poor survival of source material , a problem which affects all areas of the study of medieval Irish history . While the records of medieval Dublin have been depleted and contain many lacunae , they have not suffered as much as those of other areas . A reconstruction of the main elements in the ecclesiastical administration of thirteenth century Dublin , while frequently impeded by the lack of vital evidence , is nonetheless possible .

The most important source and the one most commonly cited in this work is the Liber Niger Alani , or The Register of Archbishop Alen as it is more familiarly known .^{I.} Compiled for Archbishop John Alen in the early sixteenth century , this register contains transcripts of many documents from the first century of Anglo-Norman Dublin , as well as frequently illuminating comments from Archbishop Alen himself . Many of the early documents reproduced in Alen's register as well as some others can be found in the Crede Mihi , a collection of early to mid-thirteenth century ecclesiastical grants , charters and letters^{2.} compiled c. 1270 . These collections are supplemented by the records

I. The original MS. and four copies of the register have been consulted , but references are to the Calendar of Archbishop Alen's Register published by Charles McNeill in 1950 , unless otherwise stated .

2. The Crede Mihi was edited by J.T.Gilbert in 1897 , but due to certain inaccuracies in this edition the original MS. is cited throughout this work .

and chartularies of the two cathedral churches and the various religious houses in the Dublin area .

Apart from the ecclesiastical source material emanating from the Dublin diocese , much use can be made of the records of the secular administration in Ireland and also of the records of the ^{3.} papal curia . The survival rate of this type of document is much higher , but the information thus obtained must be treated with caution . In many cases the material relating to the church in Ireland is concerned with areas of dispute and details of conflicts which required royal or papal intervention . The information must therefore be treated as far as possible in context with material obtained from the other sources .

The publication of better and more accessible editions of important primary sources has been accompanied by the appearance of general studies of the medieval Irish church . The works of Gwynn , Watt and Hand are essential reading for students of the ecclesiastical history of Ireland and their important groundwork makes it possible to direct attention to more specific aspects and areas . Although various topics within the ecclesiastical history of medieval Dublin have been covered by modern scholars , no overall examination of the archbishops and the administration of the archdiocese in the

3. The publication of Pontificia Hibernica , an excellent edition of papal documents concerning Ireland up to 1260 has provided an indispensable tool for the study of the Irish church .

first century of Anglo-Norman control has been made since the series of articles by Miles Ronan printed in the I930's⁴. Such an overall examination is attempted in this work .

A third of this work is concerned with biographical information on the seven archbishops who held the see of Dublin between 1181 and 1298 , including an account of their early careers and an examination of the most important events of their episcopacies . As far as possible an attempt has been made accurately to trace the movements of each archbishop both inside and outside Ireland , thereby allowing more precise dating of surviving episcopal acta as well as providing a useful basis for dating other types of documents .

This examination has seemed particularly necessary due to the unevenness of the existing accounts . In the case of some of the archbishops , no biographical account exists , while in the case of others only certain aspects of their careers have been dealt with , often in isolation from each other . Frequently the areas most neglected are precisely those which are important for the history of the diocese . Moreover , the specialization which leads to the biographies of particular archbishops being scattered throughout a variety of secondary works , each concerned with one aspect to the exclusion of all others can result in a distorted picture of the subject himself and his episcopacy . The fact that a good deal of the evidence for

4. In I.E.R. 1935-7 . While providing a basis for study these articles are of limited use due to the paucity of sources consulted and their erratic citation .

the career of an archbishop is concerned with his functions as an officer of the crown , for example , needs to be placed in the context of all the other known details of his career .

It is unwise to assume that a term such as ' royal servant ' can provide a complete description of any archbishop , or that those archbishops who were heavily involved in secular administration and in extending the power of the English crown in Ireland , were not also active on behalf of the church and in the defence of the liberties of their own ecclesiastical office . The evidence examined below suggests that the archbishops did not in any way allow their loyalty to the English king to stand in the way of their protection of the possessions and privileges of the diocese of Dublin . The section dealing with the exercise of the archbishop's spiritual jurisdiction shows that like their English counterparts the Dublin archbishops were quick to take action when the exercise of their spiritual functions was hindered in any way .

It is particularly worthy of note that the English kings did not appear to regard this defence of ecclesiastical liberties against secular encroachment as having any bearing on the archbishop's position as a faithful supporter of royal policy in Ireland .(In the midst of his bitter struggle with the officers of the crown in Dublin , Archbishop Fulk de Sandford was asked to take over the justiciarship of Ireland and attempt to restore peace to that country⁵). The holding of temporal as well as spiritual office was an accepted fact in medieval Dublin and does not appear to have caused confusion or conflict of loyalties . It is possible to find royal mandates

5. See below p. 92 .

instructing the archbishop to perform one function in his position as secular administrator and another as head of the church in Dublin .^{6.}

The dual function exercised by the archbishop was merely the ultimate example of a system which operated at every level of the ecclesiastical hierarchy in the diocese and province of Dublin . Many of the canons of the secular cathedrals as well as many of the higher ecclesiastics and suffragan bishops were involved to some extent in the secular administration . Such men also functioned as the spiritual officers of the archbishop and moved easily from one employment into another . To a large extent they gained the same sort of experience and handled the same sort of problems whether they served king or archbishop . Thomas de Chaddesworth , who was dean of St.Patrick's in the latter part of the century was official of the archbishop and thereby in charge of the spiritual courts of the diocese ; he was also a royal justice itinerant and a justice of the common bench in Dublin . As the king's custodian of the temporalities of the vacant archbishopric in the 1270's he was called upon to exercise the temporal jurisdiction of the archbishop in the archiepiscopal manors .

Hugh de Mapilton was both seneschal and archdeacon of Archbishop Luke and he went on to occupy the suffragan diocese of Ossory as well as holding the treasurership of Ireland .

6. See for example the mandate of King Henry III to Archbishop Henry of London in 1223 , when a case was being transferred from the secular to the spiritual court . As justiciar , Henry was instructed to transfer the case and take the chattels of the defendant into the king's hand while as archbishop he was instructed to hear the plea of bastardy in his ecclesiastical court . Rot.Lit.Claus. pp. 585, 629. See below p.250 .

Although there was therefore a unity of interests between the members of the Dublin church and although the province of Dublin was to a large extent free from the racial problems which caused so much trouble in other parts of the Irish church, conflicts between ecclesiastics could and did occur. These conflicts were common to the church throughout England and Ireland. Most notably in Dublin there was the dispute between the cathedral chapters over archiepiscopal elections. There were also conflicts between the archbishop and religious houses, between the archdeacon and the cathedral churches and between the suffragan bishops and the archbishop over visitation and disciplinary matters. The details of all these disputes, if treated in context with other information, help to shed light on the various elements which went to make up the Dublin church and on how these elements related to each other.

As far as the evidence permits, the attempt has been made to give a comprehensive account of the thirteenth century archbishops of Dublin and their roles as administrators, wielders of spiritual and temporal power and metropolitans. Unfortunately, an area which has suffered particularly from lack of sources concerns the pastoral functions of the archbishops. Apart from its intrinsic importance, such evidence might have allowed some idea of the personalities and characters of the thirteenth century archbishops to emerge. Although it cannot be said, therefore, that a completely full picture of any archbishop has come out of this study, it is hoped that some of the large gaps which exist in the history of the thirteenth century Irish episcopacy have been filled.

SECTION I.

CHAPTER I.

JOHN CUMIN .

a) EARLY CAREER .

p. 1-6

b) ARCHBISHOP OF DUBLIN 1181-1212. p. 7-28

I

a) JOHN CUMIN : EARLY CAREER .

The first Anglo-Norman archbishop of Dublin was a prominent and trusted servant of King Henry II . His early career , in particular his involvement in the dispute between the king and the archbishop of Canterbury, has attracted a good deal of attention ^{2.} . The first task facing the more recent biographers of John Cumin has been to clear away the misconception that before his elevation to the see of Dublin in 1181 he was a Benedictine monk at the Abbey of Evesham . This error , which first appeared in works of the early nineteenth century, has been shown by Gwynn among others to be totally incompatible with the other known details of Cumin's career . ^{3.}

Gwynn believed Cumin to have come from a minor Somerset family, and certainly it is in connection with this county that his name first appears in the official records . In 1158 and 1159 John Cumin was pardoned debts in Somerset and excused from payments to the sheriffs of Somerset and Worcester ^{4.} . In 1163 he was present at the Council of

1. Although variations such as 'Comyn' and 'Comin' frequently appear, the spelling 'Cumin', which is the most frequently used in the records, has been adopted throughout this work .

2. Cumin's career was first traced by T.F.T.Tout and J.A.Robinson, and their research has formed the basis for the subsequent works of M.Ronan and A.Gwynn . Tout in D.N.B. vol. XI (see under 'Comyn'); J.A.Robinson, 'The early career of John Cumin', in Somerset Historical Essays, (1921), pp.90-9; M.Ronan, 'Anglo-Norman Dublin', in I.E.R. vol. XLV (1935) pp. 148-55 merely reproduced Robinson's work . A.Gwynn, 'Archbishop John Cumin', in Rep.Nov. I. (1955-6), pp.285-310 adds many important details and shows a better understanding of the Irish source material .

3. Archbishop Alen stated that Cumin was born in Evesham AL.Reg. p.19, but the earliest mention of him as a monk of Evesham appeared in J. Dalton, Memoirs of the archbishops of Dublin, (1838), p.69 . The error then appeared in many works including G.T.Stokes, Ireland and the Anglo-Norman Church, (1889), p. 206 and G.Orpen, Ireland under the Normans, (1968), vol. 2, p. 59-60 .

4. Pipe Roll 1158-9 p. 122 ; Pipe Roll 1159-60, pp. 24 , 59 .

Woodstock and witnessed a royal confirmation to the Prior and Convent
5.
of Burton Priory . It seems likely that by 1163 he had already been in
the king's service a number of years, as at the end of that year he
was representing the king at the court of the Emperor Frederick
Barbarossa , a task which would have required the skills of a trusted
6.
official .

Cumin returned to England and in the summer of 1166 he accompanied
7.
Henry II to Brittany . In November of this year he was sent by the king
on a diplomatic mission to Rome in the company of Ralph de Tamworth . The
envoys were successful in obtaining a promise from the pope that he
would send a mission of legates with full powers to resolve the dispute
8.
between the king and Becket . Shortly after this visit to Rome Cumin
fell out of favour with the pope and was accused of being indiscreet
about his mission, and in particular of showing a letter of the pope to
9.
Guido de Cremona, the antipope . Alexander III wrote to his legates
informing them of the charge against Cumin and instructing them that if
it proved to be true they were to deal severely with the king's
10.
ambassador . The outcome of this incident is not known, but Cumin

5. Cal. Chart. Rolls. 1300-1326 , p. 270, contains an inspeximus of this charter to Burton Priory.

6. J. C. Robertson , ed. Materials for the History of Thomas Becket, (R.S. 1875-85), vol. 5, p. 59 . The supporters of Becket wrote that they were worried at the length of Cumin's stay at the court .

7. Round, Cal. Doc. France, pp. 271-2 . John Cumin is now referred to as 'Magister' .

8. Robertson, Materials, vol. 6, p. 68 .

9. ibid. p. 200 .

10. ibid. '.....aliud quoque nobis insinuatim est , quod Johannes Cumin omnia rescripta letterarum nostrarum , quas a vobis obtinuit Guidoni Cremensi monstravit , et sibi secreta nostra delexit.'

was in further trouble with the pope early in 1168, when he received a papal letter ordering him to resign the Archdeaconry of Bath which he had obtained through lay patronage¹¹. The pope had been informed that Cumin had taken the archdeaconry from a Master Baldwin who had been appointed by the late bishop of Bath. The Pipe Rolls for 1166 up to 1172 show that John Cumin was indeed in possession of the archdeaconry of Bath during the vacancy of the diocese when the temporalities were¹² in the king's hand. It seems possible that King Henry had ousted the previous holder and granted the archdeaconry to his trusted servant. Cumin is rarely called 'archdeacon of Bath', but he does appear to have held the position for at least six years, and perhaps¹³ until 1182 when Peter of Blois became the archdeacon of Bath.

The Pipe Rolls for 1169-73 show that John Cumin was active as an itinerant Justice in the Counties of Hampshire, Wiltshire, Somerset, Devon and Gloucester, usually in the company of Reginald¹⁴ de Warenne. He was also custodian of the temporalities of the see of Hereford from 1166 to 1172 and accounted for the issues in the Pipe¹⁵ Rolls for these years.

11. Robertson, Materials, Vol. 6, pp. 422-3, '.....quod tuBathoniensem Archidiaconatum laicali auctoritate tibi vindicare praesumpsisti'.

12. Pipe Roll 1167-68, p. 202; Pipe Roll 1168-69, p. 168 contain payments to John Cumin for his prebend in the diocese of Bath.

13. Robinson, Early Career, pp. 96-7 & Early Archdeacons of Bath, in Somerset Historical essays (1921), p. 190.

14. Pipe Roll 1169-70, pp. 64, 102, 117, 126. Pipe Roll 1170-71, pp. 15, 27, 28, 41. Pipe Roll 1171-72, pp. 74, 101 (with Gervase de Cornhill), 126. Pipe Roll 1172-3, pp. 100, 154 (with Walter Map). Pipe Roll 1173-4, pp. 23, 32, 123.

15. Pipe Roll 1166-7, p. 76. Pipe Roll 1167-8, p. 115. Pipe Roll 1168-9, p. 142. Pipe Roll 1169-70, p. 59. Pipe Roll 1171-72, p. 3. Pipe Roll 1172-3, p. 41. Pipe Roll 1173-4, p. 124. Red Bk. Exc. I, pp. 41, 49.

Towards the end of 1170 Cumin was again sent to Rome on a diplomatic mission . His task this time was to obtain absolution from the pope for the Archbishop of York and the bishops of London and Salisbury who had been excommunicated by Becket ^{16.} He apparently was in the middle of negotiations when the news of the archbishop's murder was brought to Italy .

John Cumin was back in Normandy with the king in July 1171 and later in the same year resumed his activities as an itinerant justice ^{17.} in England . Information concerning his movements for the next few years is scarce but what there is of it is concerned with his activities on behalf of the king . In 1174-5 he again crossed the ^{18.} channel on the king's business and in 1177 he was sent by Henry to Spain as head of a mission of three envoys to the kings ^{19.} of Castile and Navarre. Having visited these kings in order to receive their reply to a proposal of Henry II concerning the question of the Spanish succession ,Cumin and the other two diplomats were to visit Ferdinand , king of Leon to inform him that the English king wished to make a pilgrimage to the shrine of St.James at Compostella and ^{20.} to obtain letters of safe conduct for him .

16. Robertson, Materials ,vol.7, p.476 . Cumin himself appears on a list of those excommunicated by Becket around the same time ibid. vol.6, p.602 .

17. R.W. Eyton, Court , household and itinerary of King Henry II (1878) , p.172 .

18. Pipe Roll 1174-5, p.201.

19. W.Stubbs,ed. Gesta Regis Henrici Secundi Benedicti Abbatis , (R.S.1867), vol.1, p. 157, '.....et misit in Hyspaniam quosdam de familiaribus suis , scilicet Magistrum Johannem Cumin , Bertrannum de Verdun et Robertum de Salobesbiria ad reges Hyspaniae '.

20. ibid. p. 157.

On his return to England Cumin again took up his judicial responsibilities, and at the Council of Windsor in 1179 he was appointed as a judge for northern England . In the years 1179-81 he is frequently mentioned in the records as being responsible for the transportation of the king's treasure from place to place . He is usually in the company of the chamberlain and on one occasion is himself called ' chamberlain' . In these years he was also custodian of the Abbey of Glastonbury, for which he regularly rendered account .

John Cumin is mentioned as a prebendary of Hoxton in St. Paul's London , but apart from this and the archdeaconry of Bath he does not seem to have achieved the accumulation of ecclesiastical benefices which was so characteristic of royal clerks of the time . In the light of this his promotion in 1181 to the archbishopric of Dublin comes as something of a surprise . However two factors make Cumin's rapid elevation readily understandable . In the first place , as far as royal policy in Ireland was concerned , it was vital that the vacancy in such a strategically important Irish see should be filled by a trusted servant of the English crown . Although Cumin's service in England was concentrated in the judiciary he had proved his worth to the king on at least three important diplomatic missions .

21. Gesta Henrici, I, pp. 238-9 ; Hovenden, vol. 2, p. 191 .

22. Pipe Roll 1179-80, pp. 82, 137 ; Pipe Roll 1180-81, p. 67 .

23. Pipe Roll 1180-81, p. 67 .

24. Pipe Roll 1180-81, pp. 15, 160 ; Pipe Roll 1181-2, pp. 114, 161 .
On these latter occasions three clerks rendered account in his name .

25. Le. Neve Fasti, .p. 55 There is no year mentioned for this provision.

Secondly, Cumin's election must be seen in the light of events in England, especially relations between Henry II and the English church during the conflict with Becket and after the archbishop's death. It is significant that Cumin remained a 'king's man' during a period when the king especially appreciated loyal ecclesiastics. After the immediate crisis of Becket's death had been weathered Henry II set about what has been termed the 'reconstruction of the English episcopate', which resulted in the election of bishops with decided royalist sympathies. John Cumin's election to Dublin can be seen as part of this policy.

Cumin's service to the king during the Becket dispute; particular his custodianship of the bishopric of Hereford from 1166 to 1172, was a vital factor in assuring his future promotion to the episcopacy. A co-relation between the clerks whom Henry appointed as custodians of vacant bishoprics during the years 1165-75 and appointees to bishoprics in the later years of his reign has been noticed.²⁷ John Cumin had to wait a little longer than Richard of Ilchester and Geoffrey Ridel, but his reward when it came took the form of appointment to a most important archbishopric and an affirmation of the king's belief in his capabilities and trust in his loyalty.

26. See. D.Walker, 'Crown and episcopacy under the Normans and Angevins', in Anglo-Norman Studies V (1982), p. 221.

27. Raymond Foreville, L'Eglise et la royauté en Angleterre sous Henri II Plantagenet, (Paris 1943), p.370.

b) JOHN CUMIN ARCHBISHOP OF DUBLIN 1181 - 1212 .

John Cumin was elected Archbishop of Dublin in the Abbey of Evesham in September 1181 . His movements immediately after the election are not known . Gwynn speculated that he may have briefly visited Dublin, but this does not seem likely . As Pope Alexander III had died shortly before the election in Evesham it appears more probable that Cumin remained with the king in England until the election of Pope Lucius III was confirmed . Cumin then made his way to the new pope's court at Velletri , arriving in February 1182 . He was still in deacon's orders, so he was first ordained to the priesthood on the 13th March and a week later he was consecrated Archbishop of Dublin by the pope .

Pope Lucius issued a confirmation to the new archbishop soon after his consecration . The bull confirmed to him the lands of the see and the dioceses which made up the Province of Dublin . It also included instructions on the wearing of the pallium and a prohibition of certain abuses then apparently prevalent in the Dublin diocese . With reference to the latter, the detailed information suggests that it was supplied by someone with firsthand knowledge of practices in

28. For a discussion of Cumin's election see below pp. 175-7 .

29. Gwynn, Cumin, pp.292-3 .

30. Gesta Henrici Secundi, vol.I, P.287 ; Hovenden, vol.2, p. 263 ; Giraldu, Expugnatio, pp. 198-9. Both Giraldu and the compiler of the Gesta state that Pope Lucius also made Cumin a cardinal . There is no mention of this in any Roman document , no proof that Cumin ever used the title and Lucius's confirmation to Cumin of April 1182 addressed him as ' venerabili fratri Johanni Dublunensi Archiepiscopo ' Pont.Hib. Vol. I, p. 35 . Gwynn argues that Cumin may have been granted a 'temporary cardinalate'; Cumin, p.295.

31. Pont.Hib. vol.I, pp.35-7 . Al.Reg. p. 9-10.

Dublin, but the identity of this person is not known . The prohibitions are almost exclusively concerned with the holding of ecclesiastical benefices and chaplaincies and can be summarized as follows :

- a) No clerk of any order who has been granted for life any church pertaining to the archbishopric is to create a charge on it .
- b) No clerk or monk is to remove or institute a chaplain in any church of the diocese without the archbishop's permission , unless by papal privilege or ancient custom .
- c) What the archbishop ordains with consent of his chapter is thereby ratified .
- d) No one is to assert hereditary claim to cemeteries or ecclesiastical benefices in the diocese .
- e) As some monks seek to oppose episcopal authority (Porroquia quidam monachorum ius suum episcopis auferre contendunt) monks in the Dublin province are not to hold priests' chaplaincies or assume a priest's or chaplain's duty or benefice without papal authority . Whatever pertains to chaplaincies is to be reserved for priests .
- f) The archbishop's licence is required for the appointment of priests' chaplains in parish churches of the Dublin diocese .
- g) Archiepiscopal assent is needed by the priest's chaplains before they may waste , sell , pledge or alienate the possessions of their churches .
- h) The consent of the archbishop is required before any other archbishop, or bishop may enter the Dublin diocese to hold meetings or deal with the ecclesiastical affairs of the diocese , unless he is acting on behalf of the pope .

The bull concludes with the usual prohibitions about alienation of archiepiscopal lands and harassment of the church, with a threat of excommunication for contraveners .

Having received this very comprehensive confirmation from Pope Lucius Cumin started his return to England . He next appears in Caen in Normandy where he attended on the king at his Christmas court³². There then occurs an extended gap in the records during which his movements are not known . It is possible that he paid a short visit to his diocese for a formal enthronement in Holy Trinity, but there is no evidence for this . In August 1184 he was present with the king at Reading³³, and after this council he was , according to two sources , dispatched to Ireland to prepare the way for Prince John's forthcoming visit³⁴ .

Cumin was present in Waterford in April 1185 to greet John and it was in Waterford that the archbishop received his first grant of land from John . This took the form of a gift to the archbishop of one carucate of land near the church of St. Kevin outside the walls of Dublin, and a tenement with the site of a mill³⁵ . The land was granted to the archbishop and his successors in augmentum ipsius archiepiscopatus . It seems probable that having become familiar with the extent of his diocese Cumin was not satisfied with its size . When Prince John arrived in Dublin himself a few months later he granted to the archbishop the bishopric of Glendalough , on account

32. Gesta Henrici Secundi, vol I, p.291.

33. ibid. p.317, '...Ubi [i.e Reading] congregati erant fere omnes episcopi Angliae. Praeterea interfuerunt illi congregationi Johannes Cumin , Archiepiscopus Diuelinae , et sanior pars cleri et comitum et baronum Angliae .

34. Gesta Henrici Secundi, vol.I. p.320 ; Giraldus, Expugnatio, pp. 198-9.

35. For the most accurate text of this charter as well as the other charters granted by Prince John to Cumin see G.Mac Niocaill, 'The charters of John Lord of Ireland to the See of Dublin', in Rep.Nov. 3 (1961 -4), pp. 282-305.

of the smallness of the population and poverty of the Dublin church .^{36.}
The charter listed the lands , revenues , churches and tithes of the
diocese of Glendalough , all of which were granted at this time .^{37.}

Archbishop Cumin remained in Dublin after John's return to
England and seriously began the work of administering his diocese and
province . One of his first acts was the calling of a provincial council
in Dublin . According to Giraldus Cambrensis the council opened on
Laetare Sunday (30th March) 1186 in Holy Trinity and was attended by
the suffragans and major religious superiors of the province . The
opening sermon on the church's sacraments was given by the archbishop
himself ; on the second day the Cistercian Abbot of Baltinglass Albin
O'Molloy preached a sermon on clerical chastity and on the third day
Giraldus was invited to preach .^{38.}

The canons of the council are preserved in a confirmation of
Pope Urban III dated March 5th 1187 . In the introduction Urban **states**
that the archbishop had sent the decrees for approval and had mentioned
that the people whom he was sent to govern were badly instructed in
divine and sacred laws in ancient times, and even in the present day
were not fully reformed in the ways of probity and justice. The canons
which are summarized below provide essential information , particularly
on the pastoral concerns of the new archbishop and his Irish suffragans .^{40.}

36. Mac Niocaill, Charters, p. 285, '.....pro raritate populi et paupertate ecclesie Dublinensis' .

37. For a full account of the unification of Dublin and Glendalough see Appendix no. I. below .

38. Giraldus, De Rebus a se gestis, Opera, I, pp.65-6 '....in media quadragesima , scilicet ad Laetare Jerusalem , Johannes Dublinensis archiepiscopus , convocatis suffraganeis episcopis Dublinensibus in ecclesia Sanctae Trinitatis consilium teneret .

39. Gwynn, Arch. Hib. pp. 39-44 ; Pont.Hib. 1, no. 16 pp. 48-52 .

40. Pont. Hib. I, no. 16 p. 48 .

- a) The first canon deals with the proper furniture of the altar , the necessity for an altar stone , clean altar cloths , good quality chalices and proper facilities for the priest to wash and keep the equipment .
- b) Regulations for the construction of a fixed baptistry in each church and the provision of a vessel specifically for pouring water at baptism , which is to be put to no other use .
- c) No one is to be buried in a cemetery unless it has been blessed by a bishop and no one is to be buried without the presence of a priest .
- d) Mass is not to be celebrated in chapels constructed by laymen without the permission of the bishop of the diocese .
- e) No priest or deacon is to have any woman in the house unless she is his mother, sister or of an advanced age .
- f) No priest is to exact a fee for extreme unction or burial.
- g) Any priest who accepts a benefice from lay hands and who does not renounce it after three warnings is to be excommunicated and deprived of the benefice .
- h) No bishop is to ordain a priest without letters from his proper bishop or archdeacon and no one is to be ordained without a definite title to a benefice .
- i) It is forbidden to confer two orders on anyone on the same day .
- j) Lay people living in fornication are to be compelled to marry good spouses .
- k) No one born out of wedlock is to be ordained or considered as an heir to father or mother unless the parents subsequently marry .
- l) Tithes are to be paid on grain , hay , breeding of animals , flax , wool , fruit and all things that are renewed annually and also on military exploits , trade , craftsmanship and hunting .

j) Bowmen and archers who sell their services for gain are to be excommunicated and deprived of christian burial .

These canons , if they accurately reflect the state of the Dublin Province in 1186 , show a diocesan and parochial structure comparable to that found in England at the same time. There are references to parishes^{41.} tithes, archdeacons , chaplains and other diocesan officials . Although it was usual to borrow from other conciliar statutes , these ones have a definite Irish tone and frequently refer to the Irish church and its special problems, as is evident in the canons referring to clerical celibacy . It seems likely that for the most part they were Archbishop Cumin's own work with some help from the suffragan bishops and possibly other prominent churchmen such as Ailbe O'Molloy .

Notwithstanding the fact that the canons were devised for an Irish Province , they reflect the three main topics of English statutes of the same period as identified by Cheney . Firstly , they give guidance on the nature and administration of the sacraments for clergy and laity . Secondly they contain rules for the discipline of ecclesiastical officials and beneficed clergy and lastly they define the duties of parishioners in matters of tithe offerings .^{42.} When the Provincial canons of 1186 are combined with the papal prohibitions obtained by Cumin in 1182 , they confirm that

41. For a full English translation of the canons see M.P.Sheehy , When the Normans came to Ireland , pp. 40-44 ; see also Watt, Irish Church , pp. 150-57 .

42. See C.R.Cheney , The earliest English diocesan statutes , in E.H.R. vol. 75 (1960) , pp. 1-29 ; The legislation of the English church , in E.H.R. vol. 50 (1935) , pp. 193-224 , 385-417 .

the new archbishop of Dublin was determined that the machinery of Anglo-Norman ecclesiastical administration should be introduced and maintained in his diocese and province .

However the archbishop did not regard his presence in the diocese as essential for bringing about these changes . He left Dublin sometime during 1186 and was with the king in Guildford at Christmas 1186-7⁴³ . Early in 1187 he was sent by the king to meet the papal legate Octavian in London and it was possibly on this occasion that he sent his provincial canons to the pope for his approval⁴⁴ . In June 1188 Cumin appeared in Normandy acting as an ambassador between the king and Prince Richard⁴⁵ . It is unlikely that he returned to Dublin before September 1189 when he was present at the coronation of Richard at Winchester⁴⁶ . He had not completely forgotten about the affairs of his province, however, as in 1189 he was in correspondence with the pope concerning the bishop of Kildare . This bishop had apparently allowed certain priests who had been excommunicated by Archbishop Cumin to celebrate mass in his diocese⁴⁷ . Pope Clement III wrote in March 1190 in reply to the archbishop's query instructing him to assert his metropolitan powers of discipline⁴⁸ .

43. Gesta Henrici Secundi, vol.2, p.3 .

44. ibid. p. 4 .

45. Eyton , Itinerary Henry II , pp.287-8 .

46. Hovenden, vol. 3, p. 8 .

47. Pont. Hib. vol. I, no.19 p.63. Giraldus tells of certain Anglo-Norman clerks who were excommunicated by the archbishop during the provincial synod of Dublin on account of their contumacy . De. Rebus, Opera I, P.66 . However, these clerks came from the diocese of Ferns and one of the clerks mentioned in Pope Clement's letter is called ' John priest of Donaghmore ' .

48. Pont. Hib. vol.I, no. 19 p. 64 .

Between August 1189 and early 1190 the Count of Mortain issued a series of charters to the archbishop of Dublin granting lands and confirming privileges⁴⁹. The first charter, which was issued from Tewkesbury, granted Archbishop Cumin half a cantred of land which had belonged to the Abbey of Glendalough and which bordered on the archbishop's castle of Ballymore⁵⁰. The second charter granted him the land of Coillacht in exchange for twenty librates of land which Prince John had previously granted to him⁵¹. The land of Coillacht was to be held by service of one knight and the grant contained the condition that if the Count should come to Ireland he would be allowed to take this land back if he wished, exchanging it for land of equal value⁵².

The third charter granted the archbishop the custody of the forest of Leinster and stated that Cumin had given the Count sixty marks of silver for this grant and the previous grant of Coillacht⁵³. The archbishop was to be allowed to take what he wished from the forest without seriously depleting it (...sine manifesta foreste illius destructione). Two more charters followed. One confirmed to the archbishop all the possessions of the see of Dublin and the other

49. For the dating of these charters see Mac Niocaill, Charters, p.289.

50. ibid. p. 288-9.

51. ibid. p. 290-1.

52. This is one of the few examples of land granted to the church to be held by knight service. See A.J.Otway-Ruthven, 'Knight service in Ireland', in R.S.A.I.J. vol.89 (1959), pp. 1-15, esp. pp. 1-3.

53. Mac Niocaill, Charters, p 293.

54.
confirmed all its liberties . The latter grant contained the added privilege that the archbishop should have a court and justice of his men throughout the whole land of Ireland (....per totam terram Hibernie ... tam in civitatibus quam in terris exterioribus .) . The final charter in this series was issued at Marlborough and granted to the archbishop and his successors a market every Saturday at BaIlmore which was to have all the liberties and customs which usually pertain to a market .
55.

Armed with this impressive collection of grants and confirmations the Archbishop returned to his see in 1190 . There followed a period of intense activity on the part of Cumin, who set about the administration and particularly the reconstruction of his diocese with determination . In 1191 he issued a charter concerning the elevation of the parish church of St. Patrick's to collegiate status . This church was situated in the land which had been granted to the archbishop by Prince John in 1185 and it was here that the archbishop also began the building of the archiepiscopal palace of St. Sepulchre's . The consecration ceremony of St. Patrick's took place on the 17th March 1192 and was an important event, attended by the archbishops of Armagh and Cashel as well as many other ecclesiastics .
56.
57.
58.

54. Mac Niocaill , Charters , pp. 293-99 .

55. ibid. p. 300 .

56. Dignitas Decani, p. I.

57. Al. Reg. pp. 170-2 .

58. Annals of Dudley Loftus, Marsh's Library MS. Z.4.2.7 , f. 65 .
For a full discussion of the foundation of St. Patrick's and Archbishop Cumin's role in it see below pp. 133-8 .

Most of the important acts of Cumin's episcopacy , can be dated to the period 1191 -6 when he appears to have maintained more or less constant residence in his diocese . It was during these years that he became involved in a dispute with Mael Isu Ua Mail Chiarain, the bishop of Clogher, concerning the jurisdiction of the Augustinian house of All Hallows , Dublin. Ua Mail Chiarain claimed jurisdiction over All Hallows because his predecessor in the bishopric of Clogher had exercised it . However his predecessor had been superior of the Augustinian community of Louth Abbey as well as bishop, and as Ua Mail Chiarain did not hold this position he lost his case . A compromise was worked out whereby Cumin allowed Ua Mail Chiarain to hold possession of the Church of All Hallows until his death, when it would revert to the archbishop . The terms of the grant which Cumin had obtained from Pope Lucius in 1182 show that the archbishop was very reluctant to allow any member of the Irish episcopate to perform any spiritual functions in his diocese and it was probably in order to prevent such a thing happening that he severed the ties between All Hallows and Louth .

This same consideration must have been foremost in his mind when he transferred the Augustinian convent of Grace Dieu to a residence in Lusk and thereby effectively refounded it . The convent had been affiliated to its mother house of Clonard in the diocese of

59. See M.T. Flanagan, ' St.Mary's Abbey , Louth and the introduction of the Arrouaisian observance into Ireland ,' in Clogher Record vol.10 (1980), pp. 224-7 .

60. The text of the agreement can be found in Crede Mihi f. 94v , and in Al.Reg. p. 35. In the latter the bishop of Clogher is given the initial 'R', which does not correspond to any known bishop of Clogher at this period .

61 . Pont. Hib. I, no. 11, p. 37 .

62.
Meath ; the jurisdiction of this convent was thus outside the ecclesiastical province of Dublin . By moving the convent and generously endowing it Cumin cut these ties of affiliation . The convent was granted the church of Newcastle , the rectories of Portrane , Westpalstown and St. Audoens , tithes of wool from the archbishop's manor of Ballymore , tithes from the archbishop's mill at Swords and a flagon

63.
of ale from every brew in Lusk . The archbishop at around the same time granted lands and tithes to the Augustinian nuns of the convent
64.
of Timolin, Co. Kildare .

During this period Cumin received three more grants from the Count of Mortain . The first , which was issued at Nottingham on the 27th December 1192, repeated the grant of the see of Glendalough to
65.
the see of Dublin . The unification was to take place at the next vacancy of the see of Glendalough . The other two charters were issued on 26th July 1193 at Wareham and granted to the archbishop a fair in his manor of Swords and the church of Crumlin for his church of
66.
St. Patrick's . The archbishop received one confirmation from Rome during this period ; this was in 1193 when Celestine III confirmed to him the Count of Mortain's grant of the capellania of St. Kevin of
67.
Glendalough .

62. See M.T.Flanagan, Introduction of the Arrouasian observance, p. 232 ; Archdall, Monasticon, vol. 2 , p.84.

63. Al.Reg. pp. 19, 31, 49 .

64. ibid. pp. 32, 34 .

65. Mac Niocaill , Charters , pp. 300-01 .

66. ibid. pp, 303-05 .

67. Font. Hib. I, no.27 pp.77-8

The reason that most of the important acts of John Cumin's episcopacy can confidently be dated to the period 1191-6 is that the archbishop is known to have been exiled from his diocese for a period of nine years - from 1197 until 1206 . When he finally returned to Dublin he was advanced in years and during the six years until his death in 1212 he did not display the energy which characterized his early period of residence in the diocese .

The archbishop was first exiled from his diocese as a result of a serious conflict with the Irish justiciar and his officers which culminated in the confiscation of some of the archiepiscopal lands. Subsequent to this the conflict was prolonged by King John who refused to accept the archbishop back into his favour and order the return of these lands . During the course of the dispute other factors became involved, such as grants which the king made to persons and institutions in the diocese of Dublin during the archbishop's enforced exile . The agreement which was worked out between the king and the archbishop in 1205 contains details of many of these tangential issues, the regulation of which appeared to be necessary before the archbishop could contemplate a return to his diocese. ^{68.}

The facts surrounding the archbishop's conflict and exile can be gathered from the account given by Roger of Hovenden in his Chronicle, ^{69.} and also from the numerous letters written by Pope Innocent III to the

68. Rot.Lit.Pat. I, p. 56 . C.D.I. p. 42, no. 276 .

69. Hovenden, Chronicle, vol.4, pp. 29-30 .

70.
king on the archbishop's behalf. Neither of these sources refer to the initial cause of the dispute ; the only indication is a phrase contained in the 1205 agreement . In the first section of the lengthy letter from King John to the Irish justiciar informing him of the agreement the king mentions that dissension first arose between the king and the archbishop respecting foresters and other king's officers . 71.
It would seem therefore that the dispute was in some way connected with the question of feeding the king's foresters , a question which arose later in John's episcopacy and also in that of his successor. 72.

Both Hovenden and Innocent III agree in placing the blame for initiating the dispute on the head of Hamo de Valognes, who was appointed justiciar of Ireland by John around 1195 . Hovenden states that in 1197 Hamo de Valognes and other men of Count John greatly injured the Archbishop of Dublin . The archbishop could not bear to see the injuries done to him and his church go unpunished and he therefore chose exile . He left his diocese having excommunicated the offenders

70. The first letter from Innocent concerning this issue was to the Count of Mortain in September 1198 Pont. Hib. I, no. 34, pp. 96-8 ; subsequent letters to King John were sent in February 1203 ibid. I, no. 54, p. 122 ; May 1203 ibid. I, no. 55, pp. 123-4 and December 1204 ibid. I, no. 62, pp. 131-3 . See P.J. Dunning, Pope Innocent III and Ireland, (Ph.D. thesis N.U.I. (U.C.D.), 1960) and C.R. Cheney , Pope Innocent III and England (Stuttgart 1976), pp. 281-2 , 304n.

71. Rot. Lit. Pat. p. 56 .

72. For details of the dispute between Archbishop Henry of London and Thomas Fitz Adam , the king's forester in Ireland see Chapter 2 below pp. 51-5 .

73. Rich. Sayles. Admin. of Irl. pp. 74-5 .

74 Hovenden , Chronicle , vol. 4, pp. 29-30 .

and placed his archbishopric under interdict^{75.} Cumin went to King Richard and Prince John but was unable to obtain justice or the restitution of what had been taken away from him .

Hamo de Valogne's behaviour with regard to other ecclesiastical affairs also drew complaints . In 1198 Pope Innocent wrote to the Count of Mortain asking him to help the bishop of Leighlin to gain possession of his see, which had been seized by the justiciar^{76.} . In this letter the pope also referred to the dispute with John Cumin and claimed that the Count was detaining the archbishop of Dublin in exile in Normandy^{77.} . The wording of this letter would suggest that the archbishop was being forcibly detained in France and prevented from returning to his Irish see . However the appearances of Cumin in the records from 1197 on would imply that the archbishop was moving freely around with the royal court and was in constant touch with Richard and John both in England and in France .

From April 1197 until May 1198 John Cumin was with King Richard in Normandy^{78.} . He was present at King John's coronation in 1199 and^{79.}

75. *ibid.* p. 30 . Hoveden relates how the archbishop ordered all the crosses and images of the cathedral church to be laid on the ground and surrounded by thorns in order to strike fear into the hearts of the wrongdoers and put a stop to their presumptions over the goods of the Church'. ut sic malefactores illi terrentur et a voluntate saeviendi in bona ecclesiae revocentur ' .

76. *Pont. Hib.* I, no. 34, pp. 96-8 .

77. *ibid.* p. 97'. cum tu dictum Dublinensem Archiepiscopum in Normannie partibus exulem detineres ' .

78. On 17th April 1197 he witnessed a charter of Richard's at Rouen and on May 1198 another charter at Gemeticas . J.H.Round, ed. *Calender of Documents preserved in France*, I, 918-1206 (1899), pp. 71, 195 . On both occasions the Archbishop's name appears first on the list of testators.

79. Hoveden , *Chronicle* , vol. 4 p. 89 .

80.

he spent the year 1200 travelling around with the king's court . He was in Berkeley in October 1200 where he witnessed a charter in the company of Hamo de Valognes (who was no longer justiciar of Ireland) . In November of the same year he was among the prelates who witnessed the submission of William of Scotland at Lincoln . Cumin was present at the formal coronation or 'crown wearing' of the king and queen in Canterbury in March 1201 and was one of the bishops who witnessed the miracles occurring at the tomb of St. Wulfstan in Worcester cathedral during Lent in 1202 .

The archbishop of Dublin appears on this evidence to have been pursuing a lifestyle similar to that of any high ecclesiastic away from his diocese . He followed the endless peregrinations of the king's court and was present at important secular and ecclesiastical events . On the other hand , the situation of the archbishop as described by Pope Innocent in his letter to the king of February 1203 is a very different one . Firstly the pope accused King John of harbouring an unjustified resentment against the archbishop in the years before his elevation to the English throne which had resulted in the archbishop's exile . The pope went on to say that despite warnings from Rome (this is presumably a reference to

80. Round , Cal.Docs. France , pp. 79 , 474 .

81. This was a confirmation by the king of the possessions of St.Mary's Abbey , Dublin . Ch.St.Mary's, vol.I , p.89 ; Rot. Chart. I, pp.77-8 . It is possible that it was at this time that Hamo de Valognes made his peace with John Cumin and granted him lands in Ireland in reparation . Al.Reg. p. 27 .

82. Hovenden , Chronicle , vol. 4, p. 141 .

83. ibid. p. 160 .

84. R.R.Darlington , ed. The Vita Wulfstani of William of Malmesbury , (Camden Soc. 1928), vol. 40, p. 120 .

85. Pont. Hib. I, no. 54, p. 122 . Full text can be found in Cheney&Semple Selected letters Innocent III, p. 48ff .

the 1198 letter) the prince had not received him back into favour . This situation continued after John's coronation and despite constant prayers and entreaties he had not let the archbishop return to his church and his sequestrated property had not been returned to him . Finally the archbishop had been banned from the entire realm and forced to beg for his needs . The pope reminded King John that the archbishop was a feeble old man ; if nothing else would move him he ought to have special pity for the archbishop's age .^{86.}

Innocent's second letter of May 1203 contains very much the same information on the plight of the exiled Cumin and adds that the king had despoiled the archbishop's temporalities of Dublin and had mandated his justiciar in Ireland to hand over the spiritualities of the see to the archbishop of Cashel . The King is warned in this letter that if he does not receive the archbishop back into his favour within one month and restore his possessions to him he will be excommunicated . At the same time the pope wrote to the Archbishop of Canterbury and the bishops of London and Ely instructing them to pronounce ecclesiastical censure if the king failed to do justice to the archbishop of Dublin within a month .^{87.}
^{88.}

86. Pont. Hib. I, no. 54, p. 122 '...quinimmo extra universum regnum tuum cum iam senex sit et decrepitus pro cuius senectute , debueras specialiter misereri cogitur vite necessaria mendicare ' .

87. Pont. Hib. I, no. 55, pp. 123-4 .

88. ibid. I, no. 56, p. 124 .

The only way of reconciling Innocent's claim that the archbishop had not been in royal favour since at least 1197 with the facts of Cumin's presence with the court from 1197 to 1201 is to conclude that there were two distinct stages in the conflict . In the first stage, which followed his flight from Dublin in 1197, Cumin sought satisfaction from King Richard and then King John . He pursued the royal court from France to England and back again seeking to have his grievances redressed . The second stage, which probably started late in 1201, was a period of open conflict with King John which resulted in Cumin leaving the court and eventually leaving the kingdom . Giraldus Cambrensis reported that he met the exiled archbishop of Dublin in Paris in the summer of 1203 and that he was staying in that city .
89.

Innocent's letters in 1203 appear to have had some effect on King John . In July of that year he issued a mandate to all the faithful of his realm that the archbishop of Dublin and his men were not to be injured , as long as they did no injury to the king .
90.
Early in 1204 the king wrote from Nottingham informing the archbishop that he could come to him in safety and that he would be allowed to cross over to his see in Ireland on the king's safe conduct .
91.

89. Giraldus Cambrensis, De jure et statu Menevensis Ecclesiae , Opera 3, p. 297, '.....[Giraldus] pervenit in Parisius ...ubi et virum venerabilem Dublinensem Archiepiscopum Johannem a quo dilectus erat perendinantem et propter ecclesiae suae causas exulantem invenit .

90. Rot.Lit.Pat.I, p. 32 .

91. ibid. p. 38 .

By July 1204 the king had apparently been in contact with Cumin and some compromise had been worked out . King John wrote at this time to the Irish justiciar instructing him to cause John Archbishop of Dublin , or his messenger , to have seisin of the castle of Balímor , the forest of Coillacht and other lands of which he had been deseised by the king's order . The king informed the justiciar that the archbishop would be back in his diocese by the ensuing feast of all Saints (1st. November 1204) .

For some reason this reconciliation was not effected and in December 1204 Pope Innocent again wrote to King John instructing him to take the Archbishop into his favour and restore the lands of his see to him . The pope stated that the dispute had now been going on for seven years during which time King John had repeatedly been asked to redress the grievances of the archbishop . The pope also referred to the temporary reconciliation , saying that the archbishop had relied on a royal promise to make amends and had begun to make preparations to return to his diocese , but that the king kept him waiting and delayed him by making vain promises , so that in the end the archbishop was forced to return to Paris . Pope Innocent rebuked the archbishop of Canterbury and the bishops of London and Ely for not imposing an interdict on John as they had been instructed to do , and he threatened this time to place the whole province of Dublin under interdict.

92. T.D.Hardy, ed. Rotuli de liberate ac de misis et praestitis Regnante Johanne , (1884), p. 105 .

93. Pont.Hib. I, no. 62, pp. 131-3

94. ibid. '.....sed cum idem archiepiscopus de tua promissione confidens reverti vellet ad propria et tecum fecerit per aliquot dies moram ac tu ipsum de die in diem protraxeris vanis verbis nec velles ei quod promiseras adimplere !

Soon after Pope Innocent wrote this letter , it appears that moves to effect a reconciliation were under way again . It was around this time that Archbishop Cumin wrote to the Prior of Holy Trinity in Dublin informing him that due to the mediation of the Archbishop of Canterbury (Hubert Walter) a settlement was being worked out between himself and the king^{95.} Cumin wanted the prior and the archdeacon of Dublin to come to him at once with their seals as it was not possible to exchange any of the lands of the see which had belonged to the previous archbishop without their counsel and assent .

Eventually in 1205 a final concord was reached between the parties. In January of that year John issued safe conduct for the archbishop who was presumably returning once again from Paris^{96.} Cumin was with the king again and obviously back in the royal favour from July of that year, when King John granted him custody of the forest of Maulington.^{97.} In September the archbishop witnessed two charters of the king issued from Bristol and in December King John wrote to Meyler FitzHenry, his justiciar in Ireland, informing him that on the pope's petition he had pardoned the archbishop of Dublin and received him into his grace.^{99.} The justiciar was instructed to see that the archbishop had seisin of all his lands and liberties as he had had when dissension first arose . In this letter the king also made reference to specific disputes which had arisen over lands which he had granted to individuals and institutions

95. Reg. Nov. p. 258,

96. Rot.Lit.Pat. p. 49.

97. Rot.Lit. Claus. I, pt. 2, p. 426 .

98. Rot. Chart. I, p. 158 .

99. Rot. Lit.Pat. I, p. 53 ; Rot.Lit. Claus. I, pt.2, p. 68.

during Cumin's exile . For example , the land of Lisloe which the Abbey of St. Mary's had received from the king in 1200 was to be returned to the archbishop^{I00.} . The forest of Coillacht, which appears to have been an important issue between the two parties, was to be returned to the king who agreed to give compensation of 200 marks of silver to the archbishop . Half of this sum was given to him in England and the justiciar was instructed to pay him the other half on his arrival in^{I01.} Ireland .

John Cumin returned to his diocese in 1206 and the remaining six years of his episcopate passed off without incident . He must have been very old by this time . Even if he was only in his mid twenties when he started to perform responsible duties as a royal official , and it is probable that he was older than this , he would have been in his seventies when he returned from exile to Dublin .

There does not appear to have been any further problem with King John, who spent a good deal of the period 1206-10 embroiled with the Canterbury church in particular and the English church in general . In 1207 the king granted to the archbishop that he might have a deer leap at Kilcopsentan and that he might have all liberties in that vill . In particular the archbishop was to be free from feeding the foresters in that vill .^{I02.}

I00. The charter which granted this land to St. Mary's was witnessed by John Cumin himself in Berkeley in October 1200 . Rot.Chart. 1 , pp. 77-8 ; Ch.St. Mary's , I. p. 89 .

I01. Rot.Lit.Pat. p. 56 .

I02. ibid. p. 78 .

Giraldus Cambrensis wrote of the first Anglo-Norman archbishop of Dublin :

He was a learned and eloquent man who , because of his love for justice and his proper concern for the office to which he had been appointed , would have made outstanding improvements in the condition of the Irish church , if his spiritual sword had not been continually checked by the sword of the temporal power , the power of the priesthood by that of the king and his virtue by men's envy . I03.

Although Giraldus was all too ready to see everything in terms of a war between 'the minions of Caesar and the soldiers of Christ' , it is difficult not to agree in part at least with his assessment of Cumin's episcopacy . In his early career there is no doubt that Cumin placed the demands of his king before the demands of Christ , but as a member of a minor family , in deacon's orders and totally dependent on the royal generosity for advancement , this is hardly surprising . After his appointment to Dublin, however, he began to take his duties as an ecclesiastic very seriously . This is evident from the papal bull he received in 1182 and the constitutions of his 1186 provincial synod . His actions during his main period of residence in his diocese show an abiding desire to redefine the boundaries of his see and ensure that no other jurisdiction infringed upon it; but also there is evidence for his willingness to negotiate and co-operate on occasions with representatives of the Irish church . I04.

John Cumin has been treated rather harshly by his biographers , mainly because the picture of him which was painted by Becket's supporters remains an enduring one . Some have noted, with a certain amount

I03. Expug. Hib. p.198-9 .

I04. For example, the presence of Irish archbishops and bishops at the consecration of St. Patrick's in 1192 (see above p.15) and the agreement with the bishop of Clogher (*ibid.* p. 16) .

of satisfaction , the divine retribution which awaited Cumin when as an archbishop he found himself , like Becket , exiled from his church and appealing to Rome for help . The similarity between Cumin and Becket does not go further than that, however . The ecclesiastical liberties which John Cumin so resolutely defended were related to the lands of his archdiocese rather than to the dignity of his episcopal office .

John Cumin was a protégé of King Henry II and although he received a stream of grants from John as Count of Mortain , the relationship between them deteriorated when John was elevated to the English throne . This was probably due to King John's character rather to any action on the part of the archbishop . The conflict appears to have been caused by the king's reluctance to honour the grants he had previously made to the Dublin church . Thus the loyal servant of the crown was forced to oppose the king in order to defend the possessions and liberties of his see .

During his troubled episcopacy , the archbishop did not forget his family . The Cumins became established in Dublin and due to his I05. generosity were later prominent landholders in the Dublin area . The first Anglo-Norman Archbishop of Dublin died in October 1212 'old and full of days ' . He had begun the process of introducing the complex machinery of Anglo-Norman ecclesiastical administration into the Dublin I06. province , a process which was to be completed by his successors .

I05. See E.St.John Brooks, 'The Early Irish Comyns', in *R.S.A.I.J.* vol.86 (1956), pp.170-86 . As early as 1185-90 , the prior of Holy Trinity with the assent of Archbishop John granted the land of Kinsaley to a John Cumin . B.M.Add.Charter 24487 .

I06. *Ch.St.Mary's* 2, p.279' ... Obiit Johannes , archiepiscopus Dublinie, senex et plenus dierum .'

SECTION I.

CHAPTER 2. HENRY OF LONDON .

a) Early Career . p. 30-37 .

b) Archbishop of Dublin 1213-28 . p. 38-62.

a) HENRY OF LONDON . EARLY CAREER

Henry of London , the second Anglo-Norman archbishop of Dublin, was one of the most active and controversial occupants of that see in the thirteenth century . E.St.John. Brooks in his thorough study of Henry's antecedents has proved that he was a member of the Blund family of London and a son of Bartholomew Blund, an alderman of that city . Henry is never called 'Blund' in contemporary records but his presence as a witness to a charter granting alms for Bartholomew Blund's soul , as well as his concern for and generosity to various members of the Blund family make the link incontrovertible.

Henry 'clerk of London' makes his first appearance in the records c.1190, when Hugh Nonant bishop of Coventry instituted him into possession of the church of Mayfield in Staffordshire . Henry was still in possession of this church in 1198 when the bishop of Coventry increased the annual pension payable to the parson of Mayfield. He also acquired the archdeaconry of Stafford in this period and is

1. E.st.John Brooks, 'Archbishop Henry of London and his Irish connections,' in R.S.A.I.J. vol. 60 (1930), pp. 1-22 . See also Ronan, 'Anglo Norman Dublin,' I.E.R. vol.45(1935)pp.485-504,576-95 and the entry in DNB (under 'Loundres'), which however contains very little on the archbishop's early career .

2. The only known reference to Henry being called 'leBlund' is contained in an inquisition of 1293 when Archbishop John of Sandford states that certain lands had been given to his predecessor in the see of Dublin, Henry le Blund Placita de Quo Warranto (Rec.Com.1818), pp. 713-14 . For other members of the Blund family in Dublin see below pp. 150-1 .

3. See Brooks op.cit. pp. 1-22 .

4. A.Saltmore, ed. 'Chartulary of Tutbury Priory', in Collections for a History of Staffordshire, 4th series, vol. 4 (1962) no. 13, pp. 31-2 .

5. ibid. no. 29, p. 42.

called 'archdeacon' as early as 1194 when he was involved in an assize of novel disseisin concerning land which he held in Hughendon, Buckinghamshire .^{6.}

It is not clear when exactly Henry became involved in the royal administration . In 1195 he appears in the records as owing one hundred pounds pro habenda benivolentia domini regis . This money was still owing in 1196 and by 1198 less than half of it had been paid.^{7.}^{8.} His career seems to have taken off in the reign of King John .He was , according to Gwynn 'trained in the harsh and often brutal school of King John's administration'^{9.} . In 1199 Henry appears for the first time as a royal justice itinerant visiting the counties of Oxfordshire , Gloucestershire , Herefordshire , Shropshire and Staffordshire .^{10.} For a period of time after this Henry was serving the king outside of England . In 1200 he was with John in Normandy and the following year he was sent with letters from the English king to the king of Navarre . Early in 1202 he was among those witnessing on behalf of King John the peace treaty with the king of Navarre.^{11.}^{12.}^{13.}

6. Rotuli Curia Regis, ed. F.Palgrave (1835), vol.I, p. 55 .

7. Pipe Roll 1195, p. 189.

8. Chancellor's Roll for 8 Richard I, ed. D.M.Stenton (1935), p.52 .
Pipe Roll 1198-9, p.155.

9. A.Gwynn, 'Henry of London , Archbishop of Dublin: a study in Anglo-Norman statecraft' in Studies, (1949), pp. 295-306 , 389-402 , p.295.

10. Pleas before the King or his Justices 1198-1202, vol. I, ed. D.M. Stenton (Sel.Soc. 1953), p.55 . Pipe Roll 1199, pp. 40, 41, 49, 57 .

11. Rot. Chart. p. 75.

12. Rot.Lit.Pat. p. 3.

13. Foedera, pp. 85-6.

It was in 1202 that Henry of London began the steady accumulation of ecclesiastical benefices and offices so characteristic of royal clerks . From France King John informed the bishop of London that the archdeacon of Stafford had letters of presentation to the church of Chesterhunt in London . The following year John confirmed to Henry the deanery of the secular college of St. Mary of Shrewsbury with the collation of the prebends there . Henry did not resign this deanery until 1226 .

In March 1204 Henry had his first experience of Irish affairs when he was sent along with Geoffrey Lutterel and William Petit to Ireland to hear the complaints of the justiciar Meyler Fitz Henry against William de Burgh . The three justices were advised to associate with and consult some of the king's subjects who were not connected with either party in order to ascertain the truth of the charges . The king had previously informed the justiciar that he was sending this trio to Ireland and that he (the justiciar) was to take their counsel .

14. Rot.Lit.Pat. I, p.II .

15. Rot.Chart. p. 110.

16. Pat.Rolls 1226-32 p.96 The church of St. Mary's went through an extensive building phase in the years when Henry held the deanery and it is thought that he may be represented on a capital in the arcade of the north aisle of the church . This capital is beside one depicting a crowned head, which is believed to represent King John . See. D.H.S. Crannage , An Architectural account of the churches of Shropshire, (Wellington 1894-1912) , vol. 2, p. 949 and fig. 79 .

17. Rot.Lit.Pat. p.39 . Brocks does not mention this early connection with Ireland , nor does Gwynn who states 'There is nothing in the records to associate the archdeacon of Stafford with Ireland before 1212'. Henry of London, p. 296 .

18. Rot.Chart. p. 133 .

At the same time the king also wrote to the clergy of Ireland asking them to render him an aid on the advice of the justiciar, Walter de Lacy and Henry, archdeacon of Stafford. The prominent position held by Henry in the king's esteem is clear from a correspondence with Cathal Crobderg the king of Connaught, in which John informed him that he was sending Meyler Fitz Henry and the archdeacon of Stafford, his clerk to Connaught, and that he would abide by their decisions with regard to the negotiations then in progress between the king of Connaught and himself.

In April 1204 Henry was instructed to bring over to the king the hostages of William de Burgh and the messengers of William de Lacy. He probably left Ireland soon after receiving this mandate and was handsomely rewarded on his return to the king. In September 1204 John granted to his faithful clerk 100 marks rent in the form of the first prebend or church to fall vacant in the bishopric of Coventry and soon after the archdeacon had letters of presentation to the church of Harenby in the diocese of Coventry. Later in the same year he was granted the villa of Bescote by the king.

19. Rot.Chart. p. 133.

20. Rot. de.Lib.p. 83 .

21. Rot.Lit.Pat. p. 39.

22. ibid. p. 45 .

23. ibid. p. 38 .

24. Rot.Lit.Claus. p.II.

Henry may have returned to Ireland briefly before May 1206, when the king informed the Irish justiciar that he had received 40 pounds of his treasure of Ireland by the hand of the archdeacon of Stafford.^{25.} However for most of 1205 and 1206 Henry was active collecting tallages for the king and hearing cases as a justice itinerant in various English counties.^{26.}

In 1206 Henry was appointed custodian of the vacant diocese of Exeter and he accounted for these temporalities until 1212.^{27.} During the period when England was under interdict many dioceses were vacant for long periods of time and King John made many unsuccessful attempts to have his servants and clerks appointed to these sees. In January 1209 Pope Innocent III wrote to the prior and convent of Coventry, a diocese which had been vacant for over a year, instructing them to proceed to the election of a bishop, which they had been prevented from doing by interference from the king.^{28.} Although King John was warned not to obstruct the election he sent various representatives to the monks to ask them to elect Henry of London, the archdeacon of Stafford, who was apparently also a prebendary of Lichfield.^{29.} The monks refused to do this and the diocese remained vacant until 1214.^{30.}

25. Rot.Lit.Claus. I, p. 71.

26. Pleas before the King or his Justices 1198-1212, vol.3, ed.D.M.Stenton (Sel.Soc. 1966), p. ccxliii. Pipe Roll 1205, pp. 36, 158, 276; Pipe Roll 1206, pp. 5, 83, 131-2, 142, 147, 158.

27. Rot.Lit.Claus. I, pp. 75, 86, 94. Pipe Roll 1207, p.75; Pipe Roll 1208, p.221; Pipe Roll 1209, p.149; Pipe Roll 1210, p.66; Pipe Roll 1211, pp. 272-3.

28. C.P.L.I, p.32.

29. Cheney, Innocent III and England, p. 130-133.

30. Hndbk.Brit.Chron. p. 233.

After his rejection in Coventry Henry was chosen by the electors
of Exeter, presumably at the king's request once again . However
the archbishop of Canterbury declared this election to be null and void
and refused to consecrate Henry .

Although episcopal office eluded Henry , in the years 1207-9
he was rewarded for his service with an impressive number of other
ecclesiastical preferments . These included prebends in Exeter and
Lincoln cathedrals and the deanery of another secular college , that
of St.Mary in Stafford . This last appointment was particularly
lucrative as it included the patronage of about twelve
prebends .

During these years Henry continued to function as a royal justice
and appears frequently in the records as a messenger of the king . In
July 1209 the king demonstrated his trust in him once again when
the archdeacon of Stafford was one of those sent to meet the
envoys of Innocent III at Dover and negotiate with them concerning
the interdict.

31. Annales Monastici, vol. 3, p. 31; vol. 4, p. 54 . Matthew Paris, Hist.Angl., vol.2, p. 123 gives the date 1210 for Henry's election but he is called 'elect of Exeter' in 1209 Rot.de.Lib. p. 123 . See Cheney, Innocent III and England, pp. 133 , 157.

32. Annales Monastici, vol. 4, p. 399 .

33. Rot.Lit.Pat. pp. 75, 78 .

34. ibid. p. 70 ; Rot.Lit.Claus. I, p. 80

35. V.C.H. Stafford, vol. 3, pp.308-9. Henry appears to have held this deanery until 1227, when the king granted it to a nephew of Peter de Roches.

36. See for ex. Select Pleas, vol 3, p.cclxviii, Rot.Lit.Claus. I, p.108, 114. Rot.Lit.Pat. I, pp.91-2.

37. W.Stubbs, ed. Historical works of Gervase of Canterbury (R.S.1880), vol.2, p. ci ; Rot.de.Lib. p. 123 .

It seems very likely that Henry of London accompanied King John to Ireland in 1210, but the gap in the records between 1209 and 1211 makes this impossible to prove. A trusted clerk with previous experience in Ireland would have been a definite asset to John on this visit. It was probably at this time that the decision was made to elevate Henry to the archbishopric of Dublin on the death of the then aged John Cumin.

Henry was with the king in Lambeth in May 1212^{38.} and in June he was given 100 pounds out of the Exchequer as he was travelling to^{39.} Ireland. John Cumin died in October 1212 and Henry did not encounter the same difficulties in Dublin as he had previously in Coventry and Exeter. Henry is called archbishop of Dublin as early as^{40.} May 1213 and two months before this the king had informed the people living in the archdeaconry of Stafford that as Henry had been confirmed as archbishop of Dublin he was granting the archdeaconry to Robert of Gloucester^{41.}

Like John Cumin, his predecessor in Dublin, who had remained faithful to King Henry II during the Becket dispute, Henry of London had proved his usefulness and loyalty to John during the

38. Rot.Chart. p.186 .

39. Rot.Lit. Claus. pp. 118-9

40. Roger of Wendover's Flores Historiarum, ed. H.G.Howlett (R.S.1887), vol. 2, pp. 75-6 . Henry witnesses King John's submission to the papal legate at Dover .

41. Rot.Lit.Pat. p.102 .

troubled events of his reign and through the period of the interdict. Although amply rewarded with benefices and prebends , Henry's promotion to a bishopric was inevitable and his Irish experience was an added bonus as far as the king was concerned .During the unstable period of the interdict King John had made two attempts to secure a diocese for his clerk but had been foiled , firstly by the monks of Coventry and then by the archbishop of Canterbury . Henry's appointment to the vacant archbishopric of Dublin in 1212 provoked no discernible hostility and he was confirmed by Pope Innocent III at some date before
42.
March 1213 .

42. Innocent's letter of confirmation has not survived but it was mentioned in a 1279 confirmation of Pope Nicholas III . Theiner pp. 119-120 . See P.J.Dunning 'The letters of Pope Innocent III to Ireland', in Traditio , vol. 18 (1962) , pp. 229-254 , p. 248-9 , and see below pp. 177-8 .

b) ARCHBISHOP OF DUBLIN 1213-1228

Although the date of Innocent III's confirmation of Henry's election to Dublin is not known, the new archbishop received a mark of that pope's approval when early in 1213 he was chosen to preach the crusade in Ireland and also to collect the Holy Land subsidy in that country⁴³. It does not seem likely that he performed these duties in person as at this particular time the needs of his monarch were more pressing. Henry left Ireland in the spring of 1213 and in May he was with King John in Dover where he was among those who witnessed John's submission to the papal legate⁴⁴. He was then sent by the king to meet the exiled prelates who were returning to England and by July he was back in the royal court⁴⁵.

Henry of London remained with the king throughout this month, which culminated with a letter from King John to his faithful subjects in Ireland, informing them that he had committed custody of that land to the archbishop of Dublin. Henry replaced John de Grey, bishop of Norwich as justiciar of Ireland, and this move has been seen as part of a larger plan evolved by the English barons in Ireland in order to gain a freer hand in dealings with their Irish

43. Pont. Hib. I, no. 76, p. 159-60.

44. Roger of Wendover's Flores Historiarum, ed. H.J.Hewlett (R.S. 1887), vol. 2, pp. 75-6; Mat. Paris Chron. Maj. 2, p. 545. Both name the archbishop of Dublin as chief witness.

45. Rot. Lit. Claus. I, p. 164; Rot. Chart. I, p. 194.

46. Rot. Lit. Pat. p. 102.

47. estates . The king also granted to the new archbishop the bishopric and abbey of Glendalough , the church of Trim to form a prebend in St.Patrick's and an annual fair in his manor of Swords .
48.

Henry was back in Dublin by August 1213 when he was asked by the king to entertain the Archbishop of Tuam Felix O'Ruadhain who was at that time in exile from his diocese . In November Thomas Fitz Adam was mandated to hand over Dublin castle to Henry, who then became responsible for the completion of the building . Just before this Pope Innocent III had instructed the archbishop along with certain English prelates to ensure that peace was maintained between King John and the church .
51.

The archbishop /justiciar appears to have spent most of the next year and a half in his diocese . In May 1214 Peter de Roches the English justiciar wrote to him instructing him on the king's behalf

47. See W.L.Warren, 'The Historian as Private Eye', in J.G.Barry (ed.) Historical Studies IX (1974), pp. 1-18 , where he argues that the replacement of John de Grey by Henry of London in 1213 was part of a bargain which the barons in Ireland (headed by William Marshall) forced on King John in return for their support throughout the crisis in England .

48. Rot.Chart. p. 194

49. Rot.Lit. Claus.I, p. 148.

50. Rot.Lit.Pat. p. 105 . The building of the outer works or walls of the castle is generally ascribed to Archbishop Henry , Ch.St.Mary's, 2, p. 279 . According to Archbishop Alen, Henry had to remove the churches of St.Paul and St.Martin which lay adjacent to the east and west of the castle ditch to construct the walls . Rep.Vir. pp.182-3 . In October 1217 Henry was granted two cantreds of land in compensation for the damage done to the churches of the diocese in fortifying the castle of Dublin : Pat.Rolls 1216-25 p. 100 .

51. Pont.Hib. I, no. 80, p. 164 .

to send all the money he could to the exchequer in London and also to certify the state of his country.⁵² When King John returned to England from the continent in October he was in constant communication with Henry on matters pertaining to Ireland.⁵³ In February 1215 the archbishop received a lengthy mandate from the king with instructions on fines to be taken and audits to be made.⁵⁴ He was also instructed to buy scarlet cloth for robes to be given to the kings of Ireland and other faithful subjects of the king in Ireland.⁵⁵

Henry was in Dublin until at least May 1215, when he was instructed to send two fully fitted galleys to William Marshall in Pembroke, but he must have left his diocese soon after discharging this duty.⁵⁶ He was present at Runnymede in June, was named among the king's councillors and was one of the chief witnesses to Magna Carta.⁵⁷ He was addressed as 'justiciar of Ireland' up until the end of June,⁵⁸ but by July the office had passed to Geoffrey de Marisco. Henry remained with the king until September of this year and in this time he witnessed many charters referring to Irish affairs as well as receiving some generous grants from his monarch.⁵⁹ In July he

52. Rot.Lit.Claus. 193 .

53. See for ex. Rot.Lit.Claus. pp. 164,168,170-2,174 .

54. ibid. p. 186-7.

55. ibid. p. 187

56. ibid. p. 214

57. Mat.Paris ChronMaj, 2, pp. 589,590,604.

58. Rot.Lit.Claus. p. 217 ; Rot.Lit.Pat. p. 146 ; Rich.Sayles Admin. of Ireland,p. 76 .

59. Rot.Chart. pp. 211-19.

was granted the cantred of Okonagh to hold from the king by service
60.
of three knights and in September he was granted the manor and fair
of Penkrige in Staffordshire, along with the deanery and advowson
61.
of the secular college of St. Michael's in Penkrige .

As an Irish metropolitan Henry of London had received in
April 1213 a formal invitation from Pope Innocent III to attend the
62.
fourth Lateran council to be held in Rome in November 1215 .
Innocent's letter contained instructions that the metropolitan bishops
were to enquire about all matters which appeared to be in need of
reform in their provinces and to write a report to be submitted to
the scrutiny of the council . It is not known if Henry
complied with these instructions as no such reports from Irish
metropolitans have survived but in accordance with the mandate
he attended the council with his two suffragan bishops of Kildare
and Ferns, while the affairs of the province were left in the hands
63.
of the bishops of Ossory and Leighlin .

60. Rot. Chart. p. 213.

61. ibid. p. 218 . For a full account of the archbishops of Dublin as
deans of Penkrige see below Appendix no. 2.

62. Pont. Hib. I, no. 76, p. 159-60 . For the full text of this letter
see Cheney, Selected letters Innocent III, p. 146

63. A. Luchaire 'Un document retrouvé' in Journal des Savants (1905),
pp. 557 ff , contains a list of the bishops present at the council
which includes the archbishop of Dublin and the bishops of Ferns and
Kildare (Ailbe O'Mulloy and Cornelius Mac Fealain) . See P.J. Dunning,
'Irish Representatives and Irish ecclesiastical affairs at the
fourth Lateran Council,' in Med. Studies Gwynn , pp. 90-113.

As mentioned above the archbishop was with the king in England up until his departure for Rome and when he left he was carrying letters from King John to Cardinal Stephen de Fossa Nova asking for loans amounting to I,500 marks . It is clear that although Henry was invited to Rome as a representative of the Irish church he remained very much a royal servant and was instructed to use the occasion as much as possible to further the king's business at the papal court .

Nevertheless the archbishop did spend some of his time in Rome engaged in matters pertaining to his Dublin church . There survives no information on the part played by Henry or the other Irish representatives in the affairs of the council but during his stay at the apostolic see Henry of London received seven papal letters , four from Innocent III and three from his successor, Honorius III and these can be seen as reflecting his ecclesiastical concerns .

The first letter from Pope Innocent, issued in February 1216, confirmed finally the incorporation of the diocese of Glendalough into the metropolitan see of Dublin . Like his predecessor Henry must have been anxious to extend as far as possible the territorial boundaries of his see and the extensive lands of the diocese of

64. Rot.Lit.Pat. p.182 .

65. On 6th October 1217 Henry was given 500 marks out of the issues of Ireland for his expenses in attending to the king's business at the general council . Pat.Rolls 1216-25 ,p.100 '....pro expensis suis quas fecit in concilio generali in curia Romana , pro negociis nostris et regni nostri ' .

66. Pont.Hib. I, no.93, pp.170-2 .

Glendalough must have gone some way towards satisfying this desire .

In March 1216 , on the petition of the archbishop, Innocent III took the chapter of St. Patrick's under the protection of the apostolic see and confirmed its possessions and its adherence to the Use of Sarum^{67.} Two months later the pope took the cathedral of Holy Trinity under his protection and confirmed its possessions , in the same letter confirming to Henry his metropolitan rights and privileges^{68.} Innocent's last correspondence with the archbishop was at the end of May 1216, when he instructed him , along with the archbishop of Tuam, to intervene in the conflict between the bishop of Ferns and William Marshall^{69.} .

Henry of London remained in Rome after Innocent's death and in October 1216 he obtained a reaffirmation of his rights and privileges from the new pope Honorius III^{70.} He also asked Honorius for a reconfirmation of Innocent's decrees^{71.} suppressing the diocese of Glendalough . The final confirmation in this series was more unusual . It was a papal authorization to the archbishop to compel certain religious men of his diocese who lived in different cells and wandered around in search of alms to be gathered together in

67. Pont.Hib. I, no.96, p.175-6 .

68. ibid. no.97, p.176-9.

69. ibid. no. 98, p. 180-1 .

70. ibid. no. 103, p. 187-8 .

71. ibid. no. 104, p. 188-90 .

72.
a suitable place . The pope had been informed by the archbishop that such men did not observe any religious discipline . This is one of the few examples of Archbishop Henry expressing concern over spiritual matters in his diocese but it must be partly seen as a move to subject the Irish monks at Glendalough to his supervision . After his return to Ireland Henry granted the abbey of St.Saviour's of Glendalough to All Hallows priory Dublin so that the monks from that abbey might submit to the wholesome discipline of the Priors of All Hallows . In the grant Henry made direct reference to the authorization he had received from Honorius III .
73.

Henry probably started to return from Rome as soon as news of King John's death reached him ; he was in Oxford by December 1216 when orders were sent to the Irish justiciar to cause the archbishop to have the land which Nicholas de Verdun held of him in Ireland .
74.
In January 1217 he was still with the court when the famous mandate was sent to Geoffrey de Marisco that no Irishman be elected or promoted in any cathedral church in Ireland . It was to be by counsel of the archbishop that the justiciar was to see that only king's clerks and honest English clerks were appointed to sees and dignities in Ireland.
75.

72. Pont.Hib.Im. 101, p. 186 .

73. Reg.Omn.Sanct. p.100,Ea de re cognoscentes quosdam de religione in nostra Diocesi non satis integre suam complere professionem sedis apostolice super hac re preceptum recipimus ut videlicet canonicos minores ordinatos et dispersos ad unius domi et prelati regularem reduceremus districtione !

74. Rot.Lit.Claus. p. 294 .

75. Pat.Rolls 1216-25, p. 23 .

On the same day in January 1217 that this instruction was sent to the Irish justiciar Pope Honorius III dispatched a mandate to Archbishop Henry instructing him to ensure fealty among the Irish to Henry King of England, who was then a vassal ward of the Papal see.^{76.} This instruction was repeated in April when Honorius informed the archbishop of his appointment as papal legate in Ireland, stating that he had been given this office in order that he might make those decisions in Ireland which were necessary for the restoration of peace and support for the king. The pope expressed anxiety as he had heard that there was revolt against King Henry in that land.^{77.}

Meanwhile the Irish justiciar was informed that the archbishop was returning to Ireland although his presence in England was still desirable. The reason given was twofold. Firstly the archbishop wished to visit his church which had been desolate for so long and secondly the king (or rather the king's guardians) wished him to strive for the improvement of conditions in Ireland. The justiciar was ordered to abide by the archbishop's counsel and spend money coming into the exchequer by his advice. In fact nothing was to be done without the archbishop's advice. The barons of Ireland were also asked to be attentive to the archbishop.^{78.}

76. Pont.Hib. I, no. 106, p. 191-2.

77. ibid., no 108, p. 193-4 '...Audito igitur quod flama ignis huiusmodi usque in Hiberniam rapiatur eam in superbia fumi convolvens dum quidam propria malitia excecati contra carissimum in Christo filium nostrum Henricum regem Anglorum'.

78. Pat.Rolls 1216-25 p.57 .

Henry of London was Papal legate to Ireland from 1217 to July 1220, during which time he pursued what Gwynn has termed his 'campaign for an English hierarchy in Ireland'. The events of these years and Gwynn's interpretation of them have been largely responsible for the depiction of Henry as a 'sinister' figure who pursued a ruthless policy of placing loyal servants of the crown 'at every level of civil and ecclesiastical administration in Ireland'.^{79.} During the years of Henry's episcopate there was a most definite increase in the number of Anglo-Norman bishops in Ireland and it appears likely that the Archbishop of Dublin approved of this trend and where possible sought to advance it.^{80.} However the inconsistency of the source material prevents the formation of a complete picture of what occurred in the majority of these elections, and there is no evidence that Henry of London played the chief role in securing the appointment of Anglo-Norman clerks and the exclusion of Irish ones.

The disputed elections in Killaloe and Ardfert and Henry's dismissal as Papal Legate in 1220 are the strongest elements in

79. Gwynn, Henry of London, p.306. Gwynn's views have recently been reiterated by F.X. Martin, 'John Lord of Ireland 1185-1216', in The new History of Ireland, vol.2 (1987), pp. 149-55; Geoffrey Hand, 'The Church in the English Lordship 1216-1307', in A History of Irish Catholicism, vol 2, no. 3, pp.2-4.

80. During Henry of London's episcopacy, a total of fourteen Anglo Normans are known to have been appointed to and to have retained possession of Irish sees. The dioceses concerned were Ardagh, Armagh, Cloyne, Emly, Ferns, Kildare, Leighlin, Limerick, Lismore (two appointments), Meath, Ossory and Waterford (two appointments). For names and dates see Maps, Lists, Genealogies: a companion to Irish History II, vol. IX of A New History of Ireland.

the case against the archbishop . However the evidence available for these disputed elections suggests that it was Geoffrey de Marisco rather than Henry of London who took the first step and that the archbishop found himself in the uncomfortable position of having to back up the justiciar while functioning as the pope's legate in Ireland.

Killaloe became vacant in 1216 when the bishop, Cornelius O'Hendy, died on his way back from attending the Lateran Council. At first there was an attempt to elect Ailbe O'Molloy to the see . William Marshall was no doubt anxious to have him translated from Ferns and end in this way the dispute which had been going on between them for many years . However on the 14th January 1217 the king approved the election^{81.} of Robert Travers , nephew of Geoffrey de Marisco to Killaloe . Henry of London was still in England at this stage and there is no mention of his being involved directly in the election. When pope Honorius complained that the archdeacon of Killaloe (an Irishman , also called Hendy) had been previously elected and that Travers had been intruded into the see, he placed the blame^{82.} on the justiciar and made no mention of the papal legate .^{83.}

81. Ann. Uls. 2, p.261 ; see D.Gleeson, The Diocese of Killaloe, (1962) esp. pp. 149-155 .

82. Rot.Lit.Pat. p. 197 .

83. Pat.Rolls 1216-25 , p. 22

84. Pont.Hib. I, no.III, pp. 196-8, 'Robertum Travers per potentiam G. de Marisco iusticiariis Hibernie avunculi sui violenter in ecclesiam ipsam post electionem intrusum' .

The situation in Ardfert was almost identical . Following the death of the bishop in 1216 the chapter of Ardfert had elected an Irishman, but an Anglo-Norman candidate called John had been intruded into the see ⁸⁵. Again, this happened before Henry returned to Dublin in 1217 and it seems likely that the justiciar had been the prime mover in this election also .

After his return Henry not surprisingly took the side of the justiciar and the two Anglo-Norman clerks and wrote in support of their claims to the pope in order to get him to call a halt to the commission of enquiry he had set up ⁸⁶. The pope replied that he had waited in vain for the two clerks to present themselves before him and in the meantime had been in contact with the archbishop of Cashel, who had asked him to consecrate the archdeacon of Killaloe as rightful bishop of that diocese ⁸⁷. The archbishop of Cashel at this time was in exile in France, as a result it seems of a dispute with the justiciar over the lands of his archdiocese . Henry of London had intervened in this dispute in 1219 and written to the king that the archbishop's land should be restored, as he had threatened to excommunicate the justiciar and seek justice in Rome ⁸⁸. Gwynn believed the archbishop of Cashel to be the chief opponent of the papal legate and the person who brought his actions to the attention

85. Pont.Hib. I, no. 112, p. 198 .

86. ibid. no. 113, p. 198-9 .

87 ibid. p. 199 .

88. Shirley , Royal Letters, I, no.60, pp.72-3

of the pope, but after consulting with him in 1219, Honorius still asked the archbishop of Dublin to make a full enquiry into both elections and to consecrate the Irish clerks if they had been canonically elected by the chapters.^{89.} If the archbishop of Cashel had accused Henry of London of intruding the clerks into these two dioceses it would seem surprising that the pope would place the settling of the dispute in his hands.

Henry however did nothing to further the claims of the Irish candidates in Killaloe and Ardfert and it was this absence of action rather than anything else which resulted in his replacement as papal legate in 1220. The pope at this time informed him that he had been appointed because of the troubled state of Ireland and as these troubles had ended there was no further need for his services 'since the remedy should cease with the cessation of the malady'.^{90.} This was true in essence but the absence of the fulsome compliments and praise usual in such letters makes it clear that Henry's behaviour had not been pleasing to the pope. In the pope's letter appointing a new papal legate reference was made to the policy of excluding Irish clerks from office and the legate^{91.} was instructed to make sure such clerks were admitted if elected. The new legate almost immediately deposed the Anglo-Norman bishops of Killaloe and Ardfert and sent them^{92.} to Rome.

89. Pont.Hib. I, no. 127, pp. 212-4.

90. ibid. no. 135, p. 221-2.

91. ibid. no. 136, p. 222-3. '... Cum olim Anglie ac Hibernie regnis turbatis pro turbatione sedanda tibi legationis officium in partibus Hibernie duxerimus committendum, pace nunc in regnis eidem per Dei gratiam reformata expedire non credimus ut te de legationis officio intromittas cum quod necessitas pro remedio reperit cessante necessitate, cessare debeat pariter quod urgebat.

92. Pat.Rolls 1216-26, p. 323.

Despite the curt dismissal of Henry in 1220 cordial relations between him and Pope Honorius had not ceased . In 1221 the pope confirmed his establishment of the four capitular officers in St. Patrick's and he also granted Henry a privilege of dispensing clerks for plurality of benefices ^{93.} In this year the pope also provided the archbishop of Dublin with a precise and extensive confirmation of the possessions and privileges of his province ^{94.} In 1224 Henry was again requested by the pope to intervene in the diocese of Ardfert where the dispute was still going on ^{95.} On this occasion Henry of London, with the consent of the King , prevailed on the Anglo-Norman bishop to resign and recognized Gilbert, the Irishman who had been originally elected by the chapter ^{96.}

As papal legate Henry had not allowed his duties to the pope to interfere with the stated aims of the king's counsellors concerning the Irish church . When it came to defending the rights and privileges of his own archdiocese, however , he was more determined to take action , even when the defence of his liberties brought him into direct conflict with the officers of the crown and with the king's citizens of Dublin .

The question of feeding the king's foresters which had caused so much trouble in John Cumin's episcopacy came up once again during

93. Pont. Hib. I, no. 143, p. 228 ; no. 145, p. 232 .

94. ibid. no. 148, p. 234-5 .

95. ibid. no 165, p. 250-2 .

96. Rot.Lit.Claus. p. 632 .

Henry of London's , when the archbishop was involved in a bitter conflict with Thomas Fitz Adam, the king's forester in Ireland .

Henry of London had taken steps to have his rights with regard to the foresters affirmed in 1218 when the king instructed the Irish justiciar that he was to make sure that the archbishop of Dublin and other ecclesiastics of the Dublin Province were not forced to feed the king's servants or bowmen except in time of need ^{97.} This action was taken at the request of the archbishop, either in order to ensure that his rights would not be infringed upon or because they already had.

The dispute with Fitz Adam flared up shortly after the latter had been appointed as custodian of the king's forest in Ireland and details of it are known from a series of letters from the archbishop and Fitz Adam to the king and the English justiciar ^{98.} .

The first letter was sent in 1219 from Fitz Adam to Ralph Neville, the English justiciar ^{99.} . In it Fitz Adam stated that the archbishop of Dublin was claiming the king's forest as his own by virtue of a grant from King John in 1215 . He was also refusing to feed the king's servants or even permit them to reside within the forest lands .

97. Rot. Lit. Claus. p. 369.

98. Fitz Adam was appointed in August 1219 . Pat. Rolls 1216-26 p.201 .

99. C.D.I. I, No. 892, p. 132-3.

At about the same time Henry of London wrote to the king saying that he was anxious to see him , to confer about certain affairs and especially to free himself from false accusations which had been I00. laid against him . The archbishop reminded the king how faithful he had been to King John and informed him that he was sending over in his stead his messenger David who would bring some secret information to the king .

FitzAdam wrote again early in 1220 informing the king that the archbishop of Dublin was seeking to disinherit the king of his forest in Ireland . He claimed that the king's foresters had been assaulted by the archbishop's men and that he himself had been excommunicated while attempting to punish a well known malefactor who I01. lived by poaching the king's venison . At this stage the conflict appeared to centre on the punishment of this wrongdoer and whether he should be brought before the ecclesiastical or secular courts . The justiciar of Ireland had been appealed to and he instructed Fitz Adam not to give up his prisoner, while asking the archbishop to lift the ban from Fitz Adam . Henry of London refused to free Fitz Adam from excommunication until he handed over the prisoner and Fitz Adam's plight as described by himself bears witness to the effectiveness of the weapon of ecclesiastical censure . He complained that he was persecuted throughout the land of Ireland and denied all

I00. '.....maxime ut excusetur et purgetur innocentia nostra ab his quae per quorundam falsas detractiones et mendacia plurima nobis imponuntur'. Shirley ; Royal letters , 1,no.84,pp.98-100 . Shirley dates this letter to March 1220 but September 1219 would appear a more likely date .

I01. Shirley, Royal Letters , 1,no.72,pp.82-6.

intercourse with men and all commerce in towns to such an extent
I02.
that he could not carry on the king's business . He begged the king
to get him absolution from some other ecclesiastic but assured him
that for the present he was determined to uphold the rights of the king
although he was in great distress . Fitz Adam ended by advising the
king to provide himself with good , lawful officials in Ireland to
prosecute his affairs , particularly against the archbishop who
I03.
was seeking to disinherit him .

The archbishop was not slow in informing the king of his version
of affairs . He wrote early in 1220 reminding the king that the lands
of his see had from old been free from foresters and obligations
I04.
towards them . These liberties had been affirmed by King John and
more recently by King Henry III himself . The archbishop made reference
to John Cumin's dispute with King John claiming that his
predecessor in the see had endured seven years exile in order to
defend these liberties . In Henry of London's eyes , Fitz Adam had
infringed on these immunities and had oppressed him, especially by
seizing his men . According to the archbishop Fitz Adam had been

I02. '.....per totam terram vestram facit me prosequi , prohibendo
communione hominum et aysiamenta villarum , ita quod ad quoddam
arduum negotium vestrum exsequendum interesse non potui'. Shirley, Royal
Letters, p. 85.

I03. '....Provideatis etiam vobis de aliquibus probis hominibus et
legalibus in terra Hiberniae ad prosequendum negotia vestra et
maxime contra dictum archiepiscopum qui proponit exheredere vos
in partibus illis'. ibid. p. 86.

I04. ibid. no. 73, p. 86-8.

excommunicated by the archdeacon of Dublin and had subsequently repented and been absolved . The archbishop prayed the king to order Fitz Adam to cease his molestations and said he was again sending over his messenger David, this time with some small presents for the king . Henry of London wrote to Ralph Neville in much the same vein , appealing to the English justiciar as a churchman himself to help him in his defence of the liberties of the church . The archbishop said in this letter that he intended to cross over to England as soon as possible to prove his innocence in person .

Henry of London was in England in August 1220 when he witnessed the agreement between the king and Geoffrey de Marisco, but before this the king had written to him informing him that he had commanded Fitz Adam to desist from troubling the archbishop . The king expressed the hope that the two men could come to an amicable agreement and he also included a subtle reproach to the archbishop when he asked him to take as much care in the defence of the king's liberties as he wished the king to take in defending the archiepiscopal liberties .

This letter from the king in 1220 would appear to mark a victory for the archbishop who was at this time held in high esteem

I05. Shirley, Royal Letters , I, no. 74 pp.88-90 .

I06. Pat.Rolls 1216-25 , p.263 .

I07. Rot.Lit.Claus. p. 435-6 . Henry and Fitz Adam appear to have resolved their personal differences, as in 1221 Fitz Adam was among those sent to Ireland to advise the archbishop, who was then justiciar. Pat.Rolls 1216-25 , p. 297 .

by the king and his counsellors . In the agreement worked out between the king and Geoffrey de Marisco in 1220 it was stated that the justiciar was to be advised by the archbishop, who could wield the weapon of ecclesiastical censure if de Marisco's behaviour required I08. it . In August the king commanded the justiciar to take the forest of which Fitz Adam had custody into the king's hand . The forest was to be kept to the honour of the church of Dublin by two of the king's men and two of the archbishop's . No damage was to accrue I09. to the church or to the king through this arrangement . When de Marisco surrendered the office of justiciar in October 1221 it was to Henry of London that custody of Ireland was committed and he I10. held the justiciarship until June 1224 .

Although he now held the most important office in the royal administration in Ireland , Henry continued his determined defence of what he saw as his archiepiscopal liberties and this provoked the hostility of the citizens of Dublin . In 1220 they had written to the king informing him that they were engaged in a great contest with the archbishop in which their primary aim was the upholding I11. of the king's rights in Dublin . This contest revolved around the arrest of two of the archbishop's men by the provosts of Dublin and the archbishop's attempts to prevent them being tried in the citizens'

I08. Pat.Rolls 1216-26 , p. 264 .

I09. Rot.Lit.Claus. p.427 .

I10. Pat.Rolls 1216-26, pp. 295,297,316 . See Rich.Sayles,Admin.Irl. p. 76 .

I11. Shirley,Royal Letters, I,no.91,pp.I08-II . For more details of this dispute see below pp. 279-84 .

hundred court . In the course of this dispute the archbishop's bailiffs had excommunicated the provost and seneschal of Dublin and twenty four principal men of the council of Dublin . The citizens prayed the king's speedy help and counsel .

It is not known if the king took any action at this time . He certainly had the opportunity to take the matter up personally with the archbishop, who was in England from August 1220 to July 1221. II2. While there is no further evidence directly concerning this case it is clear that the citizens of Dublin continued to complain to the king about the ambiguous position of the archbishop's men within their city . Not only was the archbishop refusing to allow his men to answer in the city court; he also asserted that they were free from all financial levies which the citizens had to pay . Moreover he had erected a pillory in the middle of the king's highway and was II3. thereby obstructing traffic as well as secular jurisdiction .

The king wrote to the archbishop with reference to these complaints II4. in August 1223 . He said that he found it difficult to believe that the archbishop was acting contrary to royal rights and dignity and he found it especially upsetting since he had made Henry his justiciar II5. in Ireland and thereby had given him great power . The king commanded the justiciar to refrain from such actions immediately.

II2. Henry appeared as witness to two charters of the Blund family in London; see Brooks , Henry's Irish connections , p. 2 .

II3. Rot.Lit.Claus p. 570 ; H.M.Docs. p. 78-9 .

II4. Rot.Lit.Claus p. 570 .

II5. '.....que tanto nobis graviora et molestiora sint , et famam vestram magis obfuscancia, quanto potentiores loco nostro vos constituimus in regno nostro Hibernie, ad jura nostra tenenda et iustitiam ceteris exhibendam .
ibid. P.570 .

Soon after this letter was sent to Dublin , an agreement was worked out between the archbishop and the citizens . The formal coverant was witnessed by prominent magnates Geoffrey de Marisco and Walter de Lacy and was signed in the cathedral of St. Patrick's . It is not known if it put an end to the conflict between the two parties but there is no further evidence of complaints from the citizens regarding these matters .

As mentioned above , Henry had been given custody of Ireland in July 1221 . In the same month the king sent over John Marshall , Thomas Fitz Adam and John de St. John to advise the archbishop, who was instructed to have faith in their advice . In December 1222 , Roger Huscarl , an experienced judge of the English bench was sent over to assist the justiciar in judicial and administrative affairs . One of his tasks may have been to advise the archbishop on the case between the king and the archbishop of Cashel in which Henry of London was acting as the king's proctor . Huscarl also

II6. Crede Mihi , f. 93v.

II7. See below p. 283.

II8. Pat.Rolls 1216-26, p. 297 .

II9. Rot.Lit.Claus. p. 526 . For the career of Roger Huscarl , see Ralph. V. Turner , 'Roger Huscarl , professional lawyer in England and royal justice in Ireland , c. 1199-1230' , in The Irish Jurist, vol. 16 (1981), pp. 290-8 .

I20. Henry was appointed proctor in this case in July 1222 , Pat. Rolls 1216-26 p. 338 The case does not seem to have been settled when in August 1223 Henry informed the king that the archbishop of Cashel had resigned . See G. O. Sayles Documents on the affairs of Ireland before the king's council (Dublin 1979), no. 2 p. 1 .

played a prominent part in the case before the justiciar early in 1223, when it was decided that Walter de Lacy should no longer have the right to try pleas of the crown in Meath.^{121.}

Henry's period as justiciar was a difficult one as it coincided with the rebellion of Hugh de Lacy. The justiciar had been informed that Hugh was plotting to recover his Irish lands by force and he was instructed to fortify the royal castles in Ireland. General letters of excommunication against rebels were sent over at the same time.^{122.} Yet when de Lacy crossed over to Ireland the justiciar was ill prepared. Apparently the problem was lack of money and Archbishop Henry complained in a letter to the king that he had to borrow from Dublin and other cities.^{123.} According to the annals of Dunstable, when Hugh de Lacy threatened Dublin early in 1224 Henry was obliged to purchase a truce.^{124.} He also excommunicated de Lacy, but with no apparent result.^{125.} Direct intervention from England came in May 1224 when William Marshall the younger was appointed justiciar in place of Henry of London. The archbishop handed over the office to his successor c. 24th June 1224.^{126.}

121. C.C.R. 1279-88, p. 55

122. Pat.Rolls 1216-26 pp. 374-5, 378.

123. This letter is quoted in Otway Ruthven, Med. Irl. p. 91.

124. Annals of Dunstable, p. 85. There are entries in the Close Rolls to the effect that the Archbishop borrowed £366 from the citizens of Dublin and £300 deposited in the cathedral of Dublin. See for ex. Rot.Lit.Claus. p. 162.

125. Annals of Dunstable, p. 92.

126. Shirley, Royal Letters. I. p. 500.

One of Archbishop Henry's final acts as justiciar had been to recommend to the king that he should look favorably on the petition of Cathal Crobderg , King of Connaught , who wrote in 1224 asking for a charter of Connaught for his son Aed . The archbishop's relationship with Cathal Crobderg dated from 1204 when he had been sent by King John to negotiate with him .

Soon after his replacement as justiciar , Archbishop Henry crossed over to England . In April 1225 the Irish justiciar was instructed to postpone a case which had been brought against Henry until he returned from England . In September of this year the archbishop was present at the consecration ceremony of the new cathedral of Salisbury . In December the archbishop of Rouen wrote to the bishop of Derry and the prior of Holy Trinity concerning the canonization of Archbishop Laurence O'Toole , saying that he had previously written to the archbishop of Dublin but that he was out of Ireland at this time on the king's affairs . Henry may also have visited the continent at this time , as he had recently purchased a house

I27. Shirley ,Royal Letters , I,no. 198 , p. 223 .

I28. See above p. 33.

I29 . Rot.Lit.Claus. 2 , p. 25 .

I30. Registrum Sancti Osmundi Episcopi , ed. W.H.R.Jones (R.S. 1883-4) vol. 2 , p. 40 .

I31. Pont. Hib. I, no. 174 pp. 260-2 .

I32.
in France for the use of the archbishops of Dublin .

Henry was back in Ireland by June 1226 when he was one of those appointed to examine the account of William Marshall who had resigned as justiciar of Ireland . This is the last recorded administrative duty which Henry of London performed ; from then on the bulk of his communication with the crown concerned the debt he was owed for the expenses which he had incurred while he was in Rome on King John's business in 1216, and also the money he had spent while on King Henry's service in Ireland particularly during the war with Hugh de Lacy .

In August 1225 the king acknowledged that he owed the archbishop the sum of £934 , 200 marks of which Henry of London had forgiven him in view of a grant he received from the king concerning the freedom of the forests of Dublin , Glendalough and Coillacht from the interference of royal officials . By 1226 the king had paid the archbishop a further £177.2.2d. and had agreed that Henry of London

I32. C.1223 the abbot and convent of Citeaux informed Henry that they had bought an estate in the diocese of Autun (in the province of Dijon) with money which he had given them . The estate consisted of a stone house , a vineyard , and an annual yield of corn valued at 100 pounds . The issues were to be at the disposal of the archbishop and his successors when they were in France , on business or in exile . Otherwise the issues were to remain with the Cistercians . The abbot and convent also promised to counsel and aid the archbishop and his successors if they were passing that way on their way to Rome and also to assist their assistants , messengers , and the canons of the church of Dublin . Crede Mihi , f. 92 .

I33. Pat.Rolls 1226-32 , p. 47 .

I34. ibid. 1216-25 , p. 544 .

or the church of Dublin after his death should receive £100 out of the farm of Limerick and 50 marks out of the farm of Dublin every year until the debt was paid off . It appears that the archbishop was eager for repayment , for the following year he was granted custody of any Irish see which might fall vacant in acquittance of the debt .

In December 1226 , the king appointed Henry and John de St.John , the bishop of Ferns,as collectors in Ireland of the clerical subsidy which he had been granted by the pope . The king asked Henry to ensure that the lower clergy of his province were as generous as their English counterparts,who had granted him a sixteenth of their incomes . By August 1227 , however , the clerical aid still had to be collected and the king wrote to the archbishop asking him to procure its speedy payment . It seems likely that by this stage Henry of London was unable to be as active on the king's behalf as he would have wished . He died in the summer of 1228 and there is evidence that towards the end of his life he was not in full possession of his faculties . In January 1228 the Irish justiciar was instructed to hand over to the newly appointed custodians of the see of Dublin the temporalities which the late archbishopheld ' antequam incidit in languorem in quo non fuit compos sui ' .

I35. Pat.Rolls 1225-32 , pp. 19-20 .

I36. Rot.Lit.Claus. pt. 2 p. 125 .

I37. Cl.Rolls 1227-31 , p. 104 .

I38. ibid. p. 138 .

I39. Pat.Rolls 1225-32 , p. 133 .

SECTION I.

CHAPTER 3.

LUKE DE ROCHES .

a) Early Career . p. 63-6 .

b) Archbishop of Dublin 1229-55 . p. 67-78 .

a) LUKE DE ROCHES : EARLY CAREER

Like his two Anglo-Norman predecessors , Luke de Roches was an influential member of the English administration before his elevation to the see of Dublin . He started his career as the chaplain of the powerful English minister Hubert de Burgh and was first mentioned in this capacity in 1217 . Most of Luke's early preferments came as a result of this connection . In 1218 he was mentioned as a canon of Salisbury cathedral when he was presented by the king to the chancellorship of Lichfield cathedral . In 1218 he was further promoted by the king to the deanery of St. Martin Le Grand in London .

The college of St. Martin had close ties with the royal administration , and the deanery was particularly associated with the wardrobe . It is no surprise therefore to find that it was in

1. Unlike his predecessors , Luke has been somewhat neglected by the biographers . There has been no work on his early career and no entry in DNB . The designation of 'de Roches' would appear to be correct . In 1228 Luke was appointed archdeacon of Surrey ; an assize of 1236 mentions that Luke Archdeacon of Surrey held the church of Hussebur by the king's gift . The same source later refers to the holder of Hussebur as Luke de Roches . The Book of Fees, Pt.2 , p. 1236 and p. 1417 .

2. John de Oxendes' Chronica , ed. H.Ellis (R.S. 1859),p. 141 .

3. Pat.Rolls 1216-25,p.386.Luke held the prebend of Cumbe in Salisbury, which was valued at 25 marks in 1226 when Luke was fined for non-residence. He was present at the first service in the new cathedral in 1225 and on this occasion presented the dean and chapter with a 'golden' copy of the four gospels as a present from Hubert de Burgh. Registrum S. Osmundi Episcopi , ed. W.H.R.Jones (R.S.1883-4),vol. 2 , pp. 37,43,73,77 .

4. Pat.Rolls 1216-25 , p. 550 .

5. V.C.H.London , vol.I, pp. 555-556 .

this department that Luke served the king . In 1229 he was described by the chronicler of the Dunstable annals as one of the maiores de curia regis , but the exact position he held in the administration is unclear .^{6.} Between 1225 and 1230 he was frequently described as the 'king's treasurer' both in records and chronicles,^{7.} but he could not have been treasurer of the exchequer as that office was held by Eustace de Fauconberg , Bishop of London,during these years .^{8.} Tout identified Luke as holding the position of ' treasurer of the household' or 'treasurer of the chamber' .^{9.}

Luke was almost certainly in charge of the wardrobe for a time . The earliest surviving wardrobe account was tendered to the exchequer per visum et testimonium Luce capellani , decani Sancti Martini Londonis, coram baronibus de scaccario .^{10.} Luke's position of trust in the curia was displayed in 1226 when he certified on behalf of the crown an agreement made with the citizens of London concerning their contribution to a crusading aid .^{11.}

6. Ann.Dunstable , p. 118 .

7. Pat.Rolls 1216-25,p.5121226-32,p. 29 , 164 ; Ann.Dunstable , p.115 Ann. Tewkesbury,p. 70 .

8. Handbook Brit. Chron. p. 99 .

9. T.F.T.Tout,Chapters in English administrative History,vol. I. (1920), p. 196

10. Roll of Divers accounts for the early years of the reign of Henry III , ed. F.A.Cazel (Pub.Pipe Roll Soc. 44 London 1982),p. 50 .

11. Liber Custumarum Londonis,ed. H.T.Riley (R.S.1860),pp. 36-7 .

Such faithful service did not go unnoticed , but some of Henry III's early efforts to reward his servant met with failure . In 1226 the king attempted to present Luke to the archdeaconry of Norwich, but a prior claim had been established . In the same year a bid to have Luke accepted as bishop elect of Durham also met with failure . The monks of Durham apparently rejected Luke's nomination as uncanonical, asserting that he was of illegitimate birth and that the papal dispensation which he held did not extend to the right to take episcopal office . This is the only record of Luke's illegitimacy and there is no other reference to a papal dispensation, but later on this may have been what the representatives of Holy Trinity were referring to when they claimed that Luke was unsuitable for the see of Dublin and that his character left something to be desired .

In 1228 Luke was appointed archdeacon of Surrey , an office which he appears to have held until 1247 . In this same year he also received his highest promotion, when on the death of Henry of London he was elected archbishop of Dublin by the canons of

12. Pat. Rolls , 1226-32 , pp. 91 , 191 .

13. Ibid. 1226-32, p. 56 .

14. The details of this dispute are contained in four unpublished Mss. from the Cathedral library in Durham . They are used in F.M. Powicke, Henry III and the Lord Edward (1947), pp. 267-8 .

15. See below pp. 178-9 .

16. Charters and Statutes relating to Salisbury , ed. W.R. Jones and W.D. Macray (R.S. 1891) , p. 250 ; A.L. Brown, 'Early archdeacons of Surrey', in Surrey Archaeological Collections , vol. 46 (1939) pp. 75-83 .

St. Patrick's (according to Matthew Paris through the influence
17.
of Hubert de Burgh) . After a period of disagreement which included
a re-election Luke finally received papal confirmation c. December
18.
1229 .

17. Pat. Rolls 1226-32, p.232. In his notice of Luke's death Matthew Paris remarked that he had been 'intruded' into the see of Dublin by Hubert de Burgh, whose chaplain he had been : Chronica Majora 5 , p.531 .

18. Pont. Hib. 2, no. 197, p. 32-4 .

b) ARCHBISHOP OF DUBLIN 1229-55

Soon after the royal assent to his election had been given Luke went to Rome , where he was in January 1229 when the king wrote asking the pope to send him back as soon as possible . Henry asserted that a delay would be dangerous as Luke's presence was necessary both to him and to the kingdom of Ireland . The king may have known that the cathedral of Holy Trinity was lodging a complaint against Luke's election and may have been trying to prevent it in this way . Luke did return to England in 1229, but not as confirmed archbishop of Dublin . He is still referred to as 'elect' in the records, as he spent the latter months of the year gathering money to pay for a second visit to Rome and presumably for the expenses of maintaining proctors at the papal court .

Apart from loans from the king, Luke's chief method of raising money appears to have been the despoliation of the Dublin archiepiscopal lands then in the king's hand . In November 1229 he pledged 300 marks for a royal charter allowing him to have the archiepiscopal forest of Dublin disafforested . The charter gave details of the extent of this forest, much of which was on the lands previously pertaining to the diocese of Glendalough, and stated that ' all men

19. Pat. Rolls 1226-32 , p. 237. . . cum ipsius mora nobis sit periculosa , et eius presentia tam nobis quam regno nostro hibernie perutilis ac necessaria fore dinoscatur .

20. Pont. Hib. 2, no. 197, p. 32-4 mentions Luke's proctors at the papal court.

21. Cal. Chart. Rolls 1226-57, p. 107 .

who have woods within these limits may enclose and impark them , take , sell and essart them , without view or denial of the foresters and verderers ' . In November 1229 Luke was also granted the issues of the see of Dublin, which mounted to 466 pounds . 200 marks out of this sum was a loan to enable him to carry out his journey to Rome , 100 marks was to be used to pay off the debt he had accrued in obtaining the disafforestation charter and the residue was for his maintenance and to pay off his other debts .^{22.}

In January 1230 the king informed the Irish justiciar that Luke had received papal confirmation and Luke probably returned from Rome soon after this date . He paid 200 marks into the wardrobe at Winchester in March 1230 and plans were under way for his consecration. In this matter the king was very generous to his former wardrobe official . The king's tailor was given 55 pounds to provide the archbishop with two chasubles , a cope , two tunics , two albs , two mitres , two pairs of sandals ' and other pontificals (pontificalia) necessary for his consecration'. A month later in April 1230 a further 18 pounds 13 shillings and 4pence was provided to buy for the use of the archbishop a chalice costing 60 shillings , two cruets (fialis) costing 20 shillings and other items including a text (texto) and two candlesticks . At the same time Luke was given a further gift^{23.}^{24.}

22. Pat.Rolls 1226-32 , p. 316 .

23. Cl.Rolls 1227-31 , p. 284 .

24. Cal.Lib.Rolls 1226-40 p. 181 .

25. ibid. p. 170 .

26. ibid. p. 179 .

of 200 marks out of the issues of the archbishopric of Dublin .^{27.}

Luke was with the king in Reading in April 1230 when he received a confirmation of King John's grant to Archbishop Cumin of a court of his men throughout Ireland . On this occasion the king also granted to him the prebend of Stamuthan in recompense for losses sustained by the church of Dublin in the fortification of the castle there , and also custody of the royal manor of Kempton in Surrey .^{28.} A few days later and probably at Luke's request , the king instructed all abbots , prior, earls , barons , knights and citizens within the archbishopric of Dublin to pay tithes for pools and fisheries (de gurgitibus et piscariis) , as the king did not wish to imperil his soul by withholding such tithes .^{29.} On top of all this Luke was granted custody of any vacant bishopric within his province .^{30.}

Luke then crossed over to his diocese and his consecration took place at some time before November of this year when he was first referred to as 'archbishop of Dublin' .^{31.} One of Luke's first actions in Dublin was to meet with representatives of Holy Trinity and St. Patricks and come to an agreement with them regarding future archiepiscopal elections whereby the two chapters would have an equal

27. Pat.Rolls I226-32 , p.329-30 .

28. Cal.Chart.Rolls I226-57, p. 119.

29. ibid. p. 117 ; Cl.Rolls I227-31 , p. 326 .

30. Pat.Rolls, I226-32, p.337. It seems that rectors in Dublin had complained that certain laymen were withholding tithes on such things . In the early years of his episcopacy Luke repeated that they were to be compelled to pay . Cal.Lib.Nig. p. 46 .

31. Pat.Rolls I226-32 , p. 341 .

32. Cl.Rolls I227-31 , p. 454 .

voice in the election ^{33.} . Luke also used this occasion to settle a dispute then going on between the two chapters and the convent of Grace Dieu ^{34.} .

It seems likely that Luke spent most of the year 1231 in Ireland, if not in Dublin . Early in the year he was one of those appointed by the king to measure and assess the five royal cantreds in Connaught and he probably spent some time out of his diocese order to accomplish this task ^{35.} . Luke remained very short of money and although he was still in receipt of the issues of vacant bishoprics in his province the king took the opportunity of his confirmation of the new bishop of Ossory in 1232 to remind the archbishop that this was in no way to become a permanent arrangement. ^{36.} At about this time Luke was summoned to appear before the English exchequer to answer for his debts, but the king allowed the summons to be deferred until the feast of St. Michael (29th September) ^{37.} .

Luke was in England in September 1232 but primarily for another reason . His former patron Hubert de Burgh was in serious trouble and he wished to visit him in prison . The king gave special permission for Luke to confer with de Burgh in private both in

33. Reg. Nov. p. 101-2 ; see below pp. 181-2 .

34. ibid. p. 101-2

35. Pat. Rolls 1226-32 , p. 419 .

36. Cl. Rolls 1232-34 , p. 73 .

37. ibid. p. 78 .

September 1232 and in June 1233 on matters pertaining to his confession^{38.} and salvation . According to Matthew Paris and Roger Wendover Luke was the only person who remained loyal to Hubert de Burgh . Both reported that he spoke to the king on Hubert's behalf with tears and entreaties and that he obtained for him a respite so that he had more time to deliberate on the charges he faced .^{39.}

The fact that Luke's loyalty to Hubert de Burgh did not in any way jeopardise his personal popularity with the king demonstrates the esteem in which he was held by Henry III . Although he did not hold a formal position in the royal administration in Dublin ,^{40.} those who did were frequently instructed to take his advice . Immediately following his efforts on behalf of the dismissed justiciar Luke was asked along with Richard de Burgh and the bishop of Ferns John of St. John to make a valuation of the Marshall lands in Ireland for the purpose of assigning dower to Eleanor the^{41.} Countess of Pembroke .

38. Cl. Rolls 1231-4 , pp. 152 , 155 , 314 .

39. Roger of Wendover's Flores Historiarum , 3 , pp. 33-8 ; Matt. Paris , Chron. Maj. 3 , pp. 222, 226 , 229 .

40. See for ex. Cl. Rolls 1231-4 , p. 524 ; 1234-7 , pp. 166, 510 .

41. Cl. Rolls 1231-4 , p. 144-5 .

There are frequent references to Archbishop Luke in the records relating to the disturbances in Ireland which resulted from the conflict between the king and Richard Marshall in 1233-4 . In May 1234 Luke was present at the settlement which was worked out between the king and Richard's brother Gilbert ^{42.} . It was decided at this time that for safety the Marshall castle at Donamon was to be held by the archbishop of Dublin ^{43.} . In September of this year the Irish justiciar Maurice FitzGerald was instructed to find out by inquisition who had been on the side of Richard Marshall in the recent 'war' and ^{44.} to fine and punish these persons in the presence of Archbishop Luke .

In the course of this conflict the king's bailiffs had been forced by necessity to take certain goods and valuables from the churches in the Dublin diocese and province and Henry III was anxious to make reparation for the damage . In August 1234 the justiciar was mandated to enquire , in the archbishop's presence , what loss the archbishop had suffered at the hands of the king's bailiffs during the war and what moneys , jewels , and chattels were taken in the king's name from the church of Dublin and ^{45.} from other churches and monasteries in the archbishop's province . In September the king

42. C.P.R. 1232-47 p. 75 .

43. ibid. p. 47 . This castle was restored to Gilbert in August 1234
ibid. p. 65 .

44. Cl.Rolls 1231-4 , p. 524 .

45. ibid. p. 591 '....Faciatis diligenterque bona ut in denariis , jocalibus , catallis et aliis rebus quibuscumque capta fuerunt nomine nostro in ecclesia Dublin et aliis ecclesiis et monasteriis provincie sue et inde asportata occasione guerre predictae' .

granted Luke 300 marks for the damage done to him and his diocese by the war. He also restored to him the vill of Stagonnil and granted him a fair in his manor there and also in his manor of Glannor .^{46.}

Because of Luke's early experience in the king's wardrobe as treasurer of the household , many of the tasks assigned to him in Ireland were financial in nature . In August 1234 the king instructed Luke along with the justiciar and the master of the Templars to personally check each year the accounts of the treasurer in Ireland and notify the king .^{47.} Early in the next year Henry III , badly in need of money , instructed the Irish justiciar to farm^{48.} out various manors and demesne lands in Dublin by Luke's advice .

In May 1236 the justiciar and Luke sent a messenger to the king asking for advice on the Constitutions of Merton and in particular the laws governing persons born before and after wedlock . The king replied by sending a copy of the Constitutions over to Ireland with orders that the justiciar and the archbishop were to read them carefully and cause them to be observed .⁴⁹ Later in 1236 the king was in touch with the justiciar concerning the situation in Connaught

46. C.P.R. 1232-47 p. 70-I ; C.D.I. I. no. 2186 p. 324 , no. 2209, p. 327 .

47. C.P.R. 1232-47, p. 67 .

48. Cl. Rolls 1234-7 , p. 166 .

49. ibid. p. 354 .

and he informed him that he had been advised by Archbishop Luke that it would help the peace in Connaught if the justiciar were to fortify two more castles there .^{50.}

Luke's advice on affairs in Ireland obviously held weight with the king . In April 1237 he was requested , along with Hugh de Lacy , to accompany the justiciar over to England to consult with the king over affairs in Ireland . It is not known if Luke went over to England on this occasion . The justiciar did not go personally but sent two representatives . In October of this year the king wrote asking Luke to audit the justiciar's account and also to try to raise money for the king in Ireland .^{51.}
^{52.}
^{53.}

The archbishop continued to serve Henry III in Ireland throughout his episcopacy , although without holding an official position and presumably without regular remuneration . His duties were for the most part supervisory with regard to the treasurer and justiciar , whose accounts he was frequently asked to audit . In 1250 he was one of those asked to advise the king whether it would be better to settle and cultivate the waste lands of Ireland or to lease them to Irishmen . In this year he was also appointed to^{54.}
^{55.}

50 C1.Rolls 1234-7 , p. 510 .

51. ibid. p. 527 .

52. ibid. p. 571 .

53. ibid. p. 574 .

54. See C.P.R. 1232-47, pp. 277, 379 , 429 .

55. C.P.R. 1247- 58, p. 68 .

preach the crusade in Ireland and during the next five years , until his death in 1255 he was engaged in preaching the crusade and collecting the Holy Land tenth in Ireland .^{56.}

Apart from one or two short visits to England Luke does not appear to have been absent from his diocese for any long period of time . He therefore had plenty of time to devote to the spiritual concerns of his office , yet very little evidence survives which would give an insight into his ecclesiastical functions . In many ways Luke is the most shadowy figure among the thirteenth century Dublin archbishops .

Luke does appear to have taken a special interest in the administration of the secular chapter of St. Patrick's , which was headed by his nephew Dean Richard de Gardino from c.1235 to 1259 . It was during his episcopacy that St. Patrick's completed its development and passed legislation which brought it into line with the English secular cathedrals on which it was modelled .^{57.}

In 1244 the archbishop complained to the pope that there were many churchmen in his diocese who were of defective birth and in response to this Pope Innocent IV gave him permission to

56. Cl.Rolls 1247-51 , p. 358 ; C.P.R. 1247-58 , p. 372 .

57 . See below pp. 146-7 .

dispense priests and others on account of illegitimacy , provided he used discretion and ensured that they were not incontinent but of honest life and conversation . At the same time Luke was given a papal indult exempting him from citation outside of Ireland and another allowing him to bestow a plurality of benefices on two clerics of his province providing that cure of souls was not affected . In 1251 Pope Innocent also granted Luke the privilege that no provisions to churches of his diocese should be valid unless directed to him or expressly mentioning him . Two years later the same pope granted him that none of his collations could be hindered by the production of papal letters .

Luke's two predecessors had been involved in serious disputes with royal officials in Ireland but the conflicts of Luke's episcopacy were centered on the affairs of the Irish church and are unfortunately poorly documented . From 1238 to 1244 the archbishop of Dublin was involved in a dispute with his suffragan bishop of Ossory during which he was charged with unlawfully taking over and occupying the diocese of Ossory . Luke also appears to have imposed his archdeacon Geoffrey de Turville on the see on Bishop Walter de Brackeley's death in 1244 .

58. Pont.Hib. 2 , no. 263 , pp. 103-4 .

59. ibid. 2 , no. 264 p. 104 ; no.265 pp. 104-5 .

60. ibid. 2 , no. 332 p. 164 .

61. ibid. 2 , no. 375 p. 202 .

62. For an account of this dispute see below pp. 308-22 .

Luke also appears to have become involved in a dispute with the archbishop of Armagh , presumably over the latter's assertion of primatial rights with reference to the province of Dublin . The archbishop of Dublin entered into an agreement (dated c. 1244) with the archbishop of Cashel that they would protect and mutually defend their churches and liberties against the usurpations of the archbishop of Armagh .^{63.}

It seems likely that Luke was in poor health for some years before he died . In July 1253 King Henry granted to one of his clerks that he might have the collation of the prebends of Penkrige in Staffordshire whenever Luke Archbishop of Dublin should die or resign from office .^{64.} In his notice of Luke's death Matthew Paris mentioned that he had been blind before he died .^{65.} This did not prevent Luke from serving the king up until the end of his life . In December 1253 Henry wrote from Gascony to Luke and other Irish prelates , desperately in need of money and begging their assistance .^{66.} In May of the following year protection was issued for the ship of the monks of St. Mary's bearing provisions to the king in Gascony on behalf of the archbishop of Dublin .^{67.}

63. *Crede Mihi* , f.92v. See below p. 328 .

64. *C.P.R.1247-58* , p. 218 .

65. *Mat. Paris Chron. Maj.* vol. 5. p. 531 .

66. *C.D.I.* 2 , no. 306,p. 46 .

67. *ibid.* 2 , no. 353,p.55 .

Luke de Roches died on the 13th. December 1255 in Dublin .
Some years before his death he had granted lands to the Hospital
of St. John the Baptist outside Dublin , for which the prior and
brethren agreed to offer special prayers for the soul of the
archbishop and his successors . Each sick person and each attendant
in the hospital would say five paternosters daily at the stated
hours together with all other good prayers said and to be said among
the sick .
68.

SECTION I .

CHAPTER 4. Fulk of Sandford .

a) Early Career . p.80-81 .

b) Archbishop of Dublin 1256-72 . p.82-102 .

a) FULK OF SANDFORD : EARLY CAREER .

Very little is forthcoming on the early career of the fourth Anglo-Norman Archbishop of Dublin apart from his connection with the powerful Basset family of Wycombe¹. His relationship to the Basset house is brought out in a letter of Pope Alexander IV in June 1257 in which a marriage licence is granted to 'Philip called Basset.....on the signification of his nephew the archbishop of Dublin'². This was Sir Philip Basset, who was justiciar of England 1261-63 and brother of Fulk Basset bishop of London. There was another brother, Gilbert, and either he or his brother Fulk could have fathered Fulk of Dublin. The bishop of London has a slightly stronger claim as he appointed Fulk to the archdeaconry of Middlesex in 1244, the year of his own consecration³. Of course, this could have been the action of a generous uncle. Fulk was also prebendary of Ealdland in St. Paul's cathedral⁴ and in 1252 he is first mentioned as treasurer of St. Paul's⁵. He held this position up to the time he was appointed archbishop of Dublin and after his appointment received

1. Fulk is variously described as Basset and de Sandford. Matthew Paris calls him Basset on his appointment to Dublin, Chron.Maj. V. p.591 and in the Annals of Tewkesbury his appointment is recorded as follows 'Fulco Basset, vel de Samford eligitur in Archiepiscopum Dublinii.' Ann. Tewkesbury, p. 159

2. C.P.L. I, p.346.

3. R.Newcourt, Repertorium Ecclesiasticum Parochiale Londinense, 2 vols. (London 1708-10), I, p.78.

4. Le Neve, Fasti St. Paul's I, comp. D.E.Greenway (1968), p. 22.

5. ibid. p. 22; see also Visitations of churches belonging to St. Paul's, ed. W.S.Simpson, Camden Misc.LX (1895), pp.18&21.

papal permission to retain the treasurership , with all the prebends and benefices which he also held ^{6.} . However , he does not appear to have retained the treasurership,whatever about the other prebends and benefices ^{7.} .

There is no record of Fulk being involved with the administration before his elevation to the see of Dublin , but as treasurer of St.Paul's he could hardly have escaped some involvement with the royal bureaucracy . Unlike his predecessors in Dublin who owed their promotion to their good standing with the king , Fulk owed his promotion to his influence at the papal curia . He was in Rome in 1256 when Pope Alexander IV quashed the election of Ralph of Norwich who had been chosen by the two Dublin chapters . There is no indication of what his business at the papal court was at this time and Tout may have been correct to suggest that his presence there ^{8.} was accidental as far as the Dublin election was concerned . Whatever Fulk was doing in Rome , he was informed on July 19th. ^{9.} 1256 of his election to the see of Dublin . A week later Pope Alexander informed the two chapters that he had provided to the see :

Fulconem de Sandford tunc thesaurium ecclesie sancti Pauli ,
Londoniensis , virum utique nobilem , litteratum , morum
honestate conspicuum , consilio providum , in spiritualibus et
^{10.}
temporalibus circumspectum .

6. Pont.Hib. 2 , no. 428 .

7. Le Neve , Fasti of St.Paul's , p. 22 .

8. D.N.B. vol. XVII, p. 760 .

9. Pont.Hib. 2 no. 428 , pp. 256-7 .

10. ibid. 2 no. 429 , pp. 257-9 .

ARCHBISHOP OF DUBLIN 1256-72 .

Before leaving Rome Pope Alexander IV granted Fulk two privileges . Firstly, the archbishop was not to be called outside of his diocese to answer in any legal case for a period of three years. II. Secondly his rights in presenting to benefices within his diocese were not to be interfered with by persons bearing papal letters unless these letters were granted subsequent to this indult and made special reference to it . I2.

Fulk must have arrived in Dublin in late October or early November 1256 and been consecrated almost immediately . The temporalities of the diocese were restored to him in November . His first action appears to have been to undertake a visitation of the province of Dublin . This must have occurred between November 1256 and March 1257 I3. when he was in London attending the Easter parliament . In July 1257 I4. Pope Alexander wrote that he had been informed by the archbishop of Dublin that religious observance had been almost totally abandoned I5. in some Benedictine and Augustinian houses of his province and he gave permission for four of these houses to be united and three to be transferred to more suitable places . The ancient privileges

II. Pont.Hib. 2, no. 431, p. 260-1.

I2. ibid. no. 432, p. 261.

I3. C.P.R. 1247-58, p. 529.

I4. Mat.Paris. Chron.Maj. V, p. 624.

I5. Pont.Hib. 2, no. 443, p. 271. '..... Tua nobis fraternitas intimavit quod in nonnullis religiosis domibus tue provincie sancti benedicti et sancti Augustini ordinum propter nimiam paupertatem , in quibusdam vero propter locorum ineptitudinem religionis observantia fere omnino defecit.'

of these houses were to be taken into consideration and the consent of the diocesan bishops and prelates of the various places was to be obtained .^{16.}

This information on religious practices in the Dublin province must have been obtained during a visitation . Fulk could not have undertaken one between March and July 1257, as he was still in England in June when he officiated at the funeral of Roger de Weseham , former bishop of Coventry and Lichfield .^{17.} Therefore it must have taken place during the winter of 1256-7 , which suggests that Fulk was taking his pastoral duties towards his new province very seriously.

More information on the visitation is contained in a declaration made by the bishop and clergy of Leighlin in October 1257 . They stated that when Archbishop Fulk had made his recent visitation of their diocese he had taken into consideration the poverty of the church of Leighlin , especially their recent granting of a tenth of their incomes to the king . At their request he had limited the procurations taken from each of the five deaneries in the diocese to five pounds .^{18.}

16. These religious houses are not named and cannot definitely be identified . Archbishop Alen claimed that the convent of Holmpatrick was transferred from St. Patrick's Island as a result of this indult Al. Reg. p. 87 , but Ware stated that Henry of London was responsible for moving this convent , Works , I p.159 . It seems likely that the Augustinian convent of Kells in the diocese of Ossory may have been one of the houses threatened . See below p. 85 .

17. Ann. Burton , p.79 .

18. Liber Niger Alani Ms Al f. II6 r

Not all Fulk's suffragans were as satisfied with his behaviour on the metropolitan visitation of 1256-7 . The bishop of Ferns sent a petition to Rome complaining that when the archbishop of Dublin had made his visitation of the city and diocese of Ferns he brought a huge number of attendants with him , more than the church of Ferns could support , and he had asked for large procurations. ^{19.} Pope Alexander replied that the bishop need not admit the archbishop again if he visited them with more than the equipage which had ^{20.} been fixed by the Lateran Council for provincial visitation .

The archbishop's proctor at Rome , a Master Demetrius , papal writer (domini pape scriptor) protested against the pope's letter in public audience but the protest was dismissed because no privilege ^{21.} or indulgence of the Archbishop of Dublin had been infringed upon .

19. Crede Mihi, Fol. 104v '....cum.....Archiepiscopus Dublinensis metropolitanus tuus cum ad Fernensem civitatem et diocesim causa visitationis accedit personarum et evectionum numerum in Lateranensi contentum consilio non contentatur sed ineffrenatam quandam multitudinem secum ducitpropter quod in exhibendis procurationibus eidem archiepiscopo compelleris ultra facultates Fernensis ecclesie subire onera expensarum .

20. . Canon law regarding the number of retainers allowed to an archbishop or bishop while on visitation was fixed at the third Lateran Council 1179 . See G.D.Mansi ed. Sacrorum Concilium Nova et Amplissima Collectio (Reprint Paris 1903), vol. 22 p. 219 .

21. Crede Mihi, Fol. 104v '....quod nullum privilegiis et indulgentiis dicto archiepiscopo et ecclesie Dublinensi concessis per predictas preiudicium generetur '.

At the same time the Augustinian Abbey of Kells in the diocese of Ossory obtained a papal indult that the prior and convent were not to be molested in any way or their property injured or diminished. There is no specific mention of Archbishop Fulk in this indult, but his proctor at Rome again protested against the letter and his protest was similarly dismissed on the grounds that no privilege of the Archbishop was being prejudiced . It is highly likely that the complaint of the abbey arose in connection with Fulk's recent visitation and that it may have been one of the Augustinian houses which the Archbishop was planning to transfer or unite with another house .

Archbishop Fulk must have been aware in the summer of 1257 that certain actions of his were likely to provoke hostility, because he asked Pope Alexander to allow him to choose a discreet priest to hear his confession . He asked that this confessor be allowed to absolve him if necessary from sentences of excommunication which he might have incurred by laying violent hands on anyone and also that he might be competent to dispense him from any irregularity which may have occurred as a result of such a sentence . The pope granted Fulk his wish in July 1257.

22. Crede Mihi, Fol. 104 v .

23. On Fol. 105 of the Crede Mihi there are three brief headings of documents which were not transcribed into the register . Two of these would appear to concern the Kells Abbey case . The first reads : Littera cautionis super immunitate domini Dublinensis ne per litteras de Kenleys Ossoria convenire possit . This is followed by : Alia consimilis de revocandis dispersa et alienatione super eodem .

24. Font.Hib. 2, no 445, p. 271-2 .

This seems to have been a wise move on the part of Fulk de Sandford , whose episcopacy can only be described as stormy . For the first time Dublin had an archbishop who was prepared to defend the ecclesiastical as well as the temporal privileges of his office and one who could devote all his time and energy to the task . He was also the first archbishop of Dublin to have been provided by the Holy See and he retained close links with Rome and received constant support both from Pope Alexander IV and his successor Urban IV.

Fulk had to return to Rome early in his episcopacy in connection with another dispute which arose out of his provincial visitation . This concerned the prior and convent of the Cistercian abbey of Baltinglass who had objected to visitation by Fulk of their chapels in Leighlin ^{25.} . Fulk received letters of protection from the king in July 1259 when he was on his way to Rome and he remained there at least until the end of 1260 ^{26.} . Although the primary reason for his presence in Rome was to come to an agreement with Baltinglass Abbey , he used the occasion to inform the pope about the various ways in which his ecclesiastical dignity was being threatened . During this visit he also received many privileges from Alexander IV .

Firstly he was granted that the deanery of Penkrige College in Staffordshire might be permanently united with the archbishopric

25. Fulk's presence in Rome and its connection with the Baltinglass dispute is mentioned in a letter of Pope Alexander dated April 1260. Pont.Hib. 2 no.492,p. 316-7 .

26. C.P.R. 1258-66 , p. 31 . Archbishop Fulk's official William de Hatingel was still acting for him in August 1260 ibid. p. 92 .

of Dublin ,thereby ensuring that the deanery would not be granted to anyone else,as had happened in the vacancy following Luke's death .^{27.}
The archbishop was also granted authority to annex^{28.} the prebend of Swords in Dublin to the archiepiscopal dignity . On top of this he was to henceforth be exempt from the payment of certain tithes , those on the cultivation of lands pertaining to the church of Dublin and on the feeding of animals on these lands . This privilege was also to extend to Fulk's successors in the see .^{29.}

Fulk had also complained to the pope about the situation in the diocese of Dublin which he had found on his arrival there and he expressed fears about what might be happening during his absence . Pope Alexander wrote three letters to ecclesiastics in Ireland asking them to intervene in Dublin and protect the archbishop's rights . He wrote to the bishops of Lismore and Waterford and also to the abbot of St.Mary's Dublin instructing them to compel those^{30.} who were prejudicing the rights of the see of Dublin to refrain . He was most specific in a letter of March 1260 to the Abbot^{31.} of Tintern , the Prior of Athassel and the Archdeacon of Ferns . It is clear from this that it is the officers of the secular power in Dublin who Fulk feels are prejudicing his rights . In the letter the pope informed the ecclesiastics that Fulk had complained about

27. Pont.Hib. 2,no. 471,p. 294-5 . See Appendix no. 2 .

28. ibid. no. 478,p. 303-4 .

29. ibid. no. 479,p. 304-5 . This indult was revoked a year later at the request of the Dean and Chapter of St.Patrick's . See below p.151.

30. ibid.

31. ibid. no.487, pp. 311-13 .

the actions of the justiciar of Ireland and his men ^{32.} The complaints bear similarity with ecclesiastical gravamina from the English dioceses of the same period and mainly concern the infringement of ecclesiastical jurisdiction , the use of secular power against clerics and the obstruction of spiritual punishments ^{33.} The situation had not improved following Fulk's return to his diocese in 1260 and he complained again to the new pope, Urban IV, who in November 1261 wrote to King Henry and the Lord Edward , repeating the charges which Archbishop Fulk had levelled against the justiciar and his officers in Dublin ^{34.} At the same time the pope wrote to Richard Gravesend , bishop of Lincoln and Walter Cantilupe , bishop of Worcester informing them of the situation in Dublin and asking them to use their influence with the King and the Prince to bring about a solution ^{35.} There is no evidence of any attempt on the part of these bishops to interfere in Dublin , and the complaints were once again repeated in a letter from the pope to the bishop of Dromore and the prior of the Friars Preachers in Drogheda in 1264 ^{36.} These ecclesiastics were instructed to use the weapon of excommunication against the officials of the English king if they persisted in encroaching on the rights of the Dublin church . It is not clear if Fulk ever succeeded in preventing these encroachments .

32. Pont.Hib. 2, no. 479, pp. 311-13.

33. For a detailed discussion of these complaints see below chapter 12 .

34. Crede Mihi fol. 84-84v , 85-85v .

35. ibid. fol. 85v-86 .

36. ibid. fol. 86 .

After his return to Dublin Fulk was involved in another lengthy lawsuit , this time with the Prior and Brethren of the Hospital of St. John of Jerusalem over the visitation of some of their churches in Kildare . Fulk accused the hospital of St. John of usurping the church of Stachfythenane , obstructing the visitation of this church and refusing to pay procurations . He excommunicated members of the order who had prevented his representative Thomas de Chaddesworth from entering the church .^{37.} The case dragged on for many years and was complicated by the assertion by a Roman clerk, Boniface of Coronato, nephew of Cardinal Ubertus of St. Eustace, that he held the rectory of Stachfythenane .

Archbishop Alen's register contains many documents relating to this case , including a list of objections by Archbishop Fulk's proctor Richard to the papal rescript summoning the archbishop to answer the charges made against him by the Prior and Brethren of the Hospital of St. John . In this he asks among other things that the 'libel' contained in the document be struck out and that the hospital should be required to pay the costs of the case when it was shown that their objections could not be sustained .^{38.}

An agreement was finally reached in March 1269 between the representatives of the archbishop and the Prior and Brethren of

37. Al. Reg. p.93-5 . Mc Neill identifies Stachfythenane as Tipeenan and Whitehouse, Co. Kildare ibid. p. 369

38. ibid. pp. 96-100.

St. John's . The archbishop undertook to withdraw all suspensions and interdicts and lay aside any resentment . The hospital agreed to pay the archbishop 20 pounds sterling and both sides agreed to unite in opposition to the Roman clerk Boniface of Coronato .^{39.}

Many of the records of Fulk's episcopacy deal with arrangements and agreements concerning the lands of the see and the collection and payment of debts .^{40.} During the years 1262-4 the archbishop leased out some of the lands of his manors to tenants to hold for their lifetimes, with the land reverting back to the see on their death . The rent for these lands varied from 10d per acre per annum for land in Clonmethan to $4\frac{3}{4}$ d per acre in Rathcoole .^{41.} Fulk was active also with regard to the lands belonging to the see in Wicklow . In August 1263 he met the canons of St. Kevin's, Glendalough in Castlekevin and agreed to pay them 27s. 4d each year for ten years in return for their renouncing their rights with regard to certain churches in that area .^{42.} It may also have been at this time

39. Al. Reg. p. 131-2 . There is no mention however of the question of visitation and procurations which was the initial cause of the dispute . In 1367 Archbishop Thomas Minot while visiting his diocese asked the Prior and Brethren of Jerusalem to exhibit their exemption from the archbishop's ordinary jurisdiction in respect of their parish churches (including Stachfythenane) . The Prior and Brethren asserted that they and their predecessors held these churches in good faith and that they had always been reserved to the jurisdiction of the Holy see and free from all jurisdiction of the archbishop 'except procurations due in visitation and his jurisdiction over those having cure of souls' . Archbishop Minot accepted this assertion.

40. See for ex. Crede Mihi, ff. 95v , 96v, 97v-101 .

41. Al. Reg. p. 95-6 .

42. ibid. p. 97 .

that Fulk granted the land of Glenmalure to Murtagh O'Toole for a rent of 27s.4d per annum and a customary payment of $3\frac{1}{2}$ marks to be rendered at Castlekevin . Murtagh paid 20 marks for this ^{43.} grant . In 1264 Fulk held the wardship and marriage of another O'Toole , Agatha daughter and heiress of Meiler O' Toole, a tenant of the archbishop . He granted this wardship to Adam de Wodeford, who bound ^{44.} himself to pay twenty pounds per annum for it .

This selling and renting of lands was probably connected with Fulk's efforts to pay off a large debt to Italian merchant bankers which he may have contracted before coming to Dublin or perhaps during his long and no doubt expensive stay at the papal curia . It is not known how large the debt was but in 1266 Fulk paid 100 ^{45.} pounds to one merchant and 550 marks to another .

It was also during this period that a series of secular inquisitions were being held on the archiepiscopal lands to ascertain what jurisdictional rights were being exercised by the archbishop and his bailiffs . It was found that the archbishop's courts were hearing all pleas of the crown except the four reserved pleas of rape, forestalling , treasure trove and arson . Fulk was not held personally responsible for this as he was merely exercising the rights which had been exercised by his predecessors and by the king's escheator during ^{46.} vacancies .

43. Al.Reg. p.1136.

44. ibid. p. 114.

45. Crede Mihi, f. 101v . Fulk was also obliged to mortgage his manor of Penkridge for 100 pounds . ibid. f.96v

46. Al.Reg. pp. 101-115 . See below pp. 285-90 .

Until this time Fulk does not appear to have played any major role in the Dublin administration . This is hardly surprising since , unlike his predecessors , de Sandford had not been active in the English administration before his elevation to the see of Dublin. Moreover his numerous complaints about the actions of the Irish justiciar and his officers must have made him rather unpopular .^{47.} Added to this he was often absent from his diocese , firstly at Rome , later on in England and finally on pilgrimage to Spain .

It is strange therefore that it was to Fulk that King Henry turned in 1265 during the period of crisis in Irish affairs which followed the capture of the justiciar Richard de la Rochelle by the Geraldines at Castledermot in December 1264 .^{48.} It may indeed have been his previous lack of involvement in the administration which recommended him to the English government at this time . In February 1265 the king wrote to Fulk saying that he had heard that Ireland was likely to be disturbed by discord among the magnates and that with the consent of the Lord Edward he had decided that the archbishop of Dublin would be a useful and necessary agent for the preservation and restoration of peace . He therefore wished him to take over custody of Ireland , to regulate the chancery , take castles into the king's hand and

47. Archbishop Alen commented on one of the papal letters outlining Fulk's complaints against the justiciar ' This letter rendered Archbishop Fulk detested by everyone in his day ' Al.Reg. p. 92 .

48. Ann. Con. p. 143 ; Clyn Annals, p. 8 .

supply them with arms . The archbishop was urged to undertake this office ' for love of the king' .^{49.}

The king wrote again to the archbishop in March informing him that he had been told by the archbishops's messengers and others that great dissension had arisen between the magnates of Ireland . The king asked Fulk to strive to preserve the peace of the country with the help of the bishop of Meath, Hugh de Taghmon and to certify to the king the state of Ireland and the fealty of the nobles . The king was also sending over Roger Waspail to help him . It appears that Fulk did hold the custody of Ireland for a very short period, until May when Henry wrote entrusting the country to Roger Waspail, who was to be aided by the archbishop of Dublin . Together they were to audit the escheator's account and send all available money^{51.} to the king, who was badly in need of it . There is no evidence that this was done and Fulk does not appear again in the records^{52.} exercising any administrative duties .

Shortly after the events of 1265 Fulk became embroiled in perhaps the most serious dispute of his episcopacy . The conflict

49. C.P.R. 1258-66, p. 407 .

50. Cl. Rolls 1264-8 , p. 107 .

51. C.P.R. 1258-66 , pp. 422-3 .

52. According to Richardson and Sayles the mandates to Archbishop Fulk and Roger Waspail were disregarded in Dublin and Geoffrey de Geneville took the place of Richard de la Rochelle and acted as justiciar up until April 1266 . Rich. Sayles Admin. Irl , pp. 79-80; The Irish Parliament in the middle ages , (1964) , pp. 58-9 .

was with the Mayor and citizens of Dublin and details of it are contained in a letter of February 1267 from the papal legate Ottobon^{53.} to the bishops of Lismore and Waterford . Fulk complained to the papal legate that the mayor and citizens , unmindful of their salvation, were trying to limit their customary offerings to the church of Dublin . He specially mentioned tithes and the payments made at blessings and churchings of women which were, according to^{54.} the archbishop, the main support of the churches in his diocese. The mayor and citizens were also seeking to limit the number of people attending these ceremonies and had decreed that the candles and lights which the laity supplied at funerals were not to be left in the churches after burial had taken place, but were to be brought home . On top of this the citizens were denying the archbishop the right to properly exercise his spiritual jurisdiction in cases such as usury and were claiming the privilege of changing or mitigating public penances which had been imposed by the ecclesiastical courts. Fulk also accused the citizens of further enormities by which they were subverting the liberty of the church and placing their souls^{55.} in danger .

53. Crede Mihi, f. IOI .

54. '...Horrendam nimis , piis sensibus auribusque nostris valde molestant, venerabilis in Christo pater ..Dublunensis archiepiscopus exhibuit questionem , quod licet proventus ecclesiarum civitatis Dublin in oblacionibus fidelium pro majori parte consistant , quas eiusdem homines utriusque sexus , diebus dominicis et festivis , deciniarum nomine , ac alias in benedictionibus nubentium et puerperarum purificationibus cum decenti et numeros comitiva , juxta singulorum beneplacitum , in ecclesiis offerre consueverant , de antiqua et approbata, et hactenus pacifice observata, consuetudine , pia devocione fidelium introducta .'ibid. f. IOI .

55. '...Multa quidem et alia enormia statutis huiusmodi adjecerunt , in animarum suarum periculum , multorum scandalum, et in subvertionem ecclesiastice libertatis .'ibid. f. IOI .

Fulk had excommunicated the mayor and some of the citizens and laid an interdict on the city of Dublin . The papal legate was writing because Fulk had come to him in London and asked for a confirmation of his sentence of excommunication. Ottobon therefore instructed the bishops of Waterford and Lismore to confirm Fulk's sentence and to pronounce the mayors and citizens encommunicated in public places in the city and province of Dublin with bells ringing and lighted candles until they made adequate satisfaction . There is no record of what arrangement was arrived at concerning the offering of tithes or payments at blessings but in November 1267 an agreement was reached between the mayor and citizens and representatives of the archbishop over the conduct of public penances.^{56.}

The dispute must have occurred late in 1265 or early in 1266 as Fulk was in London by September 1266 when he paid money to the Italian merchants in the house of the Knights Templar^{57.} . In April 1267 letters of protection were issued to Fulk for his pilgrimage to the tomb of St. James at Compostella and his return from there^{58.} . A few days later the king granted to Fulk that during his life he might enjoy the full use of all liberties granted to him by royal charter and all jurisdiction exercised by him and his predecessors^{59.} .

56. Al. Reg. p. 130 .

57. Crede Mihi. f. 101v .

58. C.P.R. 1266-72 , p. 53.

59. ibid. p. 54 .

Fulk left the full administration of his affairs in Ireland in the hands of John of Sandford who acted for him at least until the end of January 1270^{60.} The archbishop was back in his diocese by August 1270 when he was granted the special privilege by the king that after his decease his executors might have easements in the manors and pastures of his see for a period of six months^{61.} . It would seem that Fulk had returned from his pilgrimage in poor health and was aware that he had not long to live . He died early in 1271^{62.} and is thought to have been buried in St. Patrick's .

The first ten years of Fulk's episcopacy formed the most turbulent period in the thirteenth century history of the archdiocese . This archbishop's energy and concern for spiritual affairs was clear from the early days of his episcopate when he embarked on a provincial visitation of at least three of his suffragan dioceses in what must have been harsh winter conditions . The huge amount of litigation which ensued out of this visitation suggests that it may have been the first of its kind undertaken in the Dublin Province .

Fulk de Sandford also realized during his first years in Ireland that the jurisdictional liberties of his church and the churches of his suffragan dioceses were being threatened and he spent a great

60. Al. Reg. pp. 131 , 133 . See below p. 110-11 .

61. C.P.R. 1266-72 , p. 451 .

62. Ch.St.Mary's 2, p. 323 . The two chapters informed the king of Fulk's death in June 1271 . C.P.R. 1266-72 , p. 637 . A late thirteenth century tomb effigy in St. Patrick's has been identified as being that of Fulk or perhaps John of Sandford . See J.Hunt Irish Medieval Figure Sculpture , 1200-1600 , 2 vols. (Dublin 1974), vol. 1 p.140 , vol. 2 Plate 73 .

deal of time defending these liberties and petitioning for the aid of Rome . It was when the citizens of Dublin began to threaten the entire financial basis of his church that he left the diocese . Through his influence with the papal legate in London and with King Henry he eventually obtained a settlement of his grievances. In June 1270 the Lord Edward instructed his justiciar and his other officers and faithful subjects in Ireland that they were to help the archbishop defend his liberties against those who were attempting to raise the hand of rebellion against him . Unfortunately Fulk did not live to enjoy this turnabout in Edward's policy .

There is no evidence that Archbishop Fulk's determined struggle to protect his archiepiscopal liberties led to any long term improvement in the position of the Dublin church . The long vacancy which followed Fulk's death , coupled with the appointment of largely absentee archbishops in the latter part of the century meant that no further steps were taken to consolidate his achievements .

63. C.P.R. 1266-72 , p. 54 .

64. Liber Niger Alani (AI) , fol. 24v '..... Audivimus quod nonnulli de terra nostra Hibernie contra venerabilem patrem et dilectum nostrum dominum Dublinensem archiepiscopum , necnon et suos officiales, in anime sue periculum , manum rebellionis extendere presumpserunt , quorum aliqui , in malicia eadem , indebite perseverant . Volentes autem , sicut et debemus , ad libertatis ecclesiastice statum manum nostrum porrigere , vobis mandamus quatinus a dicto archiepiscopo et eius officialibus requisiti ad reprimendam talium rebellium malitiam , manum adjutorii prebeatis , ita ut officium suum , quoad ad ecclesiasticam disciplinam pertinet , valeat idem archiepiscopus , suis officialibus , pacifice exercere ' .

Taking into consideration Fulk's energy and his attested concern for spiritual matters in his province it appears likely that it is to his episcopacy that the undated synodal canons transcribed into the thirteenth century register Crede Mihi belong.^{65.} The 'core' of the canons (that is from number I to 3I in Gwynn's numbering excluding canon 9) may have been brought to Ireland and distributed by Fulk during his provincial visitation of 1256-7. These canons appear to have^{66.} been borrowed from the diocese of York and they are mainly concerned with providing elementary instruction for the parochial clergy. In this they resemble most of the surviving English thirteenth century diocesan statutes which according to Cheney 'represent the most practical and most conscientious attempt by the ecclesiastical authorities of the time to acquaint an ignorant parochial clergy with the rudiments of the christian faith and the obligations which^{67.} attached to the cure of souls.'

65. Crede Mihi fol. 106-8. Gwynn, Prov. Dioc. Decrees, pp. 44-55. The dating of these canons has gone through a range of possibilities. They were firstly dated to c. 1217 and the time of Henry of London by Wilkins, Concilia, I. p. 548. The ascription was based on the report that Henry of London had held a council in that year and this date was accepted by Gibbs and Lang who concluded that these statutes were the first to be issued in the British Isles following the 1215 Lateran Council Bishops and Reform, p. III. The statutes were reprinted and redated by Gwynn in 1944. He claimed that they belonged to the time of Archbishop Luke as one of the statutes appears in legislation from the Ferns diocese dated 1240. Prov. Dioc. Decrees, pp. 33 & 55. However Cheney dated the Ferns statutes to much later than 1240 thus removing Gwynn's terminal date. Related Synodal Statutes pp. 123-4. He concluded that the collection of statutes forms a composite series with a 'core' accounting for two thirds of the statutes or the first 3I (excluding canon 9). This core can be dated to between 1241 and 1261 while the remainder was added piecemeal between 1261 and 1275. ibid p. 131-2. There is a 17th century transcript of the statutes in B.M. Add. MS. 4785 fol. 30v, and an incomplete transcript in Marsh's library MS. 2.3.1.3 (8).

66. Cheney, Related synodal statutes, pp. 131-2.

67. C.R. Cheney 'The legislation of the English church', in E.H.R. vol. 50 (1935) p. 197.

In the Dublin statutes the conduct of rectors and all who have cure of souls figures prominently . It was stressed that their conduct was at all times to be such as to provide an example to the laity . They were to be honest and virtuous in all aspects of their lives and absent themselves from any occasion which might taint their purity . Attendance at spectacles , tournaments or any violent sport was forbidden,as was the frequenting of taverns . The chastity of the clergy was extremely important and the penalties for priests' concubines were heavy,including excommunication and denial of christian burial for those who persisted in their sin . The statutes contain regulations for the examination of the parochial clergy prior to their appointment . The priests were urged to be zealous in celebrating the divine hours and those whose job it was to sing in church were to do so distinctly,without skipping or syncopation.^{68.}

One long statute dealt with visitation of the sick which was to take place on Sundays and feastedays . The deportment of the priest and his attendants on their way to the sick person was to be characterized by special gravity and dignity . Under no circumstance was the oil or the eucharist to be spilled or dropped or were deacons to be sent to administer the eucharist,especially if they had been drinking or indulging in any other carnal pleasure . The priest was to be preceded by a clerk with a bell and lighted candle and he was to hear the confession of the sick person and absolve him or her .

68. 'Qui autem cantant , distincte proferant et aperte , non transiliendo , neque transcurrento , vel cincopando , sed cum debita reverencia ut ad devocionem excitent animos subditorum ' Prov. Dioc. Decrees.,p. 47 .

Serious death-bed repentances were however reserved to the archbishop. Many of the statutes deal with the administering of the sacraments and they laid down that no one from one parish was to be confessed or admitted to communion in another without letters from his parish priest. Likewise no one from another parish was to be married without permission from his parochial clergy.

The statutes also reveal how dependent the parish clergy were on the laity's contributions, both obligatory and voluntary. Priests were advised to be especially careful in the collection of their offerings, so that it did not appear that they were in any way receiving money for administering the sacraments. Those who did accept money for performing communions or confessions were to severely dealt with.

There is also some information on ecclesiastical jurisdiction. Regulations were laid down concerning the examination of witnesses in marriage cases and it was also stated that those who gave false evidence, obtained such evidence or pleaded a case with prior knowledge that it was based on false evidence were to be excommunicated. This collection of statutes ends with a general excommunication of all those who disturb the peace of the church or the king, including those who prejudice ecclesiastical liberties and those who practise sorcery. The final decree states that the statutes are to be read out and explained in each deanery and their observance is to be compelled by ecclesiastical censure.

The second grouping of canons (that is from 32 to 40 in Gwynn's numbering) can be dated to c. 1261-70 and they show definite borrowing from the canons of Lambeth (1261) ^{69.} The first seven statutes contain regulations dealing with testamentary law and the first clause of canon 32 reads: 'Quoniam in partibus istis circa testamentum decedencium quedam inolevit confusio, quam emendari ordini ecclesiastico et honori pariter convenire censuimus.' ^{70.}

The canons state that administration of the goods of the deceased was not to be given to the executors before the will had been proved and an inventory made of the goods . Religious who acted as executors were required to get a licence from the ecclesiastical judge . The penalty for those who interfered with the making of a will , its proving in the ecclesiastical court or the administration of the goods of the deceased was to be excommunication . Also in this group is a statute forbidding some members of the archdeacon's staff who were in lower orders to pronounce sentences of excommunication and another requiring each priest to announce in his church those who wished to enjoy clerical privilege . These clerics were to be properly tonsured especially in front of their ordinaries and in churches and clerical gatherings .

The remaining eight canons form a mixed bag with no indication of whether they were published separately or in a group. About half of this group are canons dealing with the conduct of the clergy, with

69. Cheney, Related Synodal Statutes, p. 130.

70. Gwynn, Prov. Dioc. Decrees, p. 52.

stress being laid on the necessity that the church be kept free from all possible taint of venality. One statute states that litigants in a case due to be heard before an ecclesiastical judge were not to be prevented from coming to an agreement by the archdeacon or his officials. Another required a priest who wished to say mass in a parish which was not his own to get a licence from the archbishop or archdeacon. It was also decreed that the statutes were to read out four times a year. Finally pardoners were to be excluded from the city and churches of Dublin unless they displayed letters patent of the archbishop.

Canon 9, which according to Cheney was inserted by the original scribe into the text in the Crede Mihi at some date before 1275,⁷¹ instructs all priests, especially those with cure of souls, to attend their diocesan synods. If they are prevented by serious illness they are to send a chaplain in their place. All are to conduct themselves properly going to and returning from synods so as not to cause the priestly office to be held in contempt by the laity, to whom they should be a mirror and example.

Only a third of this collection of statutes can be positively ascribed to the episcopacy of Archbishop Fulk, but the case for including the rest appears to be strong. Taken together they form a most important source for religious practice in the Dublin diocese and province in the thirteenth century and provide evidence for the attempts Fulk de Sandford made to raise the religious standards of the lower clergy and dispense instruction to them.

71. Cheney, Related Synodal Statutes, p. 130.

SECTION I .

CHAPTER 5 . JOHN DARLINGTON .

John Darlington Archbishop of Dublin 1279-84 . p.104-8

JOHN DARLINGTON ARCHBISHOP OF DUBLIN 1279-84 .

John Darlington , who was provided to the see of Dublin in 1279 was one of its most illustrious occupants in the thirteenth century . As an important and intellectually gifted Dominican , he performed many different functions throughout his career . He was active as a diplomat , a royal servant , a collector of papal revenues and as a theologian . Unfortunately he never set foot in his diocese during the five years of his episcopacy . It was at the start of his first journey to Dublin in 1284 that he succumbed to a fatal illness .

Darlington became a Dominican friar c. 1240 , and was probably at the Dominican convent of St.Jacques in Paris between 1245 and 1248 . He was credited with playing an important part in the drawing up in Paris of the Concordantiae Magnae (called the 'English Concordantia'). In the 1250s he returned to London , possibly to take up the position of prior of the London Dominicans . In 1256 he was made a member of King Henry III's council and it is likely that he became the king's confessor at the same time . From then until Henry's death in 1272

1. The most succinct account of Darlington's career can be found in T.F.T.Tout's entry in DNB , vol. 5 pp. 511-13 . More detail and some chronological corrections are contained in H.M.MacInerny A History of the Irish Dominicans (Dublin 1916), vol. I, pp. 297-377 .

2. Chronica et annales de Willelmi Rishanger , ed. H.T.Riley (R.S. 1865), p. 89 ; John Leland's Commentari de scriptoribus Britannicis , ed. A. Hall (Oxford 1709), p. 302 .

3. MacInerny, Irish Doms. p. 301 .

4. Mat.Paris Chron. Maj. vol. 5 , p. 547 .

he was a close and trusted official and the administrative records are full of favours granted at his request^{5.} In 1261 Darlington appears to have attempted to retire from court, but the king wrote to Fr. Robert de Kilwardley, provincial of the Dominican order, asking that he be directed to return. The king claimed that Darlington's presence at court was so necessary that he neither ought, nor could,^{6.} be permitted to remain absent. Darlington returned and again the records are full of pardons and favours granted to others at his request^{7.} In the next few years he was entrusted with such delicate tasks as pawning the crown jewels in 1262; a year later he was empowered to sell marriages to get money to ransom these same^{8.} jewels.

After Henry III's death, Darlington continued to serve Edward I, but he also had close connections with the papal curia and in September 1274 he was appointed along with Raymond de Nogeris as collector of the papal tenth in England.^{9.} In 1278 Darlington was sent to Rome as head of a special embassy from

5. See for example C.P.R. 1247-58, pp. 467, 555, 630; 1258-66, p. II. In 1258 Darlington was among those chosen to draw up the provisions of Oxford Annales de Burton, p. 447.

6. Shirley, Royal Letters, vol. 2 no. 429.

7. See for example C.P.R. 1258-66, pp. 520, 604; 1266-72, pp. 6, 339, 368.

8. C.P.R. 1266-72, pp. 43, 323.

9. C.P.L. I, p. 449.

10.
King Edward . At this time the see of Dublin had been vacant since
Fulk of Sandford's death in 1271 , the two chapters having made
separate elections both of which had been annulled by the papacy .^{11.}
On February 8th 1279 , shortly after his return from Rome ,
Darlington was provided to the see of Dublin by Pope Nicholas III .^{12.}
King Edward received his fealty and restored the temporalities of
the see to him in April ; he also granted that the archbishop could
appoint attorneys to take care of his affairs in Ireland .^{13.}
Darlington appointed his official Thomas Cradok and Brother Robert,
master of the Knights Templar in Ireland, to look after his interests
in Ireland . He was consecrated in September 1279 in Waltham Abbey
by John Pecham, the recently appointed archbishop of Canterbury .^{15.}

In 1279 the king also granted Darlington all liberties and
possessions in Dublin which his predecessors had held and he mandated
his officers and subjects in Ireland to restrain from harrassing
the new archbishop in any way . John Darlington was not to enjoy
these liberties in person however, and during his short and non-resident

10. C.P.L. I, p. 455 .

11. For a discussion of this dispute between the two Dublin chapters
see below pp. 183 - 8 .

12. Theiner, p. 118 .

13. C.P.R. 1272-81 , pp. 309 , 310 .

14. ibid. p. 310 .

15. C. Trice Martin ed. Registrum Epistolarum Johannis Peckham ,
Archiepiscopi Cantuariensis (R.S. 1882-5), vol. I, p. 37 .

16. C.P.R. 1272-81 , p. 334 .

episcopacy he was never called upon to defend any of the privileges of his see or his possessions in Ireland . He was however involved in a dispute concerning the visitation of the chapel of Penkridge in Staffordshire , of which as a result of his appointment to Dublin , he was ex officio dean . His opponent in this dispute was the prelate who had consecrated him, John Pecham of Canterbury . Darlington appears to have supported the chapel's defence of its^{I7.} exempt status .

The only other duty known to have been performed by Darlington in his capacity of archbishop of Dublin was the confirmation of the^{I8.} election of Richard of Northampton as bishop of Ferns in 1282 . In 1283 Darlington petitioned the pope for permission to resign as papal collector in England . He reminded the pope that the see of Dublin had been without a pastor for nine years and stated^{I9.} that it suffered by his absence .

Pope Martin IV granted Darlington's request and the archbishop then petitioned for other privileges preparatory to his departure for Ireland . In March 1284 various licences were issued to the archbishop of Dublin from the papal curia . One allowed him to

I7. See below, Appendix 2 .

I8. C.P.R.1281-92 , p. 28 .

I9. Theiner, p. 126 .

absolve all those in his diocese who had incurred excommunication
20.
during his absence . Another licence granted him power to make
21.
disposition of his personal goods by testament . However , Darlington
died before these privileges reached him . He became ill on his way
to Dublin the summer of 1284 . He was brought back to London where
he died soon after and was buried in the Dominican church at
22.
Blackfriars .

20. Theiner , p. 126 .

21. ibid. p. 127 .

22. Chronica Rishanger , p. 168 ; Ann. Dunstable , p. 313 .

SECTION I .

CHAPTER 6 . JOHN OF SANDFORD .

a) Early Career p. II0-II5 .

b) Archbishop of Dublin 1285-94 . p. II6-123 .

a) JOHN OF SANDFORD : EARLY CAREER .

Traditionally regarded as the brother of Fulk of Sandford , John was definitely of illegitimate birth and may therefore have had some connection with the Basset family ^{I.} . He was the only thirteenth century archbishop of Dublin whose career prior to his elevation to the see was firmly rooted in Ireland and who had experience in the administration of the Dublin church . Paradoxically , more of his time was taken up with ecclesiastical duties before he became archbishop than during the eight years of his episcopacy .

Having obtained a master's degree (probably ^{2.} at Oxford) , John appeared in the service of Fulk of Sandford in Dublin as early as November 1267 , when he acted as the attorney of the archbishop and witnessed the composition worked out between Fulk and the mayor and citizens of Dublin ^{3.} . In the same year , in another document , John ^{4.} was described as vicar general of the diocese . During the period when Archbishop Fulk was on pilgrimage to Compostella he appears to

1. While John is not described as Fulk's brother in any contemporary sources , Archbishop Alen maintained that they were brothers and were both buried under one stone in the Lady Chapel in St. Patrick's Al.Reg. p. 132 . John's illegitimacy is well attested , both in a 1284 papal dispensation Theiner , p. 129 and in disputes concerning his lands after his death when he was described as dying ' a bastard and without heir of his body ' . C.J.R. 1295-1303 , pp. 191 , 226 .

2. Emden , B.R.U.O. vol. 3 p. 2213 . Ware and Monck Mason both mistakingly described John as a franciscan friar , Ware , Works I. p. 325 , Monck Mason , St.Patrick's , p. III . This appears to be the result of a confusion with another John of Sandford who became guardian of the friars at Oxford in 1265-7 and which originated in Luke Wadding's Annales Minorum , vol. 5 p. 134 .

3. Al.Reg. p. 134 .

4. ibid. p. 130 .

have left the archdiocese in the charge of John . In an agreement reached between the archbishop and the prior and hospital of St. John of Jerusalem in 1269 , Fulk was represented by Master John de Sandford ' to whom the archbishop had given full administration of his goods and affairs in Ireland'^{5.} In 1270 John was still acting for Fulk, when he came to an agreement with Richard Fitz Richard concerning a knight's fee in Meath . Fulk must have returned^{6.} shortly after this, as he died in Dublin in May 1271 .^{7.}

In these years John collected an impressive list of benefices in Ireland , the details of which are contained in a dispensation of 1284^{8.} . He held a prebend in St. Patrick's and the treasury of the cathedral of Ferns, as well as the parish church of Cavendish in Norwich and the church of Loughborough in Leicester . According to the 1284 dispensation he had already received a dispensation from Pope Gregory X which allowed him to hold benefices to the value of 500 pounds . On receipt of this dispensation he had resigned the^{9.} treasurership of Ferns and accepted the deanery of St. Patrick's , while retaining his other benefices and in addition the parish church of Youghal . It was stated in 1284 that he held all these churches^{10.} while still in sub-deacon's orders .

5. Al. Reg. p. 131 .

6. ibid. p. 133 .

7. C.P.R. 1266-72 , p. 637 .

8. Theiner, p. 129.

9. John accepted the deanery of St. Patrick's before November 1275 when the prebend which he had held as canon was granted to another royal clerk C.P.R. 1272-81, p. 110.

10. Theiner, p. 129.

It was also during these years that John began his long and illustrious career in the Irish administration . His first position was as escheator of Ireland, an office which was confirmed to him on the 7th of December 1272 . He was also one of those appointed at this time to receive oaths of fealty to the new king Edward I . De Sandford must have crossed over to England to consult with the King shortly afterwards and towards the end of 1274 he was granted protection on his return to Ireland . At this time he was also granted a yearly payment of forty pounds and two robes every year .

As escheator, de Sandford was one of the most important ministers in the Irish administration . He was a leading member of the king's council and the immediate representative of the king in relation to the Irish church . His duties took him all over Ireland and he fulfilled them faithfully for almost fourteen years . With very few breaks the records show him continually involved in the taking into the king's hand and the restoration of lands and episcopal temporalities .

11. Cal. Fine Rolls 1272-1307, p. 2 .

12. C.P.R. 1272-81, p. 2 .

13. ibid. p. 58

14. For a description of the office of escheator of Ireland see Rich. Sayles. Admin Irl. pp.27-9 .

15. See C.D.I. vol. 2 nos. 917, 925, 927, 943, 1006, 1154, 1522 and p. 466 .

In May 1278 the justiciar of Ireland received a letter requiring him to quickly audit the escheator's account so that the latter might come to England to talk with the king on Irish affairs .^{16.} The king stated that he had not seen de Sandford for a long time , but if John went to England he must have returned very quickly, as in January 1279 he was in Clonmel acting as an itinerant justice .^{17.}

John's period as escheator was very successful and when he handed over the office to Walter de la Haye in August 1285 there had been a sharp rise in the issues . Another mark in de Sandford's favour was that in the 1284 enquiry into the Fulbourne administration in Ireland the escheatry was the only office which was stated to be functioning properly and in no need of reform .^{18.}^{19.}

During this period de Sandford showed himself to be particularly successful in raising money for the king in other ways . In 1282 he was appointed to raise funds for the king's Welsh campaigns and he was able to collect 1,000 pounds . He also helped the citizens of Dublin to charter ships and transfer victuals and supplies to the king's camps at Flint and Rhuddian in Wales .^{20.}^{21.}

16. C.C.R. 1272-79, p. 454 .

17. Rich. Sayles. Admin. Irl. p. 140 .

18. C.P.R. 1281-92 , The issues rose from £1,313.18s.4¹/₂d in 1272-3 to £7,280.15s.4¹/₂d in 1282-3 , P.R.I.D.K. rep. 36, pp. 23, 30, 33, 61, 65 .

19. C.D.I. 3 p. 9 'nor was it necessary to move regarding this office' .

20. Cal. Chanc. Rolls. Var. 1277-1336, p. 239. C.D.I. 2, no. 2062 .

21. C.D.I. 2, no. 1984 .

John de Sandford was as successful in collecting lands for himself as he had been in collecting ecclesiastical preferments . In April 1279 he was enfeoffed of the manor of Ballymaden and the castle^{22.} and all the lands which Sir John de Boiiby held in Castlecomer . In November of this year John de Bohun was given licence to sell all his Irish lands to John^{23.} who was also granted land in Roscommon^{24.} amounting to 35 carucates by Robert de Ufford .

When de Sandford was promoted to the deanery of St.Patrick's in 1275 the chapter was involved in the most persistent of its disputes with Holy Trinity over the election of an archbishop to succeed Fulk de Sandford . By this stage both chapters had sent a candidate to Rome and neither was prepared to stand down . There is no evidence^{25.} that John took any part in this dispute, but the evidence suggests that his relations with Holy Trinity were cordial . For example, he had awarded custody in the Comyn wardship case to the Augustinian^{26.} priory and it was while he was still dean in 1284 that the two chapters came together to appoint a joint custodian of the spiritualities of the newly vacant see of Dublin .^{27.} It is not too surprising therefore that

22. Al. Reg. p. 147 .

23. C.P.R.1272-81 , p. 330 .

24, Al.Reg. p. 148 .

25. See below p. 184 .

26. For an account of this case see G.Hand, 'The common law in Ireland in the thirteenth and fourteenth centuries : two cases involving Christ Church Dublin', in R.S.A.I.J. vol.97 (1967) , pp. 99-111 .

27. Al.Reg. p. 150 .

having received licence to elect a new pastor in 1284 , the two chapters were in agreement and elected John . Canons from both chapters accompanied him to Rome and stood by him in the face of papal objections , re-electing him and finally receiving papal confirmation in May 1285 .^{28.}

28. See below p. 189 .

b) ARCHBISHOP OF DUBLIN 1285-94

John de Sandford returned to Ireland in 1285 having received papal confirmation and an indult to confer the office of public notary on two fit persons, a privilege which had been granted to Archbishop Darlington but never used by him. At first the pope instructed John to be consecrated by any two bishops in England or Ireland, but he later wrote telling him to be consecrated by two of his suffragan bishops to save his expenses in repairing to England, as his see had been much wasted by Irish rebels. Sandford was eventually consecrated in April 1286 in Holy Trinity. The temporalities had been restored to him in August 1285. A few months before in February of same year the Irish exchequer had been ordered to pay the former escheator 1,000 marks out of the issues of the escheatry for debts he had incurred during his term of office.

One of de Sandford's first actions on his return to Ireland was to take up the case of Thomas de St. Leger, Archdeacon of Kells, who had been elected bishop of Meath but was being excluded from that diocese by the Archbishop of Armagh, Nicholas Mac Mael Iosa, who wished to confer the see on another candidate. John wrote to Robert Burnell, Bishop of Bath and Wells and chancellor of England, asking him to help Thomas in forwarding his claims in the royal court and also asking him

29. Theiner, p. 133.

30. ibid. p. 133.

31. Clyn. Annals, p. 10.

32. C.D.I. 3 no. 190. John had paid the money to Geoffrey de Genevills for his services to the king in Wales.

33. C.D.I. 3 nos. 142, 147, 213, 258.

to write to his friends in Rome to assist Thomas, who was going there after his visit to the court³⁴. It is not clear why de Sandford was so active on St. Leger's behalf, as both candidates were Englishmen. Thomas de St. Leger was eventually successful in his claim and was³⁵ consecrated as bishop of Meath in November 1287.

In 1289 John wrote to the pope asking for permission to absolve clerks and laymen in his province and elsewhere who had incurred excommunication but because of feuds, illness or poverty had not been able to travel to Rome for absolution³⁶. These people had been excommunicated during hostilities in Ireland for crimes such as burning churches and public plunder. The pope granted John this privilege, urging him to make sure that sufficient penances were imposed and such restitution as was possible was made³⁷. The matter did not end there, for a year later John was again asking for permission, this time to relax the sentences of suspension which had been passed on clerks in his diocese who had excommunicated and interdicted some persons. The pope granted him this privilege and also granted him³⁸ that he might dispense clerks for irregularity.

34. C.D.I. 3, p. 141.

35. ibid. no. 258; Theiner, p. 152.

36. Theiner, p. 145.

37. ibid. p. 145.

38. ibid. p. 150.

Also in 1289, Pope Nicholas IV granted the archbishop the first fruits of all dignities and benefices which should become vacant in his diocese for a period of three years . The pope had been requested to make this grant because the possessions and the fruits of the diocese were so reduced by war that John was unable to properly maintain his table .
39.

The pope was also in touch with John in 1290 concerning the archdeaconry of Glendalough, which was vacant due to the promotion of Stephen O'Brogan to the archbishopric of Cashel . The pope asked John to ensure that some honest Irishman should receive the archdeaconry, but the archbishop presumably did not find such a man and it was an English clerk Richard de Gryndam who was appointed .
40.
41.

Apart from these papal letters there is little evidence for John de Sandford's ecclesiastical preoccupations and it must be said that the spiritual welfare of his diocese could only have occupied a very small part of his time in the years 1285-92 when he was resident in Ireland . It was during these years however that he became the most important figure in Irish politics and the person around whom the Irish administration revolved .

39. Theiner , p. 149 '..... Cum sicut ex parte tua fuit propositum coram nobis , fructus , redditus et provatus ad archiepiscopalem mensam Dublinensem spectantes propter multimoda guerrarum discrimina , que hactenus in illis partibus invaluisse dicuntur , sint adeo diminuti quod es eis non potes iuxta dignitatis archiepiscopalis decentiam commode sustentari ' .

40. Theiner , p. 152 .

41. C.P.R. 1292-1301 , p. 181 .

On the death of the justiciar Stephen de Fulbourne in July 1288, de Sandford and Geoffrey de Geneville declared themselves guardians of the country and a little later de Sandford was appointed custodian of Ireland, a position which he accepted 'out of reverence for the king and the people'⁴². He immediately set about tackling the problems of the Gaelic resurgence and spent his years as justiciar in attempts to pacify Ireland and also to deal with the enormous dissatisfaction with local royal officials which was then widespread⁴³. His military activities, which he appears to have taken part in personally, were particularly effective and it was said that he was so successful in Laois and Offaly that the Irish there 'came to the king's peace and were never hostile again'⁴⁴.

In 1290 the justiciar held parliaments in Dublin and Kilkenny and in this year, with eighteen months of campaigns behind him, he begged king Edward to take counsel concerning the affairs of Ireland. The king answered that while he had the matter very much to heart he was so busy dealing with problems which had arisen out of his recent⁴⁵ absence from England that he had no time to devote to Irish affairs. De Sandford also complained that he had received no money for his recent expenses in pacifying Ireland and that he had had to borrow from

42. C.D.I. 3, p. 265 .

43. The details of de Sandford's military expeditions and diplomatic missions are contained in his enrolled account for expenses . P.R.O. Lond. Ms. E.101/231/9 ; C.D.I. 3 pp. 265-77 .

44. C.D.I. 3 p. 273 .

45. H. Cole ed. Documents illustrative of English history in the thirteenth and fourteenth centuries , (1844) pp.26-7 .

Italian merchants . The king promised that he would be reimbursed
as soon as possible .^{46.}

A new justiciar, William de Vesey, was appointed in September
1290 and took up office in November . De Sandford's short but
succesful custodianship of Ireland was at an end . He had been
appointed chancellor of Ireland in April 1289 and he continued to
hold this position until March 1291 when he was instructed to hand
over the great seal of Ireland to William de Vesey .^{47.}
^{48.}

There was no reason why de Sandford should have been replaced in
these offices unless he had requested it himself ; his loyalty to
the king was unquestioned . This loyalty was evident in 1291, when
the clergy and magnates of Ireland were asked to contribute to a
royal subsidy . In England the clergy had granted the king a
tenth of their incomes and the magnates a fifteenth . At an assembly
of magnates held in Dublin in January 1291 the Archbishop of Dublin
was specially mentioned as having granted the king a fifteenth . The
clergy of Ireland were not so accomodating, however, and they pleaded

46. Cole Docs. p. 26-7 . In January 1291 the Archbishop of Dublin
along with Theobald de Verdun and Geoffrey de Geneville acknowledged
a debt of 200 pounds to the merchants of the society of Amananti of
Pistoia . C.C.R. 1288-96. p. 248 .

47. C.P.R. 1281-92 , p. 387 ; C.D.I. 3, p. 428 .

48. Rich. Sayles. Admin.Irl. p. 93 .

49. See H.S.Deighton 'Clerical taxation by consent 1279-1301 ' in
E.H.R. vol. 68 (1953) pp. 161-192 , esp. pp. 169-71 .

50. C.D.I. 3 no. 974 .

poverty and loss of income due to recent wars in Ireland . Only the archbishops of Cashel and Dublin were thanked by the king for their contributions .^{51.}

In March 1291 John was granted letters of protection for two years as he was on his way to the king in England . He did not leave Ireland straight away , as he was in his diocese in May 1292 when the king authorized him to sell all Nicholas de Clare's goods in the archdiocese . He must have left soon after this , as he was in Reading in June 1292 when he granted an indulgence of 40 days to all who visited and subscribed to the church of St.Mary and St.James there .^{52.}
^{53.} Later in 1292 he was present at the proceedings concerning the future of the Scottish crown , he attended the final judgement at Berwick and witnessed Balliol's oath of fealty to Edward at Norham .^{54.}
^{55.}

In May 1293 John was present at the consecration of William of March as bishop of Bath and Wells and his servants were involved in a brawl with the men of the bishop of Ely on the way back from the festivities . In September 1293 de Sandford officiated at the marriage of the king's daughter Eleanor to Henry Count of Bar . The following year he was sent with Anthony Bek , bishop of Durham and others to seek

51. C.P.R. 1281-92 , p. 448-9 .

52. ibid. p. 426 .

53. C.D.I. 3 no. 1098 .

54. B.M. Add. Charter no. 19,635 .

55. The Chronicle of Walter of Guisborough , ed. H.Rothwell , Camden Society , vol. 89 (1957) pp. 225,260,357,363 .

56. Rotuli Parliamentorum I,p. III .

57. Annales de Wigornia , p. 513 '....apud Bristolliam Edwardus Rex Henrico Comiti de Barres Elianoram filliam suam primogenitam dederat in uxorem , et Archiepiscopus Dublinensis ecclesiasticum officium adimplevit.'

an alliance with Adolph of Nassau against the French . The ambassadors were successful and a treaty was signed at Nurnberg ^{58.} On arriving back in England de Sandford fell ill and died in Yarmouth on 1st October ^{59.} 1294 . The canons of St. Patrick's asked for his body, which was conveyed to Ireland and buried in St. Patrick's ^{60.} .

John de Sandford spent in all about six years of his episcopacy in Ireland and the majority of this time he spent outside his diocese of Dublin . It is clear that the demands of his secular office left him little time for the spiritual concerns of his diocese. He did exert himself to obtain privileges from the pope so that the ills which the diocese had suffered because of the conflicts in Ireland were remedied, but the day to day running of his church he left in the hands of his officials . The years when Archbishop Fulk de Sandford was away on pilgrimage, followed by the long vacancy in the see and the absenteeism of Archbishop Darlington meant that the ecclesiastical administration of the diocese and province had for a long time been in the hands of such officials . De Sandford himself had been part of this administrative machine and he must have felt confident in its abilities to ensure that the spiritual concerns of the diocese were being attended to .

58. Rymer. Foedera, I, p. 802 .

59. Ann. Dunstable , p. 389 .

60. Ch. St. Mary's, 2 p. 323 ; Al.reg. p. 132 ; Ware , Works, I p. 326 .

Ware described John de Sandford as a prelate with a great reputation for learning and wisdom, but the records which survive suggest that his most noteworthy qualities were his organisational ability, and his loyalty and zeal in pursuing the affairs of the king in Ireland .^{61.}

61. Ware , Works I,p. 326

SECTION I.

CHAPTER 7. William de Hothum Archbishop of Dublin 1296-8 . p. 125-31

connections with Dublin were not dissimilar to those which were maintained in connection with the other Irish archbishops of the period. It is clear that Hothum's career was not only well considered and planned, but also as provincial of the English Dominions, a theologian and writer, and the provincial of the Order of Preachers, and as the ambassador and diplomatic adviser of Edward I.

Hothum was described by his contemporary Bernard de Guil as 'a great master of theology, renowned throughout the entire English realm', and he has been identified as the brother of John Hothum, who held the bishopric of Ely from 1316 to

1. *Annals of the Kings of Ireland*, ed. O'Mahony, *Irish Annals*, I, pp. 125-31.
2. *Annals of the Kings of Ireland*, ed. O'Mahony, *Irish Annals*, I, pp. 125-31.
3. *Annals of the Kings of Ireland*, ed. O'Mahony, *Irish Annals*, I, pp. 125-31.
4. *Annals of the Kings of Ireland*, ed. O'Mahony, *Irish Annals*, I, pp. 125-31.
5. *Annals of the Kings of Ireland*, ed. O'Mahony, *Irish Annals*, I, pp. 125-31.
6. *Annals of the Kings of Ireland*, ed. O'Mahony, *Irish Annals*, I, pp. 125-31.

WILLIAM DE HOTHUM : ARCHBISHOP OF DUBLIN 1296-8 .

A second English Dominican was provided to the see of Dublin in the closing years of the thirteenth century ; however Brother William de Hothum like his illustrious predecessor John Darlington died before appearing in his archdiocese . His only connections with Dublin were of a financial nature and were entrusted to attorneys . There is no shortage of general accounts of Hothum's career and he has also been considered more specifically as provincial of the English Dominicans , as a theologian and writer , as the protagonist of Archbishop Pecham of Canterbury and as the ambassador and diplomatic adviser of Edward I .

Hothum was described by his contemporary Bernard de Gui as 'a great master of theology , renowned throughout the entire Dominican order ' . He has been identified as the brother of John Hothum , who held the bishopric of Ely from 1316 to

1. DNB. vol. IX pp. 1308-10 ; Mac Inerney Irish Doms I, pp. 378-476 . Emden BRUO 2, pp.970-1 .

2. F.R.Palmer, 'The Provincials of the Friars Preachers of England,' in Arch. Jrn . vol.XXXV (1878), pp. 134-95 .

3. A.G.Little and F.Peltser , Oxford theology and theologians 1282-1302 , (Oxf. Hist.Soc. XCVI. 1934), pp.82-7 J.C. Russell, 'Writers of thirteenth century England', in B.I.H.R. , extra vol no.3.(1936) , pp. 190-3 .

4. D.L.Douie, Archbishop Pecham (1952) , pp.269-300 .

5. J. Dunbabin, 'Careers and Vocations,' in The Early Oxford Schools, ed. J.I.Catto , History of the University of Oxford vol.I. (1984) pp. 594-6 . Powicke, Thirteenth Century, pp. 261-6 , 651,652 .

6. Quoted in J.Quétif and J.Echard, Scriptores Ordinis Praedicatorum recensiti , 2 vols. (Paris 1719-21) , vol.I p. 459 .

1337 , but it now seems clear that the relationship between them was
of nephew and uncle .^{7.}

As early as 1269 , Brother William de Hothum appeared representing his convent in Oxford in the dispute with the Franciscans on the subject of mendicancy^{8.} In the 1270's Hothum was in Paris lecturing in theology and a regent master in the Dominican Convent of St.Jacques^{9.} In 1283 he was appointed provincial of the English Dominicans and from this time on he was based in England and first appears in the records as being in the service of the king^{10.}
^{11.}

Apart from the fact that his intellectual distinction both at Oxford and Paris brought him to the attention of the king , Hothum's entry into royal service can be seen as being part of the influx of royal clerks from the archdiocese of York which began after the accession of Edward I^{12.} . This influx can be partly explained by the great deal of time Edward spent in the north due to his entanglements in the affairs of Scotland and partly by the influence at court of Walter Giffard , Archbishop of York .

7. Russel, Writers. p. 190 . For the relationship between William and John see J.R.S.Phillips , 'The mission of John de Hothum to Ireland 1315-16 ' in English in Med. Irl. pp. 62-85 .

8. Little, Oxford theology . p. 83.

9. P. Glorieux, Rep. des Maîtres de Théologie de Paris , (1933) I, pp.144-5 .

10. MacInerny, Irish Doms. p. 387 . .

11. For ex. in 1283 he witnessed the will of the Queen Mother , GFR. 1281-92. p. 218 .

12. See J.L.Grassi, 'Royal clerks from the archdiocese of York in the fourteenth century ' , in Northern History : V , (1970) pp.12-33 .

William , who presumably came from Hothum in Yorkshire , had cordial
I3.
relations with Giffard early in his career .

De Hothum was still however , more involved in scholastic affairs
than political ones . From 1284-6 he played a leading role in the
disputations in the faculty of theology at Oxford and particularly in
defending the thomistic doctrine of unity of form against the
criticisms of Archbishop Pecham of Canterbury , a Franciscan .
Hothum has even been identified as the author of an anonymous pamphlet
I4.
against Pecham .

At the general chapter of the Dominican order at Bordeaux in
1287 , de Hothum was released from the office of provincial of
I5.
England and assigned again to the convent in Paris . However , in
the 1288 chapter it was reported that he had refused to obey the
instruction and that this had resulted in great confusion and injury
I6.
to the Paris studium . De Hothum's reasons for refusing the appointment
were probably connected with his growing involvement in diplomatic
affairs . In 1289 he was sent by the king on a mission to Pope
Nicholas IV to discuss plans for Edward's crusade and to seek a
dispensation for Prince Edward's intended marriage to Margaret of

I3. The Register of Walter Giffard , Archbishop of York 1266-79 , ed.
D.Brown (Surtees Society 1904) , contains records of two gifts from
Giffard to de Hothum : pp. 116 , 123 .

I4. Douie , Pecham pp. 293-6 .

I5. Acta Capitulum Generalium Ordinis Praedicatorum , ed. B.Reichert
vol.3 of Monumenta Ordinis Praedicatorum Historica, 14 vols. (Rome 1896-
1904) . p.242 .

I6. ibid. p.246 .

^{17.}
Scotland . On his return to England in 1290 he was again appointed provincial of the Dominican order . At the end of the same year he was rather oddly provided by the pope to the remote bishopric

^{18.}
of Llandaff in Wales . Hothum did not want to accept this provision and resisted on the grounds that he had been elected provincial of his order and was totally ignorant of the Welsh language . The pope did not accept these excuses and in May 1291 Hothum was ordered to obey

^{19.}
the provision . His old antagonist the archbishop of Canterbury likewise prevailed upon him to accept ^{20.} . Nonetheless Hothum held out and finally another candidate was consecrated for Llandaff ^{21.} .

Again Hothum's reasons for refusal probably lay in his growing diplomatic career as much as the obscurity (and possible danger) of the appointment .

In 1291 de Hothum went north with Edward as one of the advisers on the future of the Scottish crown . One chronicler assigned a leading role in the proceedings to him , saying that it was Hothum who drafted the statement that all three competitors for the crown must acknowledge Edward's superiority before the arbitration began ^{22.} . There is no corroborating evidence

17. Theiner, p. 146-8 .

18. C.P.L. I p.519

19. ibid. p.535 .

20. Douie, Pecham, p.269.

21. C.P.L. I p.565 .

22. The Chronicle of Walter of Guisborough , ed.H.Rothwell , Cam. Soc. vol. 89 (1957) , p.235

for this statement and the interpretation of the chronicler's words has recently been challenged .^{23.}

In the midst of these political events. Hothum did not completely forget about his duties as Dominican provincial or his theological concerns . In 1293 he was involved in a dispute with Archbishop John Le Romeyn of York on the question of penitents confessing to friars and in August 1294 he preached before the king and two cardinal envoys of Pope Boniface VIII.^{24.} His close ties with both papacy and monarchy were rewarded when on April 24th. 1296 he was provided by Pope Boniface to the see of Dublin . The pope in his letter informing the two Dublin chapters of the appointment spoke of Hothum in glowing terms , pointing out his learning and standing,^{25.} as well as his piety and prudence in spiritual and secular affairs.^{26.} Unfortunately the Dublin church was never to experience these qualities at first hand . In November 1296 the king wrote to the custodian of Dublin instructing him to restore the temporalities^{27.}

23. The challenge is based on the meaning of the verb preordinare which Guisborough used when referring to Hothum's part in the statement of the English king's rights . It had been translated as 'composed' or 'wrote' but is more likely to mean 'organize' or 'introduce' . For a discussion of this see E. Stones & G.Simpson Edward I. and the throne of Scotland , (1978) ,vol. I, p.112 .

24. J. Raine, Letters from the Northern Registers. (R.S. 1873) pp. 102-3 . Hothum apparently maintained that penitents who had confessed to friars had no need of confessing to their parish priests.

25 Chronicle of Walter of Guisborough ,p. 66 .

26. Theiner, pp.160-1 . The pope quashed the election of Thomas de Cheddesworth , dean of St.Patrick's, who had been elected by the two Dublin chapters, because he had not appeared before him in time . See below pp. 191-2

27. Theiner, p. 161 . '.....venerabilis patris nostri Guillelmi Archiepiscopi Dublinensis , grandi utique dono scientie premitam , religione conspicuam , fama pollentem , eligentia morum insignem , conversationis et vite honestate preclarum , in spiritualibus et temporalibus circumspectam , ac aliarum virtutum titulis insignitam.'

to Brother William de Hothum and a month later Hothum was given permission to appoint attorneys to look after his affairs in Ireland for one year^{28.} In February 1297, obviously too caught up in affairs of state to contemplate a visit to his diocese, Hothum received letters of attorney for a further two years^{29.} As a special favour the king also instructed the custodian of Dublin that the archbishop was to be given first preference in the purchase of the animals and chattels of the archiepiscopal lands^{30.}

Although an indult for Hothum's consecration was dated June 1297 there was a lapse of fourteen months before he was consecrated. In July, acting at the request of Hothum's proctors in Rome the pope sent a mandate to the bishops of London and Hereford to confer the pallium and receive an oath of fealty from the archbishop elect. But Hothum was still referred to as 'elect of Dublin' when in August 1297 he accompanied the king to Ghent. He then received a papal indult that he could be consecrated by any bishop in any place^{32.} Finally in December 1297 he was consecrated in Ghent by

28. C.F.R. 1292-1301, p.224. His attorneys were named as Robert de Hothum and Thomas Orgor,

29. Ibid., p. 332. this time the attorneys were named as John de Hothum and Henry Cumptore.

30. C.D.I. 3 no. 427, 463.

31. Theiner, p. 163.

32. ibid. p. 163

33.
Bishop Anthony Bek of Durham .

Hothum played a leading part in the negotiations with the French ambassadors in 1297-8 and after a truce was signed between the kings of France and England he was sent to Rome to seek papal approval for it . More than two years had now elapsed since his appointment to Dublin but he still continued to appoint attorneys to see to his affairs and in February 1298 he requested the king to see that his corn was kept safe in Dublin until his return .

When Hothum finished his business in Rome he appears to have intended to visit his diocese and as a precaution he obtained letters from the pope instructing the Dublin chapters to receive him as their lawful pastor . He set out from Rome in July 1298 but fell ill in Burgundy and died in Dijon on August 27th . His body was brought back to England and buried in the church of the black friars in London .

33. Nicholas Trivet , Annales sex regem Angliae , ed. A.Hall (Oxford 1719) p. 364 ; Chronicle of Walter of Guisborough , pp.178-9 ; Thomas Walsingham , Historia Anglicana , ed. H.T.Riley 2 vols (London 1863-4) , vol. I p. 79 , all agree on place and date of Hothum's consecration . Ch. St.Mary's 2,p. 209 gives date of 1296 but agree that it occurred in Ghent .

34. Rymer , Foedera , 2 pp. 804-5 .

35. C.D.I. 4. nos. 482-8 , 500 .

36. Theiner , p. 166 '...mandamus , quatenus eidem archiepiscopo tamquam patri et pastori animarum vestrarum , plene ac humiliter intendentes , obedientiam et reverentiam debitam sibi exhibere curetis.'

37. See C.F.R.Palmer , Provincials of the Friars Preachers , pp. 143 . He states that by command of the king the corpse was embalmed , the innards were buried at Dijon and the rest of the body buried in London with great pomp .

a) FOUNDATION .

St. Patrick's cathedral , founded in 1191 was governed by a secular constitution modelled on that of the English secular cathedrals .^{1.}
A secular chapter was composed of a number of canons each with an individual source of income in the form of a prebend , who lived in houses in the Cathedral close and were directed by a group of dignitaries or officials , usually four viz. dean , treasurer , Chancellor and precentor .^{2.} This type of cathedral organization was introduced into England from Normandy where secular chapters had grown up in the tenth and eleventh centuries, primarily as a response to changes in royal and episcopal administrations . Monks and clerks living a semi-monastic life could not meet the demands which bishops and monarchs were placing on them . Well educated clerks with independent sources of income capable of working in the royal and episcopal administrations were needed . Secular chapters provided such clerks as well as providing in the form of individual prebends the ideal method of rewarding ecclesiastical civil servants .^{3.}

1. Still unsurpassed for the history of Dublin's secular cathedral is William Monck Mason, The History and Antiquities of the Collegiate and Cathedral Church of St. Patrick near Dublin (Dublin 1820) . More recent articles by Geoffrey Hand are also indispensable: ' The Medieval chapter of St. Patrick's Cathedral , Dublin I. The early period c. 1219- c.1279', Reportorium Novum, III (1961-4) , pp. 229-48 ; 'The rivalry of the cathedral chapters in medieval Dublin', R.S.A.I.J. xcii (1962), pp. 193-206.

2. On the organization of secular chapters in England the major work remains K. Edwards, The English Secular Cathedrals, (Rev.ed. 1967) . See also A.T. Bannister, 'The origin and growth of the cathedral system' in Church Quarterly Review (1927), pp. 86-96 , and J.H. Strawley, ' The origin and growth of Cathedral foundations as illustrated by the Cathedral Church of Lincoln ' , Lincoln Minster Pamphlets no.1 (1951) .

3. Edwards , Sec. Cathedrals , p. 7-8 .

This need for administrators supplied from the secular chapters was acutely felt in newly conquered areas where monastic chapters were the norm . Not surprisingly secular cathedrals quickly emerged in England in the years following the Norman invasion , the first at Salisbury , Lincoln , York and London . The question of which Norman cathedral provided the model for these new English chapters has provoked much speculation among English historians . In the nineteenth century Henry Bradshaw , who first labelled the constitution of the secular cathedrals as 'four squared' , claimed that Bayeux was the model.^{4.} More recent work suggests that there was no single model but that the English founders adapted various types of organization and were primarily guided by the exigencies of location and finances . This^{5.} explains the fact that only a few basic principles and features are shared by all nine of the English secular cathedrals . In Ireland the foundation of secular cathedrals was influenced by factors similar to those which had led to the transfer of the secular chapters from Normandy to England in the previous century . But the Irish use of English models was eclectic and no two Irish chapters had exactly the same constitution .^{6.}

4. G.W.Prothero , A Memoir of H. Bradshaw (London, 1888), p.345 .

5. Edwards. Sec.Cathedrals, pp.13-19 . See also C.N.L.Brooke 'Continental influences on English Cathedral Chapters' in Resumés des communications XI^e congrés international des sciences historiques, (Stockholm , 1960) , where he states that St.Osmund's arrangements for Salisbury owe something to the academic speculations of John of Avranches' De Officiis Ecclesiasticis of c. 1060 .

6. For the introduction of Secular cathedrals into Ireland see K.W.Nicholls, 'Medieval Irish Cathedral Chapters', in Archiv.Hib. pp. 102-11 and G.J.Hand 'Medieval Cathedral Chapters', in I.C.H.C.P. (1956) , pp. 11-14 ; 'The medieval chapter of St.Mary's cathedral Limerick', in Med.Studies Gwynn , pp. 74-89 .

In Dublin the transformation of the parish church of St. Patrick's firstly into a secular college and then into a secular cathedral with the typical English 'four square' constitution spanned two episcopates . The process was begun by Archbishop Cumin in 1191, when he made St. Patrick's church collegiate and instituted prebends; and ended in the episcopate of Henry of London when he appointed the first four dignitaries of the cathedral .

It is not clear how long the parish church of St. Patrick's had been in existence when in 1191 Archbishop Cumin issued the charter which transformed it into a collegiate church with a body of secular clerks⁷. The introduction to the charter states :

We ordain by the authority of God and with the consent of the Holy See and our Prince , John Count of Mortain , that prebends be instituted in the church of St. Patrick's , Dublin and that there be placed within it a college of clerks of approved life and learning.

The foundation charter continues by outlining the churches , lands and revenues which were to pertain to the common fund of the college and also grants eight plots of land around the graveyard of the church on which the canons could build houses . This new collegiate church was consecrated on St. Patrick's day 1192 and two weeks later Pope Celestine III issued a bull confirming to the clergy of St. Patrick's the grants of land and prebends made by the archbishop.¹⁰

7. The parish church of St. Patrick's 'in insula' was listed in the bull of Pope Alexander III in 1179 , confirming the possessions of the see to Archbishop Laurence , Pont.Hib. I, No. 9 , p.28 . Archbishop Laurence's confirmation of the privileges of Holy Trinity in May 1178 was witnessed by 'Edano presbitero de sancto Patricio,' Cal.Lib.Alb. p.24 .

8. Dignitas Decani , pp. 1-3 .

9. Annals of Dudley Loftus , Marsh's Library MS. Z.4.2.7. f.65 .

10. Pont.Hib. I, no.26, pp.76-7 . As Cumin's foundation charter lists only the property of the common fund there must have been a second charter listing the 13 prebends confirmed by Celestine III.

St. Patrick's began therefore as a college of secular canons of a type which was becoming popular in English dioceses , particularly in those dioceses where the cathedral was regular . A collegiate church , although lacking the status of a cathedral , was organized in very much the same way, with a group of canons, headed by a dean or provost , sustained by individual prebends, whose duty it was to recite the canonical hours and minister to the spiritual needs of the prebendal estates . Like the cathedral chapters, the colleges provided the bishop with places to which he could appoint clerks in his service or whom he wished to reward . It was this motive which must have been foremost in Archbishop Cumin's mind, as in the early years of his episcopacy he was no doubt acutely in need of clerks of the type usually found in English dioceses at the time , the majority of whom were sustained by secular colleges or cathedrals .

The debate as to whether or not Cumin intended to set up St. Patrick's as a rival cathedral to the existing Holy Trinity will most likely continue . It is true that the first Anglo-Norman archbishop of Dublin belonged to a class of churchmen then in the ascendant in England who preferred secular to regular cathedral chapters . He no

II. G.H.Cook, English Collegiate Churches of the Middle Ages (1959), p.II . Cook notes that in sees such as Salisbury and Exeter where there already was a chapter of secular canons there were very few collegiate foundations .

I2. ibid. p. 2

I3. It has been traditional to view Archbishop Cumin as the person responsible for the existence of two cathedrals in Dublin , but more recently D.Bethell stated ' there is no reason to credit Cumin with the design of a secular cathedral , he merely wanted a way of providing ecclesiastical benefices for his secular clergy . 'Dublin's two Cathedrals', in H.B.Clarke ed. Focus on Medieval Dublin (Dublin 1978). Hand quite correctly pointed out that Cumin's long exile from the diocese makes it very difficult to ascertain his motives with regard to St. Patrick's 'The rivalry of the cathedral chapters', pp. 196-7 .

doubt followed closely the struggle which had recently occurred in the diocese of Coventry where Bishop Hugh Nonant was engaged in substituting a secular for a regular chapter in his diocese, and was in all probability present in Westminster in October 1189 when Hugh appealed to all his fellow bishops to show solidarity with him in his struggle with the regular clergy¹⁴. However, whatever Cumin's intentions in Dublin, St. Patrick's was not described as a cathedral during his lifetime and none of the protests which a rival cathedral would have occasioned emerged from Holy Trinity.

In the course of speculating on Cumin's motives for setting up a secular foundation in Dublin, his own stated reason has been largely ignored. The archbishop claimed that he wished the newly instituted clerks to provide by their example and learning education¹⁵ for the less learned simplicity of the Irish people. He expressed anxiety that Ireland lacked professors of divine and human law and desired to rectify this situation. There is scant evidence that Cumin had at any previous time been concerned with education, despite his¹⁶ description by Giraldus as 'a learned and eloquent man'. He was definitely more of an administrator than an academic. However, on at least one previous occasion Cumin had complained that the people

14. Cumin was present at the coronation of Richard I which took place in Westminster shortly before the bishop of Coventry made his appeal, Mat. Paris, Chron. Maj. 2, p. 348. For the struggle in Coventry see D. Knowles, The monastic order in England, (1949), pp. 314-30. It is also noted that as archdeacon of Somerset Cumin would have been familiar with the co-existence of a secular and monastic chapter in the diocese of Bath by Robinson, 'Early Somerset Archdeacons' p. 99

15. Dignitas Decani, p. I.

16. Expug. Hib. p. 198-9.

whom he had been sent to govern were badly instructed in divine
I7.
and sacred laws . This can be seen as typical of the attitude of
Anglo-Norman ecclesiastics towards what they considered the un-
lettered Irish; or it may be proof of a genuine lack of educators
which Cumin wished to set right . During this period bishops were
being encouraged to take a more active role in education and the 1179
Lateran council had laid down that every cathedral should provide
education for the poor 'in order that those who cannot be assisted
by their parents means may not be deprived of the opportunity of
I8.
reading and proficiency ' .

If Archbishop Cumin was serious about provision for education ,
it is unusual that he did not appoint a chancellor or a master of
the school with special control over education . In fact the absence
of mention of any official or dignitary whatsoever is an unusual
aspect of Cumin's foundation charter . It was common for secular
I9.
colleges to have a dean or sometimes a provost at its head , but
until its elevation to cathedral status and the institution of the
four dignitaries by Archbishop Henry in 1219 St. Patrick's was
without an officially appointed head .^{20.}

17. In the preamble to his confirmation of Archbishop Cumin's provincial decrees in 1187 Pope Urban III stated that he had been informed by the archbishop that the Irish people were lacking in knowledge of divine and sacred law . Pont.Hib. I no. 16 p. 48 .

18. A.F. Leach, Educational charters and documents , (Cambridge 1911) p.123 .

19. Cook, Eng.Col.Churches, p.2. . Cook does mention that some of the lesser colleges e.g. Darlington in Durham with 4 prebends had no officially appointed dean , but St. Patrick's with 13 prebends could hardly be regarded as 'lesser' by English standards .

20. There is some evidence that the archdeacon of Dublin may have functioned as unofficial head of the college of canons before the institution of the dignitaries ; see below pp. 211 -3 .

b) THE RELATIONSHIP WITH SALISBURY .

St.Patrick's , the largest and richest of the Irish cathedrals and the only one which could be compared with the secular cathedral chapters of England ^{30.} , was from its very early days modelled on Salisbury cathedral and maintained a close relationship with the English chapter . The relationship was initiated about a year after the foundation date when Archbishop Cumin granted to the canons all the liberties which the secular canons of Salisbury had in their church , college , prebends and appurtenances ^{31.} . This grant of the privileges of an English secular cathedral lends weight to the argument that Cumin intended his new foundation to eventually have cathedral status . The Consuetudinary of St. Osmund , containing the rules of discipline , order of worship and internal constitution of a secular cathedral was to be thereafter the governing law of St. Patrick's ^{32.} . This constitution , although initially drawn up solely for the use of Salisbury was by the mid twelfth century generally accepted not only in southern England but in other parts of England as well . The granting of the liberties of Salisbury to a secular cathedral was seen as a distinct gain of independence to the canons , particularly with regard to their freedom from episcopal and archidiaconal jurisdiction in their prebends ^{33.} .

30. Hand. Med.Chap.St.Patrick's, p. 229

31. '...Omnes libertates quas habent canonici seculares Sarisburiensis tam in ecclesia sua collegiata quam in eorum prebendis et pertinenciis suis', Dignitas Decani , p. 41 .

32. See W.H.Frere The use of Sarum (1878) , and the Registrum Sancti Osmundi Episcopi , ed. W.H.R.Jones, 2 vols (R.S. 1883-4) .

33. See Statutes of Lincoln Cathedral , ed. C.Wordsworth and H. Bradshaw , 3 vols. (1892-7) vol.I p. 309 when Bishop Robert de Chesney c.1160 granted the canons of his cathedral '.....omnino libertatem in prebendis suis quam habent canonici Saresbiriensis ecclesie in suis' .

Archbishop Cumin's ordinance did not receive papal confirmation during his episcopacy but in that of his successor . In 1216 at the request of Archbishop Henry of London , Pope Innocent III confirmed the possessions of St. Patrick's and also stated that the canons there had been instituted under the manner of Salisbury at their own wish ^{34.} This observance of the constitution of Salisbury was reaffirmed by Archbishop Henry in 1224 when he granted each canon of St. Patrick's jurisdiction in his own prebend secundum institutiones consuetudinum ac immunitatum Sarisburiensis Ecclesie ^{35.} . A similar charter was issued by the next Archbishop, Luke de Roches, and he stated that such a grant of jurisdictional exemption was in accordance with the regulations of the church of Salisbury under the approved institutions of which St. Patrick's had been founded ^{36.} .

Apart from papal and episcopal confirmations and charters there is concrete proof of the close relationship between Salisbury and Dublin in the thirteenth and early fourteenth century . Firstly there exists A manuscript copy of the Consuetudinary of St. Osmund dated to the late thirteenth or early fourteenth century, which was copied for the use of St. Patrick's Dublin and kept in that

34. '...Statuimus etiam , ad ipsius archiepiscopi supplicacionis instanciam ut canonici ordinis instituta iuxta morem Sareburiensis ecclesie a vobis sponte suscepta et hactenus custodita in ecclesia vestra deinceps inviolabiliter observentur.' Pont. Hib. I. no. 96 pp.175-6 .

35. Dignitas Decani, p.6. It is interesting to note that Henry of London was present in 1225 at the consecration of the new cathedral at Salisbury . See above p. 59.

36. Dignitas Decani , p. 6 '.....secundum ordinacionem Sarisburiensis e ecclesie , iuxta cuius institutiones et consuetudines approbatas dicta ecclesia Beati Patricii dinoscitur esse fundata .

church . Secondly there survives in the Dignitas Decani a transcript of a letter sent from the dean and chapter of St.Patrick's to the dean and chapter of Salisbury in 1284 , along with Salisbury's reply to the letter .^{37.}

This letter , which is adressed to 'our brothers in Christ the dean and chapter of Salisbury' asks for instruction on the rules and customs of their cathedral so that the church founded to the honour of God and St.Patrick 'in a land almost desert and hostile' may be worthy and serve God in a like manner . The chapter of Dublin sought information on thirteen different topics and the questions indicate that although St.Patrick's had been theoretically governed by the usages of Salisbury for almost one hundred years they did not have a copy of the consuetudinary or the Instituta Osmundi to consult in Dublin . However it is possible that they wished to check on the current practice in Salisbury, as the way in which the Sarum rule was observed in different English cathedrals varied considerably . It is interesting to note that the dean of Salisbury

37. Dignitas Decani , pp. 12-16 .

38. '...ut ecclesiam nostram ad honorem dei et Sancti Patricii in terra quasi deserta et hostili fundatam per vestra statuta salutaria et approbata regulare et honorifice regere valeamus' . Dignitas Decani, p.13

39. For example, their first question concerned the commons which the dignitaries may receive and Salisbury replied that the four dignitaries received double commons Dignitas Decani , p.14 . This is clearly stated in the Consuetudinary '...Decanus et Cantor , thesaurieus et cancellarius duplicem percipiunt comunam' Cambridge Add.MS.710 , f. 9v.

40. Edwards, Sec. Cathedrals, pp. 42-6 . The question of double commons for the dignitaries was not applied in all the cathedrals which followed the Sarum rule . It was dependant on the residence of the officials, which again varied a lot . Lincoln followed the example of Salisbury, but at Lichfield where only the dean was required to reside continuously he was the only dignitary given double commons .

at the time the letter was sent was Walter Scammel who had been
41.
a prebend holder in St. Patrick's

It may perhaps have been shortly after this communication between
the chapters of Dublin and Salisbury that plans got underway for the
preparation of a copy of the consuetudinary of St. Osmund for the use
of the canons of Dublin. This copy, which survives in Cambridge Add Ms
710 is dated to the late thirteenth century or the early fourteenth
42.
and is considered to be one of the best manuscripts of the consuetudinary.
The copy contains no adaptation apart from the words et eadem in
ecclesia Dublin on f.29. Once this copy had been deposited in St.
Patrick's the dean and chapter could be sure that they were following
faithfully the rule under which they had been instituted.

Finally it must be noted that there is strong evidence for
architectural links between the two cathedrals. It is widely accepted
that the lady chapel in St. Patrick's was influenced by that at
Salisbury. From what remains in St. Patrick's it appears that the
43.
two chapels had closely similar vaulting and supports.

41. C.P.R. 1272-81, p. 278. At some time before 1278 King Edward
conferred the prebend of Lusk on the dean of Salisbury.

42. University of Cambridge Add. Ms. 710, commonly known as the Dublin
Troper. For a description of this Ms see G.Hand 'Cambridge Add. Ms. 710'
in Rep. Nov. vol. 2 (1958) pp. 17-32.

43. See Edwin C. McRae, 'The medieval fabric of St. Patrick's Dublin', in
R.S.A.I.J. vol. 109 (1979), pp. 29 - 73; R. Stalley, Architecture
and Sculpture in Ireland 1150-1350, (Dublin 1971), pp. 68-70; H.J. Leask
Irish Churches and Monastic Buildings, 3 vols. (Dundalk 1955-6), vol. 2
pp. 81-3.

c) THE ORGANIZATION OF ST.PATRICK'S : SOME THIRTEENTH CENTURY LEGISLATION

As mentioned above , Archbishop John Cumin , in raising the parish church of St.Patrick's to collegiate status , made no provision for the governing of the body of canons and appointed no officials or dignitaries . It was his succesor , Henry of London , who completed the internal organization of the cathedral by establishing the dignitaries of dean , chancellor , precentor and treasurer .

Henry of London , perhaps even more than John Cumin , belonged to the new type of English churchman , who being heavily involved himself in administrative affairs , preferred secular chapters over regular ones . A significant detail about his early career is that he was proctor of the secular canons of Lichfield in the struggle between Hugh Nonant and the monks of Coventry cathedral . When Henry established the dignities of chancellor , precentor and treasurer in St.Patrick's he made direct reference to the foundation charter of his predecessor and expressed the view that the uncultured and untrained Irish church required a wholesome organization like St.Patrick's to increase the worship of God . He used virtually the same words in his charter establishing the office of dean in the cathedral shortly afterwards .

43. Rotuli CuriaëRegis , vol.I p.3 .

44. Dignitas Decani , p. 3 J. recolende memorie predecessor nosterinter cetera pietatis opera que ad informationem ecclesiastice discipline propriam exercuit diligentiam , ecclesiam Beati Patricii Dublin' in edificationem divini ministerii et aliorum instructionem prebendam instituit .

45. Dignitas Decani , p. 5.

These charters are undated but in March 1221 Pope Honorius III confirmed the establishment of the four dignitaries in St. Patrick's and the property which Archbishop Henry had apportioned for their support ^{46.} .

From c. 1220, therefore, St. Patrick's resembled the English secular cathedrals with their 'four square' constitution. A few years later Henry of London brought the chapter even closer into line with the English secular cathedrals in general and with Salisbury cathedral in particular when he granted to the dean and chapter that they might have all spiritual pleas and perquisites of the clerical and lay parishioners in their prebendal churches and the churches of their common fund which pertained to him and his successors ^{47.} . In 1225 he added to this privilege when he also rendered the canons free from the archdeacon's jurisdiction in their prebends and free from paying ^{48.} procurations to the archdeacon .

The jurisdictional privileges of the canons were reaffirmed in the episcopacy of Archbishop Luke . In 1236-7 he repeated Henry of London's charter and added that the dean might have jurisdiction in the prebends of absentee canons , except those who were absent

46. Pont. Hib. I, no. 143, p. 228 .

47. Dignitas Decani . p. 6 '....ut habeant libere et absolute imperpetuum omnia placita et perquisita parochianorum suorum tam clericorum quam laicorum , in ecclesiis suis prebendalibus , et in ecclesiis commune sue cum earum pertinenciis quantum ad nos vel successores nostros pertinet in spiritualibus ' . See Edwards, English Sec. Cathedrals, pp. 125-7 .

48. Dignitas Decani p. 7 . See below p. 216 .

on archiepiscopal business or those allowed to be absent by the constitution of the cathedral ^{49.} The fact that there were canons absent without permission reflects that even at this early stage of its history St. Patrick's was experiencing the problem of non-residence which was plaguing the English secular cathedrals .

The thirteenth century legislation dealing with the problem of non-residence in St. Patrick's makes it clear that the matter was approached in much the same way as it was in England . The object of the legislation was not to force residence on all the canons but to ensure that those canons who did reside were financially rewarded . ^{50.} The emoluments of the resident canons were increased by imposing financial penalties on non-residents .

In 1227 it was agreed by the canons of St. Patrick's that the fifth part of the prebend of each non-resident canon was to go ^{51.} every year to the common fund for the use of the resident canons. If for example the prebendary of Finglas, which was valued at 50 marks per annum in 1227 , was absent , the common fund of the cathedral would be increased by 10 marks per annum.

49. Dignitas Decani p. 7 . Archbishop Cumin's foundation charter stated that canons could go overseas for the purpose of study if they got the permission of the dean and they would not lose their prebend or share in the common fund . ibid. p. 2.

50. See Edwards, Eng. Sec. Cathedrals pp. 33-8 .

51. Al. Reg. pp. 47-8 .

Apart from financial incentives , a further benefit of residence was that each resident canon was provided with a house in the precinct of the cathedral . Archbishop Cumin specified in his foundation charter that he was providing eight plots of land for the building of the canon s houses , which were to remain permanently annexed to the prebend of the canon who built it .^{52.} New residents did have to make a cash outlay on their succession to these houses, which was used generally to increase the common fund . In 1244 Archbishop Luke fixed the payments to be made by the canons of St. Patrick's before they obtained possession of their house . Thirteen houses were listed and the payments ranged from 20 marks on the dean's house to 5 marks on the houses of most of the ordinary canons .^{53.}

Much of the thirteenth century legislation of St. Patrick's comes from the episcopacy of Luke de Roches , who , as former dean of St. Martin le Grand in London,^{54.} must have known a considerable amount about the organisation of a secular foundation and in particular the problems caused by non-resident canons who used their prebends to finance their administrative or academic activities and contributed nothing in return .

In 1247 , at the request of the dean and chapter Luke decreed that each canon , within a year of his appointment , should come in person

52. Dignitas Decani, p. 2.

53. Al.Reg. pp. 76-7 . The payments were to go to the common fund, apart from one third which was to go to the support of the ministers celebrating the mass of the Blessed Virgin Mary in St. Patrick's .

54. See above p. 63.

to St. Patrick's and swear canonical obedience to the archbishop and take an oath to observe the customs and approved statutes of the church of St. Patrick's^{55.} This statute does not enforce residence on the canons but can be seen as an effort to ensure that prebendaries provided, for example, by the king during vacancies of the see should come and make themselves known to the chapter and fulfill any obligations, pecuniary or otherwise, connected with their succession to a prebend .

One of the duties which each new canon had to perform was the appointment of a vicar to sing in the cathedral and take his place if he was absent for any reason . Vicars were mentioned in St. Patrick's^{56.} as early as c. 1219-20 . They may have been instituted by Archbishop Henry of London, who at some date between 1220 and 1228 granted the vicars in St. Patrick's the church of Keneth to be converted into their commons^{57.} . In 1244 Archbishop Luke at the request of one of the canons of St. Patrick's gave the vicars a plot of ground on which to build a common hall of residence^{58.} . It would appear that each canon, irrespective of whether or not he was resident, had to provide a vicar . When Archbishop Luke made the church of Maynooth a prebend of the cathedral in 1244 he instructed the prebendary to find a fit vicar to serve in St. Patrick's with the other vicars^{59.} .

55. Dignitas Decani , p. 34.

56. Reg. St. Thomas, p. 146

57. Al. Reg. p. 60.

58. Dignitas Decani p. 164-5 .

59. Al. Reg. p. 71 .

From at least the middle of the thirteenth century St. Patrick's resembled the English secular cathedrals in all major respects . It had the typical 'four square' constitution of a group of canons under the supervision of four dignitaries . It had established freedom from archiepiscopal and archidiaconal jurisdiction in its prebends and the churches of the common fund . It had taken measures to penalize non-residence and reward residence and it had established a body of vicars to perform the duties connected with the daily sequence of religious worship in the cathedral church .

THE RELATIONSHIP WITH THE ARCHBISHOP.

The most powerful instrument which the archbishop wielded in his relationship with the chapter of St. Patrick's was his right to collate to the prebends of the cathedral . All the dignities except that of dean and all the prebends were in the collation of the archbishop, who merely sent a mandate to the chapter to admit his nominee to a vacant prebend . In St. Patrick's there is no evidence of any attempts being made to limit the archbishop's freedom to present to the dignities and prebends . The policy of the chapter itself , to exclude from canonries all those of the Irish nation, did theoretically place a restriction on the choice of the archbishop but it seems unlikely that it would have been seen as such by the archbishops .

60. The Consuetudinary of St. Osmund stated that all canons owed their position to the archbishop and were instituted by him . Cambridge Add. Ms. 710 , f.3 .

61. Dignitas Decani , p. 63 .

In St. Patrick's , as in most of the English secular cathedrals , the chapter had the privilege of exercising a free election for the position of dean . Unlike the position in most English dioceses , the archbishop of Dublin reserved and exercised the right as a canon of the cathedral to share in the election of a dean . In 1219, when Archbishop Henry of London instituted the first dean, William Fitz Guido , he stated that he was henceforth confirming a free election to the canons so that they might elect for themselves a suitable person out of the bosom of their church , with the archbishop having a place at the election by virtue of his being a prebend holder . Archbishop Alen in 1529 referred to this ruling of Archbishop Henry's when he took part in the election of Geoffrey Fyche as dean of St. Patrick's in that year .

The right of free election of their dean was used by many of the English chapters as a method of lessening the control of the bishop over their affairs, but this was certainly not the case in thirteenth century Dublin, where the five men who held the office during the century

62. Edwards, Eng. Sec. Cathedrals, p. 105 . Salisbury was the only English secular cathedral in which the bishop is known to have exercised his claim to share in the election of a dean .

63. Dignitas Decani p. 5unde dominum Willelmum Filium Guidonis in eadem ecclesia instituimus Decanum ad electionem eiusdem capituli, quam eis ut de gremio eiusdem ecclesie idoneam sibi eligant personam liberam concedimus in perpetuum et confirmamus cui electioni interesse volumus tamquam canonicus cum in eadem ecclesia prebendam habeamus .

64. Al. Reg. p. 273 , 290 .

were closely connected with the archbishops of the time . The first dean , William Fitz Guido or William of London, was a nephew of Archbishop Henry , a son of his sister Anna who married Wydo, a merchant of London . The next dean, Richard de Gardino, was a nephew of Archbishop Luke's and was described as such when he was given protection for five years on his going to Ireland in 1235 . Richard de Gardino was succeeded by Richard de Sancto Martino c. 1259 . Richard was described as a clerk of Archbishop Luke's in 1237 when he had been collated to a prebend in Kilkenny . He was succeeded in 1275 by John of Sandford, whose relationship with Archbishop Fulk has already been discussed . The dean of St. Patrick's from 1284 to 1310 was Thomas de Chaddesworth who had acted as a clerk of archbishop Fulk's in 1262 when he attempted to make a visitation in Kildare on his behalf and who was Fulk's official in 1267-8 .

It is likely that all these deans owed their appointment to their connections with the archbishops, but the exercise of such patronage on the part of the archbishop cannot be seen as injurious to the chapter at this point of its history . The five deans were all able administrators , and appear to have been largely resident .

65. See E. St. John Brooks, 'Archbishop Henry of London's Irish connections', pp. 9-II .

66. C.P.R. 1232-47, p. 118 .

67. ibid p. 197 .

68. See above p. 110-II .

69. Al.Reg. pp. 93-4 . See Appendix no. 3 .

They were also capable of acting independently of episcopal control
when the needs of the chapter warranted it .^{70.}

The influence of the archbishop extended of course down through the chapter and can be seen in the composition of the prebendaries in general . A Sir Gilbert Comyn , canon of St. Patrick's, appears in a witness list to a document c. 1223-28 . The same witness list contains a Sir Robert Blund , canon , who must have been another member of Henry of London's large family , and Simon Blund who held the precentorship of the cathedral c. 1226 was also a nephew of Henry's . Apart from Richard de Gardino , Archbishop Luke does not appear to have promoted members of his family to canonries and John of Sandford was likewise the only connection with Archbishop Fulk . Even an absentee bishop like William de Hothum could however exert influence over the composition of the chapter . His nephew William appears as a canon of the cathedral early in the fourteenth century .^{71.}

Most of the men who are described in the documents as 'clerks of the archbishop' were prebend holders in St. Patrick's , but in the majority of cases it is impossible to say whether these men owed their prebends to the fact that were members of the archbishop's 'familia'

70. In January 1260 Archbishop Fulk de Sandford obtained a papal indult exempting him from the payment of certain kinds of tithes , but the dean and chapter of St. Patrick's objected strongly to this and complained to the pope . They were eventually successful and the indult was revoked in January 1261 . Pont.Hib. 2 no. 479 pp.304-5 , no. 496 pp. 323-4 .

71. Al.Reg. p. 61.

72. ibid. and p. 157 . Robert Blund appears to have held the very rich prebend of Swords . For Simon See Al.Reg. p. 56 ,

73. Al.Reg. pp. 157-8 ,

or if they became his clerks by virtue of their holding prebends .
In studies of English diocesan administration it has been found that
within the chapters of the secular cathedrals there grew up a body of
canons who formed the bishop's council . It was from within this
group that the archbishop picked his official staff . The identification^{74.}
of such a group of canons within the medieval chapter of St. Patrick's
is rendered impossible by the poor survival of episcopal acta from the
thirteenth century . However what evidence there is would suggest that
the canons who most frequently witnessed the archbishop's charters,
were not chosen randomly . They appear to have formed a distinct
group from which the archbishop chose his spiritual and secular
staff .

During the years 1270 -1300 the chapter of St. Patrick s
underwent a large change in composition , caused in particular by
the long vacancy of 1271-9 and the exercise by the king of his right
to present to prebends during this vacancy . During this period
Edward I lost no opportunity to use any prebend which might fall
vacant in Dublin to reward his clerks and employees . This was the case
all over England as well, and a study of the patent rolls for the reign
of Edward I has revealed nearly one thousand presentations to
ecclesiastical benefices made during the 35 years of his reign . The vast
majority of these presentations were made sede vacante^{75,} . The long

74. See C.R.Cheney , English Bishop s' Chanceries 1000-1250 , (1950)
and F.M.Stenton , 'Acta Episcoporum', in Cam.Hist.Jrnl. vol. 3 (1929),
pp. I-14 .

75. R.A.Hartridge , 'Edward I's exercise of the right of presentation to
benefices , as shown by the patent rolls,' in Cam.Hist.Jrnl. vol.2
(1926-8) , pp.171-7 .

vacancy in Dublin was a windfall for King Edward , coming as it did after his return from the crusade and his coronation , when he most needed benefices for his advisers . During this vacancy and the later vacancy of 1294-6 , a total of eighteen distinct presentations were made by Edward I to prebends in St.Patrick's , including two to the archdeaconry and one each to the precentorship and the chancellorship.^{76.}

The majority of the men presented by the king do not seem to have come to Ireland and do not appear in any of the ecclesiastical or administrative records . Among them were men such as Robert Burnell, presented to a benefice in 1271 , Walter Scammel (1272) and Anthony Bek (1274) , men for whom a prebend in Dublin was merely one more addition to a comprehensive list of benefices and a further stage in the process of royal preferment, which would in many cases culminate in the episcopacy .

Some of the men who were rewarded with prebends in this period did play a part in the administration of Ireland . One example is William de Lacquepuis, who was presented to a prebend in 1272 . He had been the king's escheator in Ireland in 1254-6 and 1257-71 and also served as an itinerant justice.^{77.} Another example is John of Kenley, who received a prebend in 1275 . He had been chancellor and chamberlain of the exchequer from at least 1270 .^{78.}

76. C.P.R. 1266-72 , p. 583 ; 1272-81 , pp. 54, 58, 61, 73, 83 , 90 , 110 , 139, 159 , 163, 224, 229, 277, 304 ; 1281-92 , pp. 123, 126 .

77. Rich.Sayles. Admin.Irl. pp. 125, 136, 138.

78. ibid. pp. 115, 118 .

Involvement by the prebend holders of St. Patrick's in the royal administration in Ireland did not of course begin in the period of royal presentation. Throughout the thirteenth century the personnel of Dublin's secular cathedral played an important role in the administration⁷⁹. This was particularly marked during the episcopacies of archbishops who were themselves heavily involved in the administration, for example Henry of London and Luke de Roches. Episcopal households could be closely connected with royal service and there are many examples of men who could move easily from one employment into another. This mobility is clearly demonstrated in the case of Thomas de Chaddesworth, who was first chancellor and then dean of St. Patrick's and also chancellor and deputy treasurer of the Irish exchequer. As the official of Fulk de Sandford he presided over the ecclesiastical court in Dublin and he also served as a justice itinerant of the crown and a justice of the common bench⁸⁰. It is clear that if the archbishop was involved in royal service himself then the men whom he used to witness his acta and exercise his spiritual jurisdiction would be more likely to be involved in the secular administration, and the archbishop drew most of his staff from the canons of St. Patrick's.

79. See Rich. Sayles, Admin. Irl. pp. 2-4. They suggest a comparison of the lists of prebend holders contained in H.J. Lawlor's The Fasti of St. Patrick's, Dublin (Dundalk 1930), with their lists of ministers and judges in the Irish administration.

80. Rich. Sayles, Admin. Irl. pp. 115, 140-1, 201, 209. See Appendix no. 3.

While it is possible in many instances to trace the roles played by the canons of St. Patrick's in the archbishop's administration, it is not as easy to ascertain how large a part the archbishop played in the administration of the cathedral. During the first 30 to 40 years of St. Patrick's existence as a cathedral, the archbishop played a major role in the statute-making of the cathedral. The important steps taken by the chapter to set up a vicars' choral and to deal with problems such as non-residence were taken under the aegis of the archbishop. Unfortunately, due to the vacancies and absences which plagued the latter part of the century it is not possible to speculate on the part played by the archbishop in the statute-making of the cathedral, during a period when one would expect the chapter to be asserting its independence.

The holding of prebends at their cathedrals was a recognized expedient both in England and on the continent by which bishops tried to gain access to the chapter meetings. At Salisbury the bishop held a prebend and at times gave his consent to chapter statutes not as a bishop but as a 'canonicus'. In Dublin Archbishop Luke appears at one stage to have held the prebend of Stamuthan or Tymon in the cathedral, but this must have been a temporary arrangement because in 1260 Fulk de Sandford informed Pope Alexander IV that although he was a canon of St. Patrick's he held no prebend there. The pope gave him licence to annex to his canonry the prebend of Swords, so that on

81. See above p. 143-7.

82. Edwards, Eng. Sec. Cathedrals, pp. 109-10.

83. Al. Reg. p. 63.

84. Pont. Hib. 2, no. 478, pp. 303-4.

the death or resignation of the canon who then held it , it might be held by the archbishop and his successors . Fulk was instructed to create a new prebend in the cathedral so that the number of canons might not be lessened . It is interesting to note that it was in this year also that Bishop Henry de Wingham of London obtained an indult from Pope Alexander giving him the right to hold a prebend in St. Paul's in London .^{85.}

The rich prebend of Swords did not however become annexed to the archbishopric . There may have been some objection from the chapter , although no record of this survives . The archbishop of Dublin did get the prebend of Cualann or Colonia in St. Patrick's at some stage before the early fourteenth century and this remained annexed to his office .^{86.}

The oath sworn by the archbishop of Dublin on his reception at St. Patrick's has survived in a fourteenth century form^{87.} Like any ordinary canon of the church he swore to be faithful to St. Patrick's and to defend its liberties and its customs . He also swore not to alienate its property and as far as he could to ensure that any property which had been lost would be restored as well as

85. Cal. Lib. Niger , p. 136 ; C.C.C.D. no. 186 .

86. C.P.L. I, p. 373 . The indult was revoked a year later by Pope Urban IV.

87. Cambridge Add. Ms. 710 f.132r.

undertaking to protect the church from all harm . The other canons
also swore to defend the customs of the church against all attack and
to preserve the secrets of the chapter . Whether this implied that the
archbishop did not partake in chapter meetings and therefore was not privy to
the secrets of the chapter is not clear .

As a member of the chapter it appears likely that the archbishop
would be accorded the same privileges as those enjoyed by the four
dignitaries , but it is not known if this extended to the claim to
receive double commons . During Archbishop Alen's visitation of the
cathedral of St. Patrick's in 1532 it was decided that although the
archbishop was 'the summit of dignity,' he should not have double
commons along with the other four dignitaries . Unfortunately
there is no indication of what the practice had been up until that
time , but the implication is that a change in the custom was being
established . In the English secular cathedrals practice regarding
double commons varied , as did practice concerning the position of
the bishop in the chapter .

87 Cambridge Add.MS.710 f.132r 'Fidelis ero ecclesie Dublin' : iura
libertates et legitimas et approbatas constitutiones et consuetudines
ipsius ecclesie defendabo et conservabo : bona res et iura eiusdem ecclesie
exceptis casibus in iure expressis non alienabo : alienata amissa
perdita seu alias iniuste usurpata petam et quantum in me est revocabo
et recuperabo : utilia eiusdem ecclesie totis viribus procurabo et
nocua vitabo !

88. ibid. f.139r .

89. Al.Reg. p. 282 .

90. Edwards, Eng.Sec. Cathedrals ,pp. 104-6 . York apparently was the
only English secular cathedral which denied its bishop all statutory
right to sit in chapter .

Relations between the archbishops of Dublin and the secular chapter appear to have been very cordial throughout the thirteenth century , apart from one incident in the episcopacy of Fulk of Sandford when the chapter complained that he had sought to deprive them of their income by procuring a papal indult . The **question of episcopal, visitation** which caused a great deal of conflict between the English chapters and their bishops during the thirteenth century, does not seem to have arisen in Dublin during this period . The first known visitation of St. Patrick's occurred in 1303 in the time of Archbishop Richard de Ferringes, who also issued a charter concerning future visitations in which he claimed to be confirming the privileges conferred on the chapter by his predecessors . De Ferringes undertook to visit the chapter only through the dean and to make any correction through him . Lest the proceedings be tainted in any way by the motive of profit , he promised to limit his procurations to 10 marks .

If this very moderate arrangement concerning visitation had been practised during the thirteenth century, it would explain why there is no evidence of conflict over this matter . It would also have been typical of the friendly relationship between the archbishop and the chapter which characterized this period .

91. Crede Mihi f.108v .

92. ibid . f.108v '.....Ordinamus et statuimusquod archiepiscopusdecanum et capitulum , quociens opus fuerit et saluti animarum expediens , per decanum visitet et correctiones facit salutare per eundem.

SECTION 2 .

CHAPTER 9 . THE REGULAR CHAPTER OF CHRIST CHURCH DUBLIN .

a) Foundation and early history . p. 160-4 .

b) Relationship with the archbishops
from 1181 . p. 164-70 .

a) THE FOUNDATION AND EARLY HISTORY

It is not possible to do more than speculate on the foundation date of Dublin's first cathedral church . All of the information for the early history of Christ Church (as indeed for the early history of the diocese of Dublin) is contained in narrative sources from the thirteenth and fourteenth century which are far from being reliable .
I.

The early Dublin annals of St. Mary's which were compiled in the thirteenth century, but which incorporate material from an earlier date, contain the information that in 1074 Dunanus , bishop of Dublin , died and was buried in the church of the Holy Trinity , near the high altar and on its right hand side . This was the traditional burial place for the founder of a church . Dunan's death in 1074 was also recorded by the annals of Ulster , Tigernach , and the Chronicon Scotorum . In the book of obits of Christ Church Dunan is called the first bishop of Dublin and 'the founder of our church' . It would appear therefore that the foundation date of the cathedral can be placed before Dunan's death in 1074 .
2.
3.
4.

1. For a discussion of the available evidence and the problems associated with it see A.Gwynn 'The first bishops of Dublin,' in Rep.Nov. vol. I (1955) , pp. 1-26 ; 'The origins and the see of Dublin', in I.E.R. vol.62 (1941) , pp. 40-55 , 97-112 ; 'Some unpublished texts from the Black Book of Christ Church Dublin' in Anal.Hib. vol.I6 (1946) , pp. 283-337 .

2. Ch.St. Mary's vol.2 p.249 .

3. Ann.Uls. 2 p.26 , Ann.Tig. p. 410 , Chron.Scot. p. 290 .

4. C.Crosthwaite ed. Book of Obits and Martyrology of Christ Church Dublin , (1844) . p. 23 .

The Black Book of Christ Church contains a narrative written towards the end of the fourteenth century which deals with the foundation of the church . Described by Gwynn as an example of the 'elaborate and artificial rhetoric of a medieval propagandist'^{5.} and written with little attention for historical accuracy , it tells that Sitric King of Dublin gave to the Holy Trinity and to Donatus, the first bishop of Dublin , a site on which to build a church dedicated to the Holy Trinity^{6.} He also gave gold and silver for the building and with the help of God's grace , Donatus satisfied his wish and command .

This King Sitric is recorded in the Irish annals as having gone on a pilgrimage to Rome in 1028 and the statement that he was involved in setting up the church of the Holy Trinity in Dublin receives some backing from this fact^{7.} Gwynn speculated that Sitric may have undertaken the journey to Rome with the specific object of obtaining papal permission for the setting up of a see in Dublin , or that the project was suggested to him while he was in Rome^{8.} Gwynn therefore fixes the date for the foundation of Holy Trinity and the establishment of a see in Dublin c. 1029-36 , but admits that although this date appears likely , it lacks all support from contemporary documents^{9.}

5. Gwynn. Origins of the see, p. 51 .

6. 'Some unpublished texts from the Black Book' p. 309 '....Postea venit Sitric Rex Dublin' filius Ableb Comitis Dublin'et dedit Sancte Trinitati et donato primo episcopo Dublin locum ad edificandum ecclesiam Sancto Trinitati '.

7. Ann.Uls. vol. I p.559 .

8. Gwynn, 'Origins of the See' p. 106 .

9. ibid. p. 112 .

There is no indication of what type of foundation the church of Holy Trinity was or what type of ecclesiastics served there until the early years of the twelfth century . C.1100-01 , Anselm , Archbishop of Canterbury wrote to the then bishop of Dublin , Samuel (1095-1121) reprimanding him for having expelled some monks from the church of Dublin . Anselm had heard that Samuel had ejected and scattered these monks who had been gathered in the church for the service of God and that he refused to receive back those who wished to return . Given the connections between Dublin and Canterbury at this time it is possible to conjecture that these monks were Benedictine .

According to the early thirteenth century life of St. Laurence O'Toole, when Gregory, the first archbishop of Dublin died in 1161 the electors of the church of Dublin chose the bishop of the suffragan diocese of Glendalough as their new archbishop . Unfortunately no information is given on how this 'election' was carried out . Under Archbishop Laurence the cathedral of Holy Trinity received the chapter organization which it was to retain down to the Reformation. About 1163 , Laurence introduced the then fashionable Arroasian canons into Holy Trinity and he himself observed the rule along with

10. The text of this letter can be found in Patrologia Latina , vol. 159.

11. See A.Gwynn 'Bishop Samuel of Dublin' in I.E.R. vol.60 (1942), pp. 80-8 .

12. 'Vita et Miracula Sancti Laurentii' ed. C.Plummer , in Analecta Bollandiana , vol.33 (1914), pp.121-86 . See ch. VII p. 136 .

the canons , purportedly wearing the Augustinian habit under his
I3.
episcopal robes . He also endowed the canons with lands and churches
which remained the nucleus of their possessions for the medieval
period and beyond . The earliest papal confirmation of the
possessions of the church dates from 1179 and between this and the
confirmation which the canons received from Pope Urban III in 1186
I4.
there was a significant increase in their possessions . The early
Anglo-Norman invaders and in particular Strongbow were very generous
I5.
to Holy Trinity . A 1202 confirmation of King John of the lands and
possessions of Holy Trinity which were granted to it before and after
the arrival of the English in Ireland lists many grants from the
I6.
first generation of Anglo-Normans in Dublin .

The small number of episcopal acta which survive from the time
of Archbishop Laurence show that the canons of Holy Trinity figured
prominently among the witnesses to his archiepiscopal functions . A
charter dated c. 1176 was witnessed by the prior , subprior and
I7.
sacristan of Holy Trinity. Another charter of the same date was
I8.
witnessed by the prior and sacristan . It is clear that at this stage

I3. Vita et Miracula ch. VIII p.137. For a brief discussion of Archbishop
Laurence's adoption of the Arroasian rule in Holy Trinity , see P.J.
Dunning 'The Arroasian order in Medieval Ireland' in I.H.S. vol. 4,
(1945) pp. 308-9 . See also Gwynn and Hadcock Med. Religious Houses Irl.
pp. 146-52 , and Ch. St. Mary's 2 p. 266 .

I4. Pont. Hib. I, no. 13, p. 41-4 .

I5. The Black Book of Christ Church contains the information that
Archbishop Laurence with Earl Richard built the choir and two chapels
of Holy Trinity . Gwynn, 'Unpublished Texts' p. 309

I6. C.C.C.D. no. 364 (c) .

I7. Reg. Nov. pp. 287-8 . Another ratification was witnessed by the
prior and the whole convent Reg. St. Thomas , p. 285 .

I8. Document no. 3 in M.P. Sheehy 'Diplomatica ; Unpublished medieval
charters and letters relating to Ireland ' in Archiv. Hib. vol. 25 (1962),
pp. 123-135 .

the canons of Holy Trinity were functioning as the cathedral chapter of the diocese and their consent was necessary for the ratification of the formal acta of the archbishop .

RELATIONSHIP WITH THE ARCHBISHOPS OF DUBLIN FROM 1182

There is nothing in the records from the episcopacy of Archbishop John Cumin to show that he treated the church of Holy Trinity with anything less than the respect due to the cathedral church of his diocese . It is likely that given his background and training he would not have considered Augustinian canons as the most suitable administrators for a large diocese , and he did take steps to ensure that there would be a foundation in Dublin which would support the secular clerks who were more suitable for such duties . But there is no evidence to support the view that he wished to replace the regular chapter or that he discriminated against it in any way .

There does appear to have been a certain amount of tension between the archbishop and Holy Trinity in the period 1190-96. There survive details of a settlement which was reached between them under the supervision of the archbishop of Cashel , the papal legate^{19.} At the legate's request , the archbishop confirmed all their possessions to the prior and canons who then renounced all their differences with him . Archbishop Cumin also agreed to give the canons

19. Al.Reg. pp. 30-1 .

100 rabbits every year from the warren at Portraine , and a rent of 23s. in Dublin . It has been suggested that this dispute was connected with the foundation and endowment of St. Patrick's in 1192 and that in return for this confirmation and settlement the prior and canons agreed not to object to the archbishop's plans for the secular college . However there is no mention of anything of this sort in the document, which may even date from the period before the foundation of St. Patrick's . It seems more likely that the transaction resulted from a series of small disputes over lands and rents which were inevitable between a newly established and foreign archbishop and a long established cathedral chapter . There is no other evidence that Holy Trinity objected to the foundation of St. Patrick's and the fact that the dignitaries who took part in the ceremony establishing the new college assembled and proceeded from Holy Trinity would suggest that the prior and canons foresaw no threat from the secular foundation .

There is in fact a lot of evidence to suggest that John Cumin treated Holy Trinity as the cathedral church of his diocese . On his arrival in Dublin in 1186 he held his provincial council in Holy Trinity and promulgated the decrees which were later confirmed by Pope Urban III . A year earlier Prince John had recognized the status

20. See G.J.Hand, 'The rivalry of the cathedral chapters in medieval Dublin' in R.S.A.I.J. vol 92 (1962) , p. 197.

21. Annals of Dudley Loftus . Marsh's Library MS. Z.4.2.7. f.65 .

22. Giraldus De Rebus a se Gestis pp. 65-6 ; Pont.Hib. I, no. 16 , pp. 48-52 ; see above p. 10 .

of Holy Trinity when he granted a carucate of land in augmentation of the archbishopric of Dublin , to ' God and the church of Holy Trinity of Dublin and John archbishop of that see ' .^{23.}

In Hovenden's account of the quarrel between John Cumin and the Irish justiciar in 1197 , he relates that when the archbishop placed Dublin under an interdict he ordered all the images and crosses in his cathedral church to be laid on the ground , surrounded by thorns . After he had left to seek justice overseas a miracle occurred in this church when the cross there began to shed blood . The canons quickly sent over some of their number to inform the archbishop of this miraculous event , hoping no doubt that such evidence of divine displeasure would help the archbishop to obtain a settlement from the king . There is no further mention of this event but it does suggest that the prior and canons were backing John Cumin in this dispute .^{24.}

The letter which Archbishop Cumin sent to the prior of Holy Trinity c. 1204-5 informing him that he was about to come to an agreement with King John is also worth noting . In it the archbishop acknowledged that he could not exchange any lands of the see of Dublin without the consent of the prior and the archdeacon of Dublin and he asked them both to come to him in England as soon as possible .^{25.}

23. Mac Niocaill, Charters p. 284

24. Hovenden, Chronicle. vol. 4 pp. 29-30 .See above p. 19-20 .

25. Reg. Nov. p. 258 '.....et quia commutationem terrarum ecclesie quas possedit predecessor noster sine consilio et assensu vestro et archidiacono nostri facere non possumus nec debemus , presentia vestra cum nostra nobis necessaria est ' .

The architectural history of Christ Church also sheds light on the relationship between the first Anglo-Norman archbishop and the regular cathedral . The choir and transepts of the church were extensively reconstructed during the years 1186 and 1200 and the style of the building and the stone work has been shown to have obvious 26. affinities to buildings in the Bristol channel area . In particular a group of nine historiated capitals are related to contemporary sculpture at Wells and Glastonbury abbey in Somerset . John Cumin's links with Somerset have already been discussed and it is especially interesting to remember that he was custodian of the Abbey of Glastonbury during the years 1179-82 27. . Not only was the reconstruction of Holy Trinity undertaken during his episcopacy but it seems likely that he played a major role in the building and brought over stone workers from his native Somerset , perhaps those who were working on the fabric of Glastonbury while he was the custodian there .

Appropriately therefore , two sources record that when Archbishop Cumin died in 1212 , he was buried in the church of Holy Trinity 28. . An early thirteenth century effigy of an archbishop in St. Laurence's chapel in Christ Church has been tentatively identified as that of John Cumin . 29.

26. See R.A.Stalley, Architecture and Sculpture in Ireland 1150-1350 (1971), pp. 58-60 ; Christ Church Dublin : the late Romanesque building campaign (1973), pp.6-9 ; 'Three Irish Buildings with West Country Origins' in Medieval Art and Architecture at Wells and Glastonbury , (British Archaeological Association 1981) pp. 62-80 .

27. See above pp.1-2 , 5 .

28. Ch.St.Mary's 2. p. 279 ; Al.Reg. p. 299 .

29. J.Hunt, Irish Medieval Figure Sculpture 1200-1600 (Dublin 1974), vol.1, pp. 48-9 , 134 ; vol.2, plate no. 62 .

The building work at Christ Church continued under Cumin's successor, Henry of London, when most of the nave was finished, again with stone and sculptors being brought over from England.^{30.} There is no evidence of conflict between this archbishop and the regular chapter even though it was he who was responsible for the institution of the four cathedral dignitaries in St. Patrick's. Like his predecessor Archbishop Henry regarded Holy Trinity as his cathedral church and others acknowledged the relationship. In 1216 Pope Innocent III took the church of Holy Trinity into his protection at the archbishop's request and in the same grant he also confirmed Henry of London's metropolitan rights.^{31.} In a grant c. 1220 William Marshall the younger granted land in Carlow to the archbishop and to Holy Trinity on condition that the archbishop would have the earl's parents' anniversaries solemnly celebrated in that church.^{32.}

In 1218 Audoen Brun, a royal clerk and Richard de Bedford, a canon of St. Patrick's granted land to Holy Trinity for the building of a chapel dedicated to St. Saviour.^{33.} Soon after, Archbishop Henry gave his permission for the building of this church 'for the glory of God and the metropolitan church of Holy Trinity and the canons serving God there'.^{34.} Around the same time a dispute between Holy Trinity and a knight, Robert de Grondon was settled and confirmed

30. Stalley, Three Irish Buildings p. 72.

31. Pont. Hib. I, no. 97, pp. 176-9.

32. Crede Mihi f. 91.

33. Reg. Nov. p. 270.

34. ibid. p. 273.

by the seal of the archbishop and the seals of numerous witnesses ,
six of whom were prebend holders in St. Patrick s .^{35.}

An important indication of Archbishop's Henry's relationship with the chapter comes from a grant of c. 1220 in which he granted rents to the prior and convent to enable them to construct a new entrance to their church . In return they agreed that they would celebrate the archbishop's obit for ever . This grant was witnessed by the dean and chapter of St. Patrick's . It does not appear that the establishment of the four dignitaries in St. Patrick's affected the relationship between the archbishop and Holy Trinity . From at least 1223 the acta of Henry of London was witnessed by both chapters .^{36.}
^{37.}

Cordial relations appear to have continued under Archbishops Luke and Fulk . Although the personnel of the regular chapter played a minor role in the administration of the archdiocese , their role as spiritual intermediaries was always recognised and this meant a continuation of generous endowment . Archbishop Luke granted the church of Ballscadan to Holy Trinity on condition that the prior and convent arranged for four chaplains to celebrate mass daily

35. Reg. Nov. p. 272 .

36. ibid. p. 273 '.....ipsi quidem nobis concesserunt quod anniversarium obitus nostri in perpetuum facient celebrari' .

37. For some examples of early grants given with the consent of both chapters , see Ch.St. Mary's I, pp. 181-2 , 186 , 188 . Reg. Hosp.St. John, pp. 223-234 , Reg. Abbey of St. Thomas, p. 294

and for ever , for the souls of King Henry III , the Queen and their
38.
children . Geoffrey de Turville, the archdeacon of Dublin and royal
treasurer also granted rents to Holy Trinity to sustain a priest to
say mass for his soul and he also provided a meal for the canons on the
39.
feast of the vigil of the epiphany .

Although the ties which connected the archbishop with his
secular chapter were stronger , there does not seem to have been
any attempt to exclude the regular chapter from its part in the
administration of the diocese . Documents which required capitular
consent were always witnessed by both cathedrals . It was also
usual for grants from the archbishop to one chapter to be witnessed
40.
by representatives from the other chapter . Archbishop Fulk on
one occasion attempted to implead the canons of Holy Trinity
because Archbishop Luke had granted them a carucate of land in Finglas
41.
without the consent of the chapter of St. Patrick's . In the dispute
between the Hospital of St. John of Jerusalem and Archbishop Fulk ,
the archbishop's proctor objected to the claim of the hospital that
they had received the church of Stachfythenane from the archbishop
of Dublin with the consent of his chapter . The proctor pointed out
that the claim must be false as it was well known that his lord
42.
had two chapters.

38. Al.Reg. p. 82

39. Reg. Nov. p. 104 .

40. See for example Reg. Nov. p. 279 , III ; Al.Reg. p. 79.

41. Al.Reg. p. 136.

42. ibid. p. 99 .

INTRODUCTION .

In dealing with vacancies in episcopal sees three factors have to be taken into consideration : the election process , the administration of the spiritualities of the diocese , and the exercise by the king of his regalian right with regard to the temporalities of the diocese . There is however a complex relationship between these factors which would make it unwise to deal with them separately .

Theoretically the chapter of the diocese played the major role in the election of a new bishop , using one of three canonically recognized procedures , scrutiny , compromise or inspiration . The freedom of the electors was limited however , by the necessity of obtaining in the first place licence to elect from the crown and secondly the consent of the metropolitan (or in the case of an archbishop , the pope) to the chosen candidate . In practice therefore , the election was the result of a complicated interplay of forces , in which royal or papal interests often proved stronger than those of the cathedral clergy .

I.

I. During the thirteenth century , episcopal elections in England , with few exceptions , conformed to the agreement worked out by Pope Innocent III and King John in March 1215 , the text of which can be found in Cheney and Semple, Selected letters of Innocent III , pp. 198-201 . For the canon law of episcopal elections see G. Barraclough 'The making of a bishop in the middle ages ' , in Catholic History Review , vol. 19 (1933-4) , pp. 275-319 . Many interesting comments on English episcopal elections in the thirteenth century are contained in Gibbs and Lang , Bishops and Reform , esp. pp. 1-9 , 53-93 , 137-143 . For elections in thirteenth century Ireland see J. Watt 'The papacy and episcopal appointments in thirteenth century Ireland ' , in I.C.H.C.P. (1959), p. 1-9 , and 'Edward I and the Irish Church', in Med. Studies Gwynn , pp. 136-153 . For injunctions to the Irish clergy to obtain royal licence before proceeding to elections see Pont.Hib. I, no. 122 , p. 206 , no. 123 , p. 207 .

In the Dublin diocese , during the thirteenth century , the election process was complicated by the existence of two cathedral chapters , who on occasion were unable to agree on a candidate and whose conflict was primarily responsible for the long vacancy in the see from 1271-9². The most damaging aspect of this conflict was that it left the way open for papal intervention, which on occasion resulted in the provision of unsuitable candidates . Agreement by the chapters was however no guarantee against such interference from Rome . In fact not one of the elections between 1228 and 1296 was accepted as canonical by the apostolic see .

On the death of a bishop the episcopal property was divided into spiritualities and temporalities and the custody of each section was in different hands . In Dublin , the question of who should have the administration of the spiritualities of the archdiocese sede vacante was inevitably connected with the rivalry between the two chapters³. It appears that from an early date the chapters did agree that the jurisdictional power of the archbishop was jointly vested in them during a vacancy . Conflict however arose over the person who would administer this power and in effect perform the duties which belonged to the archbishop sede plena . The archdeacon of Dublin acted as official custodian of the spiritualities in the early part of the century but the chapter of Holy Trinity objected

2. See G.Hand 'The rivalry of the cathedral chapters in Medieval Dublin ' in R.S.A.I.J. vol. 92 (1962) , pp. 193-206 .

3. The only discussion of this question is in A.A.Luce 'Custos Spiritualitatis Sede Vacante , (Dublin) ' , in Hermethena vol. 53 (1939), pp. 167-99 . Luce was not aware of any evidence before 1284 however .

to the fact that if the archdeaconry fell vacant sede vacante, the king appointed a new archdeacon and instructed St. Patrick's to induct him into his office and his prebend in that cathedral . This appeared to give the king an unprecedented power over the administration of the spiritualities . The chapters worked out a strategy however to deal with this eventuality in the latter part of the century .

The exercise of regalian right by the crown over the temporalities of the Dublin archdiocese sede vacante was established from the vacancy following the death of Archbishop Laurence in 1181. Throughout the thirteenth century , as soon as the king was informed of a vacancy he appointed one or two persons , usually royal servants , to administer the temporalities of the archdiocese and to appropriate all revenues to the uses of the crown . The king's right also involved the power to appoint to all those ecclesiastical benefices which were in the gift of the archbishop . The evidence which survives from the 1271-9 vacancy shows how financially rewarding the exercise of regalian right could be to the crown . The custodian appointed by the crown, whose main task was to exploit the temporalities to the advantage to the king , could also be useful in making the wishes of the crown as regards the choice of the new archbishop known to the electors .

4. For a general discussion of the king's rights during episcopal vacancies see M. Howell, Regalian right in Medieval England (London 1962) . For the Irish situation see Art Cosgrove, 'Irish episcopal temporalities in the thirteenth century', in Arch.Hib. vol. 32 (1974), pp. 63-72 .

The various factors which came into play during vacancies in the see of Dublin can best be illustrated by an examination of the elections themselves .

There are two accounts of the election of John Cumin to the see of Dublin in September 1181 . According to the Gesta Henrici Secundi , King Henry travelled down to the Abbey of Evesham and on the 6th of September he granted the archbishopric of Dublin to his clerk and familiar John Cumin . The appointment was made in accordance with the choice of the bishops and clergy of England and some of the clerics of the metropolitan church of Dublin who had come to the king in England seeking a pastor ^{5.} .

The second account is contained in the Expugnatio Hibernica of Giraldus Cambrensis which states that John Cumin an Englishman succeeded Archbishop Laurence and that he was elected in England by the clergy of Dublin with reasonable harmony and accord ^{6.} .

5. Gesta Henrici Secundi, vol. I. p. 280 dominus rex perrexit usque Evesham ; et ibidem die dominica ante praedictam nativitatem concessit Johanni Cumin clerico et familiari suo , archiepiscopatum Duvelinae ad electionem episcoporum et clericatus Angliae et quorundam clericorum metropolitanae ecclesiae Duvelinae , qui in Angliam venerant ad praefatum regem pro pastore habendo .

6. Giraldus , Expugnatio Hibernica pp. 196-8 '.....successit eidem Johannes cognomine Ciminum , vir Anglicus natione , et in Anglia apud Evesham a clero Dublinensi , regia procurante industria, consone satis et concorditer electus' . The annals of St.Mary's and the annals of Pembridge reproduce verbatim the account given by Giraldus . Ch.St.Mary's vol 2 pp.287 , 305 .

From these accounts it seems clear that representatives from Holy Trinity had travelled to England when they received news of Archbishop Laurence's death and that they had been given power to elect in England . The part played by the king is obvious from the phrase of Giraldus regia procurante industria . It was not unusual in the late twelfth century and the thirteenth century for electors to proceed with episcopal election immediately after receiving royal licence , and in the presence of the king ^{7.} . In fact shortly before Cumin's election Pope Alexander III had reprimanded Richard de Dover the archbishop of Canterbury for confirming the election of some of his suffragan bishops in the very chamber of the king ^{8.} . It was very important for King Henry to ensure that the see of Dublin went to a loyal servant of the crown , but his behaviour towards the Dublin electors was not exceptionally high handed .

The decision of the chapter of Holy Trinity to send over representatives to the king with power to elect may not have been taken completely independently . There is evidence that the king acted quickly on hearing of the vacancy in Ireland and sent his own representatives to Dublin to take the temporalities of the archdiocese into his hand . Roger of Hovenden records that the king sent Geoffrey de Haye , a royal clerk and a clerk of the papal legate who was

7. See Raymond Foreville , L'Eglise et la royauté en Angleterre sous Henri II Plantagenet (1943), pp. 384-5 .

8. ibid. p. 385 .

then in England, to perform this task^{9.} This statement is supported by an entry in the pipe roll of 27 Henry II, which records a payment for the expenses of the journey of John, constable of Chichester, Richard de Peche, Geoffrey de Haye and Wido the clerk^{10.} who were sent as messengers into Ireland. Part of the duties of these representatives may have been to inform the chapter of Holy Trinity of the king's wishes with regard to the election of a successor to Archbishop Laurence. Apart from the statement of Giraldus that the election was 'reasonably' harmonious there is no evidence that there was any objection raised by any of the participating parties.

Unfortunately nothing is known about the election of Henry of London in 1212-13. It apparently took place in Dublin and as Henry of London was sent to Ireland in June 1212, it seems that plans were made in advance for his election. These plans may have been formulated in 1210 when Henry was in Ireland in John's company^{12.} In a confirmation of Pope Nicholas III in 1279 it was stated that Henry had been elected by the two chapters in Dublin.^{13.} There is nothing in the records to confirm this and the statement

9. Hovenden, Chronicle, vol. 2, p. 253 '.....Misit etiam Rex Angliae Gaufridum de Aeya clericum suum et clericum Alexii, legati, in Hiberniam ad saysiendum archiepiscopatum Duvelinae in manu sua'.

10. Pipe Roll 1180-81, p. 115 '.....et pro acquietando passagio Johannis constabularii Cestrie et Ricardi de Peche et Balfridi de Haia et Widonis clerici, legati in Hiberniam'.

11. Rot.Lit.Claus. pp. 118-9.

12. See above p. 36-7.

13. Theiner, p. 120.

may have been based on evidence given by the chapter of St. Patrick's in order to give historical precedence to its claim to share in archiepiscopal elections in Dublin ; therefore, it cannot be accepted as reliable evidence . It would seem unlikely that St. Patrick's, which had no dean or officials in 1212, could have officially participated in an election . Although the choice of Henry of London must have been influenced by the king, there is no evidence that the temporalities during what must have been a very brief vacancy were taken into the king's hand .

By the time of Henry of London's death in 1228 , St. Patrick's did have a fully organized chapter and had been witnessing episcopal acta along with Holy Trinity for at least five years . For the first time in Dublin the difficulties associated with having two chapters in one diocese became obvious . In November 1228 the king granted licence to elect to the prior and subprior of Holy Trinity who had been sent by their brother canons to announce the death of Henry of London . The king prayed them to elect a fit pastor for their church , one who would be faithful to the king and suited to Ireland . Less than a month later however , the king informed the dean and chapter of St. Patrick's that he had received Robert Lutterel their treasurer and William de Piro a canon and had

14. See above p. 143-5 .

15. Pat. Rolls 1226-32 , p. 227 .

given them licence to elect . They proceeded with the election in
his presence and chose Luke, dean of St. Martin's in London . Luke
had been the chaplain of Hubert de Burgh and according to Matthew of
Paris, de Burgh played a major part in having him appointed to
Dublin .

The chapter of Holy Trinity at once complained to Rome and sent
the prior of Holmpatrick to argue their case against the action
of St. Patrick's . Information concerning their objection is
contained in a bull of Pope Gregory IX dated c. 1230 . The pope
related that the chapter objected to Luke on two grounds . In the
first place, his election by the canons of St. Patrick's had been
irregular, and secondly they were not satisfied that his character
made him a suitable choice for the see of Dublin . There is no
specific charge against Luke but it appears likely that they were
referring to his illegitimacy . As a result of their objection
the election was quashed and the pope ordered the bishops of
Chichester , Rochester and London to supervise a fresh election
in which the two chapters were to participate . If the chapters
did not proceed to election within one month these three bishops
were empowered to provide a suitable candidate . Luke's proctors at

16. Pat. Rolls 1226-32, p. 232 .

17. Mat. Paris Chron. Maj. vol. 5, p. 531 .

18. Pont. Hib. 2 no. 197 , pp. 32-4 .

19. Luke was rejected by the electors at Durham in 1226 on these grounds . See above p. 65.

the papal curia brought back letters from the three bishops informing the pope that the two chapters had chosen Luke but in the royal assent to the election it was stated that Luke had been provided by the bishop of Chichester , Ralph Neville (who was Henry III's chancellor) and two other bishops by authority of the apostolic see .^{20.}

In December 1228 the king had given custody of the temporalities of Dublin to Robert Lutterel , the treasurer of St. Patrick's who had been sent over to England with news of Henry of London's death, and to Geoffrey de Elne a clerk . The justiciar of Ireland was instructed to hand over to them without delay all lands , rents and possessions pertaining to the see . During the time which had elapsed between the death of the archbishop and the appointment of the custodians , the justiciar had received the issues of the archdiocese and he was instructed to hand these issues over to the custodians and also to give them advice on the cultivation of the archiepiscopal lands .^{22.} For some reason the king was not satisfied with these two custodians and in July 1229 , he wrote to John de St. John , bishop of Ferns and treasurer of Ireland , instructing him to take all the money which Robert Lutterel and Geoffrey had received and send it to him . The two custodians were instructed at the same time to have nothing further to do with the see of Dublin , custody of which had been

20. Pont. Hib. I, no. 197 p. 33 ; Close Rolls 1227-31 , p. 284 .

21. Close Rolls 1227-31 , p. 137 .

22. Fat. Rolls 1226-32 , p. 233 .

committed to Geoffrey de Turville and Geoffrey de Costet^{23.}in . These two custodians administered the temporalities of the see until the justiciar was instructed in January 1231 to hand them over^{24.} to Luke who had just received papal confirmation .

When Luke arrived in Dublin , one of his first actions was to attempt to settle the dispute between the two chapters which had made his own election so fraught with difficulties . He brought the two chapters together and made them agree that when a vacancy next arose , the prior and chapter of Holy Trinity and the dean and chapter of St. Patrick's would come together in the church of Holy Trinity and observing canon law and respecting each other's liberties^{25.} would co-elect a pastor . The two chapters placed their seals on this very straightforward solution to the problem .

There is no evidence of any objection being raised by either side at the time this pact was sealed , but over ~~twenty~~ years later in 1253 Holy Trinity appealed to Rome against the composition . They claimed that they were greatly injured by the agreement which allowed the chapter of St. Patrick's to have a say in the election

23. Close Rolls 1227-31 , p. 197.

24 ibid. p. 217. During their custodianship of the temporalities , Robert Lutterel and Geoffrey de Elne accounted for £445.0.12d . Pipe Roll 8 Henry 3 , D.K.P.R.I. Rep. no. 35 , p. 32 .

25. Reg. Nov. pp. 101-2 '.....ordinavimusquod vacante sede metropolitana convenient prior et capitulum Sancte Trinitate decanus et capitulum Sancti Patricii in ecclesia sancte Trinitatis et invocata Spiritus Sancti gratia forma observata canonica concorditer et unanimiter futurum coeligant sibi pastorem , libertatibus aliis utrobique manentibus illibatis '.

26.
of archbishops of Dublin . Pope Innocent IV directed the bishops of Emly and Limerick and the dean of Limerick to examine the case and if the parties did not come to an agreement to remit the case to Rome .

There is no evidence concerning the outcome of this enquiry , but when Archbishop Luke died in 1255 the two chapters observed his settlement and together they elected Ralph of Norwich who had been the king's chancellor in Ireland since July 1249 . Pope Alexander IV refused to confirm the elect and rejected Ralph on canonical grounds, saying that the election was minus canonice celebrantam . The precise meaning of this is not clear but according to Matthew Paris the election of Ralph of Norwich was opposed by some of the canons of Dublin and the pope reproved the electors for choosing a man who was so secular and so much under the protection of the king . On the 19th. July the pope provided Fulk of Sandford to the see of Dublin , informing the chapters that he was noble , lettered , honest and experienced in spiritual and temporal affairs. Although the king must have been disappointed at the rejection of his chancellor he restored the temporalities to Fulk without any delay .

26. Pont.Hib. 2 no. 362 pp.190-1 ; no. 363 pp. 191-2 .

27. C.P.R. 1247-58 , p. 400 ; Rich.Sayles , Admin. Irl. p. 92 .

28. Pont.Hib. 2 no. 429 pp. 257-9 .

29. Mat.Paris Chron.Maj. vol. 5 , p.560 '.....sed propter aliquorum contradictionem dilata est eiusdem confirmatio . Reprehendebantur nempe electores , eo quod hominem eligissent penitus secularem et ad huc in regis clientela in custodia Hyberniae theoloneo assidente.'

They had been in the custody of Master Robert Anketil the king's
30.
escheator in Ireland .

Up until this point the chapters in Dublin had not had much influence in the choice of archbishops . John Cumin , Henry of London and Luke were undoubtedly elected through royal influence and Fulk was provided from Rome . When the archdiocese next became vacant in 1271 both chapters were determined to strengthen their position . Royal licences were issued to each chapter and there appears to have been an attempt to hold a joint election . It 31.
ended however in the worst possible way with the election of two 32.
candidates , a situation for which canon law had no simple solution.
Both chapters wrote to the King giving their version of events . 33.
The dean and chapter of St. Patrick's stated that having received licence to elect they assembled with the prior and chapter of Holy Trinity in the latter's church . But the prior and chapter 'with whom they ought to agree unanimously' refused every canonical way of election . In the end the dean and chapter of St. Patrick's drew aside and invoking the Holy Spirit they agreed on William de la Corner , papal chaplain and king's canon and elected him. The prior and chapter of Holy Trinity wrote to say that they had elected Fromond le Brun, another papal chaplain and the king's chancellor in Ireland .

30. Close Rolls 1254-6 , p. 417 ; C.P.R. 1247-58 , p. 429 .

31. The letters are contained in an exemplification dated March 18th, 1272 , C.P.R. 1266-72, p. 637 .

32. See Barraclough , Making of a bishop , p. 271 .

33. C.P.R. 1266-72 , p. 637 .

They made no reference to the attempted joint election , and in fact no mention at all of St.Patrick's .

The double election coincided with a vacancy in the papal throne which ended in March 1272 , but by that time it appears that both sides had become uncompromising in their support for their own candidates . The conflict was not settled until 1279 , when Pope Nicholas III prevailed on one candidate to resign and declared the election of the other candidate to be uncanonical . The pope then provided John Darlington to the see in February 1279 .^{34.} Nicholas also took this occasion to enjoin the chapters to observe in future the composition regarding archiepiscopal elections which had been agreed upon in the time of Archbishop Luke .^{35.}

The see of Dublin was vacant from May 1271 until the temporalities were restored to John Darlington in April 1279 . In June 1271 King Henry had granted the issues of the see to Prince Edward , excepting knight's fees , wards , reliefs , escheats and advowsons of abbeys , priories , dignities and churches . William de Bacquepuis , the king's escheator in Ireland , was instructed not to meddle with the custody of the see but to allow Edward's substitutes to have the issues , provided that the excepted areas were not infringed upon .^{36.} When Edward became king sixteen months later he assumed unfettered control of the issues .

34. Theiner , pp 118-119 .

35. ibid. p. 123 .

36. C.P.R. 1266-72 , p. 546 .

Thomas de Chaddesworth was appointed custodian of the temporalities of the archbishopric on June 24th 1271 and he was given an annual payment of 40 marks per annum ^{37.} In January 1273 he was given power to farm out , divide or let the lands and tenements of the see as might be fit and advantageous to the crown . All the tenants of the see of Dublin were instructed to be attentive to him as custodian ^{38.} De Chaddesworth's account listing the issues of the archiepiscopal manors for the years 1271-77 has survived . The revenues of the manors amounted to £7728.5s.10d for the period, or an annual revenue of roughly £1500.0s.0d . This account also gives a glimpse of the impressive administrative organization which was present in the archbishop's manors sede plena , ^{39.} which was used by the custodian sede vacante .

It is from this vacancy also that the first evidence regarding the custody of the spiritualities of the see sede vacante emerges . In 1274 the archdeacon of Dublin William de Northfield died and King Edward , claiming that the archdeaconry was in his gift by reason of the voidance in the see , granted it to William de Salanis , a royal clerk. He instructed the chapter of St. Patrick's ^{40.} to install him in the usual manner . Soon after this appointment was made the prior and convent of Holy Trinity along with the chapters of Kildare and Leighlin, the sees of which were vacant , alleged

37. C.P.R. 1266-72 , p. 540 .

38. C.P.R. 1272-81 , p. 3 .

39. Betham , Custodian's account , pp. 158 .

40. C.P.R. 1272-81 , p. 75 .

an obstacle against the king , the details of which are contained
in a memorandum from the archdeacon of Dublin requesting the assistance
of the secular arm against the prior and convent . They claimed that
although the king could confer prebends in the church of Dublin sede
vacante , he could not confer the archdeaconry because the
jurisdiction of the see of Dublin belonged to the archdeacon in times
of vacancies . They claimed that this had been the case from time out
of mind . The objection of Holy Trinity is understandable ; in
appointing the archdeacon the king was effectively appointing the
custodian of the spiritualities . The prior and convent had resisted
William de Salanis who had pronounced a sentence of excommunication
against them . According to the archdeacon the prior and convent
had persisted in their resistance for forty days to the king's
dishonour and disherison with the result that he was forced to seek
the king's aid and the use of the secular arm against them .

41. P.R.O. London , C.47/10/13 (14) .

42. ibid '.....Istud est obstaculum quod ponunt prior et conventus Sancte Trinitatis Dublinensis (una cum capitulis Darensi et Leglinensi sedibus eorundem vacantibus) contra regem quod licet rex possit conferre prebendas ecclesie Dublin' sede vacante dicunt cum quod spiritualitates et precipue spiritualitatem archidiaconatui annexam conferre non potest quamquam manifestum et apud omnes sit notorium quod ad archidiaconatum Dublin' sede vacante jurisdictio et omni modo spiritualitas totius archiepiscopatus suffraganeorum et aliorum omnium subditorum a tempore cuius memoria non existit spectare consuevit ' .

43. ibid prefatus archidiaconus consilium domini regis requirit auxilium brachii secularis contra huiusmodi excommunicatos invocando ' .

It appears that the secular arm was indeed used against some members of the chapter of Holy Trinity . In a mandate dated April 1276 Pope John XXI directed the bishop of Waterford , the abbot of St.Mary's Dublin and the Prior of Trim to hear the complaint of Holy Trinity who claimed that the archdeacon of Dublin had usurped the archiepiscopal jurisdiction and caused them to be summoned before the secular court . They added that the official of the archdeacon had excommunicated various clerks of the diocese and city of Dublin and caused them to be detained in prison .^{44.}

More information on this conflict is contained in a communication between King Edward and the Irish justiciar in December 1275 .^{45.} The justiciar was informed that the prior and convent of Holy Trinity had complained that the mandate which the king had sent to the dean and chapter of St. Patrick's asking them to induct William de Salanis into the archdeaconry of Dublin was to their prejudice . They claimed that during vacancies in the see of Dublin the archdeacons were presented to them and from their hands received the jurisdiction of the spiritualities of the city and diocese of Dublin . The prior and convent therefore wished William de Salanis to be presented to them accordingly . The king had ordered both chapters to come to him in England and he provided them with auditors , namely Thomas Bek, the keeper of the king s wardrobe and R. de Scardeburg, one of his clerks . After several days of altercation

44. C.C.C.D. no. 107 , p. 54 .

45. C.P.R. 1272-81 , p. 174 .

the prior and convent agreed to accept William de Salanis as their archdeacon for the good of the peace and the king's reverence . It is interesting that at this stage it was not the actual appointment of the archdeacon that Holy Trinity were objecting to but the fact that it was the chapter of St. Patrick's who inducted him into his office and the implication that it was in this chapter that the custody of the spiritualities was vested . This would also explain a mandate sent by the pope in September 1276 instructing the three previously named judges to enquire into the dispute between the prior and convent of Holy Trinity and the chapter of St. Patrick's with reference to the archiepiscopal jurisdiction , the see of Dublin being vacant ^{46.} . It is not known if the chapters solved their problem at this stage but when the king appointed another archdeacon on the death of William de Salanis in ^{47.} 1278 there is no evidence of any objection from Holy Trinity .

When news of the death of John Darlington reached Dublin early in 1284 , both chapters sent to the king for licence to elect . They then observed the ruling of Pope Nicholas and met in Holy Trinity to unanimously elect John of Sandford the dean of St. Patrick's as ^{48.} archbishop . The king gave his royal assent in July 1284 and also ^{49.} issued letters of protection for John who was going across the sea .

46. C.C.C.D. no. 108 , p. 54 .

47. C.P.R. 1272-81 , p. 174 .

48. C.C.C.D. , no. 137 , p. 59

49. C.P.R. 1281-92 , p. 126-7 .

The archbishop elect was accompanied by two canons from Holy Trinity and three canons from St. Patrick's^{50.} This time there was no objection to the election but there were objections to John of Sandford who was of illegitimate birth . John had received a papal dispensation allowing him to be promoted to the archiepiscopate but he had unfortunately lost it . A copy was produced with the seal of Hugh de Tachmon former bishop of Meath but it did not appear to be in the usual style of the papal curia^{51.} . The king intervened, as he was no doubt eager to have a man of de Sandford's ability in the archbishopric of Dublin . At his request the pope allowed John to enjoy the provisions of the dispensation . De Sandford had to resign as archbishop elect but he was re-elected in Rome^{52.} by the canons who had accompanied him .

During this vacancy the king appointed Nicholas de Clare custodian of the temporalities of the archbishopric and he exercised this function until the temporalities were ordered to be restored to John de Sandford in August 1285^{53.} . This vacancy also marked a major step forward in the formal relationship of the two Dublin chapters when they agreed to jointly appoint an official to administer the spiritualities of the see and exercise the archiepiscopal jurisdiction in their name^{54.} .

50. C.C.C.D. no.137 , p. 59 .

51. Theiner , pp. 129 - 30 .

52. ibid. p. 132 .

53. C.P.R. 1281-92 , pp. 140, 149, 170 , 187 . Most of the issues went towards the king's Welsh wars .

54. Al. Reg. p. 150 .

In June 1284 the prior and convent of Holy Trinity and the dean and chapter of St. Patrick's agreed to jointly appoint an official to govern the see during vacancies and also to offer each other support should either be harassed or sued by reason of the vacancy . It was stated that this agreement was necessary in view of various dangers which had befallen the province of Dublin during the vacancy of the see .
55.

A similar arrangement was arrived at in 1294 in the vacancy caused by the death of John of Sandford . The two chapters met in Holy Trinity in November 1294 and decided again that they should jointly appoint an official who would account for the revenues of the office biannually , the profits to be divided equally between the two chapters .
56.
The official was to be sworn into his office in the presence of the prior and dean and he was to hold the office for the whole period of the vacancy , during which time he was to convene a sacred synod once a year in Holy Trinity and once a year in St. Patrick's . In 1294 the chapters appointed Adam de Furneis, a canon of Holy Trinity as their official and agreed that on the next vacancy one of the canons of St. Patrick's would hold the position . The chapters also agreed that they would join in sending formal notification of the vacancy to the king and in asking for licence to elect .

55. Al. Reg. p. 150 . The document is entitled ' Sede Vacante creatur officialis per capitula' Liber Niger Alani AI f. 147 .

56. Dignitas Decani no. 33

In conformance with this agreement the chapters then sent a joint delegation to the king to ask for licence . The delegation was delayed in its return and the chapters found that if they did not immediately proceed with an election they would exceed the three month time limit allowed by canon law . The chapters went ahead with the election and chose Thomas de Chaddesworth , dean of St.Patrick's . However the king objected to their having elected before receiving his licence and he required them to repeat the entire procedure . The dean of St. Patrick's was again elected but when he presented himself in Rome for confirmation the pope quashed his election on the grounds that he had delayed greatly before coming for papal confirmation . Pope Boniface VIII thereupon provided William de Hothum to the see instructing the chapters to be obedient to him as their lawful pastor . The temporalities of the archbishopric had been in the custody of Richard de Abingdon who was appointed custodian in October 1294 . He administered the temporalities of the archdiocese until he was instructed to hand them back to the attorneys of the new archbishop in November 1296 .

The election of a successor to William de Hothum in 1298 was similarly fraught with difficulties . The chapters sought licence to elect but were obliged to proceed with the election before receiving

57. C.D.I. 4 nos.181 ,188 , 189 .

58. ibid. nos. 200 , 210 , 219 , 220 . C.P.R. 1292-1301 , p. 132 .

59. Theiner , pp. 160-1 .

60. ibid. p. 166

61. C.P.R. 1292-1301 , p. 100 .

62. ibid. p. 224 .

it , being once again caught in the canon law trap requiring them to seek confirmation within three months ^{63.} . The entire affair was unsuccessful as the election resulted in two candidates both of whom were forced to resign by the pope who thereupon took the opportunity to provide ^{64.} Richard de Feringes the archdeacon of Canterbury to the see . The chapters also incurred the king's wrath by failing to wait for his licence and they were later summoned before him to answer for their ^{65.} actions .

Throughout the Western Church during the thirteenth century , the control which cathedral chapters exercised over episcopal elections was being eroded , on the one hand by interference from the secular powers , on the other hand by the increase in the pretensions of the papal monarchy . In Dublin this situation was aggravated by the existence of two chapters , one of which sought to share in the election process over which the other claimed sole right . The end result of the conflict between the two chapters and the delays occasioned by their rivalry was that , apart from John of Sandford , the chapters had virtually no say in the elections of the thirteenth century archbishops of Dublin . Luke de Roches had been the choice of the canons of St.Patrick's in 1229 but it appears that the two canons who elected him were influenced by the king and by Hubert de Burgh . Fulk de Sandford , the most

63. C.D.I. 4 nos. 573,574,593,594 .

64. Theiner , pp. 167-8 .

65. Rotuli Parliamentorum , vol. I pp. 152-3 .

active of the thirteenth century archbishops was provided from Rome when the chapters performed an uncanonical election and their failure to agree on a candidate or their inability to perform the election within the required time resulted in the provisions of the two non-resident Dominicans and the largely absentee de Feringes .

By the end of the thirteenth century it must have been obvious to the chapters than an agreement between them was essential if they ever wished to establish any real control over the election of the archbishop . Such an agreement was reached in 1300 , but it was only hammered out after a period of serious conflict between the chapters and was never more than half heartedly accepted by Holy Trinity who obstinately saw any recognition of the secular chapter's rights as a diminution of what it termed as its time honoured privileges .^{66.}

The agreement or Composicio Pacis as it was termed reiterated that the two chapters should jointly elect a pastor for Dublin . Holy Trinity as the more senior and the mother church of the diocese was given certain privileges many of which were of a ceremonial or largely symbolic nature . For example it was agreed that the church of Holy Trinity was to have precedence in all meetings, instruments and synods and that the prior should vote first after the bishop

66. See G.J.Hand, Rivalry of the cathedral chapters , pp. 202-4 for an account of the series of events which preceded the signing of the Composicio Pacis , which is based on the narrative contained in the Liber Albus of Holy Trinity Cal.Lib.Alb. pp. 8-10 . The agreement and the additional privileges or 'Clamitat Etiam' of Holy Trinity which was ratified by Archbishop de Feringes in 1301 is printed in Monck Mason History of St.Patrick's, Appendix no. 6 . See also C.C.C.D. no. 364(b) and Al.Reg. pp. 155-6 .

when the see was occupied and should have the first voice in all matters when the see was vacant ^{67.} . The composition also gave the chapters the opportunity to repeat their joint policy with regard to the custody of the spiritualities of the see sede vacante , a policy which had been challenged by one of the suffragan bishops of the Dublin province during the 1294-6 vacancy ^{68.} .

By the beginning of the fourteenth century therefore , the chapters had , with varying degrees of success, regulated procedure in the Dublin diocese with regard to archiepiscopal elections and administration of the spiritualities of the archdiocese during vacancies . The third factor to be considered during vacancies , the question of custody of the **temporalities** had not caused any problems during the thirteenth century however in the first decades of the fourteenth century; it did become a disputed issue .

During the early fourteenth century some of the secular chapters in England obtained permission to have custody of the temporalities of their dioceses during vacancies . By 1317 , Salisbury , Lincoln and St. Paul's had obtained grants allowing them custody of the temporalities

67. Monck Mason, St. Patrick's Appendix 6quod ecclesia Sancte Trinitatis , tanquam major , matrix et sanior in omnibus concionibus , congregationibus , synodis et aliis seu instrumentis quibuscunque preponatur , et vox prioris primo post episcopum accipiatur : sede tamen vacante , primam habeat vocem in omnibus premissis .

68. ibid.....cum devoluta fuerit jurisdictio sede vacante , ad dicta capitula , creetur officialis capituli secundum formam conventionis inter dicta capitula facte ; ac redditus ex custodia spiritualitatis et spiritualis jurisdictionis , sede plena dividatur etiam secundum modum dicte conventionis . See also C.C.C.D. no. 154 where Pope Boniface VIII directed the prior of All Saints to adjudicate in the dispute between the two chapters and the bishop of Ferns over the administration of the spiritualities of the diocese .

of their dioceses during vacancies on payment of a fixed rent to the
68.
crown . It was perhaps in imitation of these chapters that St.Patrick's
c. 1316 requested a similar grant asserting that great damage had been
done to the temporalities by guardians appointed in the past as well
69.
as by the actions of the hostile Irish . Their claim was not unopposed
however , for at the same time the canons of the abbey of St.Thomas
made a similar request for custody of the temporalities in the next
vacancy and at a slightly later date the priory of Holy Trinity
70.
asserted its rights to the temporalities sede vacante . The see of
Dublin did not become vacant again until the death of Alexander de
Bicknor in July 1349 at which time the king appointed two custodians
71.
to guard the temporalities in the usual way . The efforts of the
chapters and the Abbey of St.Thomas had been in vain and the dean and
canons of St. Patrick's and prior and convent of Holy Trinity had to
content themselves with the administration of the spiritualities .

68. See Edwards , English Sec.Cathedrals , p.100 ; Cal.Fine Rolls 1307-19 , pp. 272 , 347 , 348 , 349 .

69. G.Sayles Affairs of Ireland before the king's Council , no. 106 p. 82heu regard as granz damages qe la eglise ad heu par gardeyns nent convenables , come en chasteals et maners ars e abatuz par les Irres enemys e par defaulte de bone garde par quoi la greindre partie des terres gisent gastes . ibid.no. 115 p. 88 . See also C.P.R. 1313-17 , pp.297-300 .

70. ibid. no. 108 p. 83 , no. 152 p. III ; C.P.R.1313-17 , p. 517 .

71. C.P.R. 1348-50 , pp. 419 , 435 .

SECTION 2 .

CHAPTER II. THE ARCHDEACONS OF DUBLIN IN THE THIRTEENTH CENTURY .

- a) The functions of the archdeacon . p. 197-203 .
- b) The archdeacon's jurisdiction . p. 204-7 .
- c) The archdeacon's official . p. 208-10 .
- d) The archdeacons and the cathedral churches : St.Patrick's , p. 211-18 .
- e) The archdeacon and the cathedral churches : Holy Trinity . p. 219-222 .
- f) The archdeacons of Dublin in the thirteenth century . p. 223-232 .

a) THE FUNCTIONS OF THE ARCHDEACON .

The archdeacon was the most important member of the archbishop's 'familia' and his chief officer in the diocese . He carried out a great part of the archbishop's administrative and financial duties and in particular brought abuses and misconduct among the laity and lower clergy to the archbishop's attention . In many ways he functioned as the 'eye of the bishop' and the archdeacon has been described as 'an indispensable class of inferior prelate'^I. It is intended to look at this aspect of the archdeacon's office and to examine the duties he performed in the capacity of a substitute for the archbishop . However , the archdeacon cannot be seen only as an instrument of the archbishop ; he was also an official in his own right and as the thirteenth century progressed , he acquired duties and functions which were peculiarly his own .

No archidiaconal registers survive for pre-reformation Dublin , which partly explains the lack of attention focussed on this **important** official . The episcopal registers , although they were not intended to provide details of the functions of archdeacons , do contain incidental references to his duties , as do the records and chartularies of the prominent religious houses and the two cathedrals . It is necessary in many cases to rely on the records of and the secondary sources on the English dioceses , while trying to avoid mistaking a well attested practice in one diocese

I. C.R.Cheney English synodalia of the thirteenth century, (Oxford 1968) p. 22 .

2.
for the standard rule . The duties of all ecclesiastical officials varied considerably from diocese to diocese and this is particularly true with reference to the medieval archdeacon, whose duties were notoriously vague .

The introduction of the office of archdeacon into the dioceses of Ireland is attributed to the Anglo-Normans , and is generally seen as one of their innovations in the sphere of ecclesiastical administration . There is no mention of the office in the early letters of the Archbishops of Canterbury concerning the Irish

3.
church or in the Liber De Statu Ecclesiae of Bishop Gilbert

4.
of Limerick . The earliest mention of an archdeacon in the Dublin Archdiocese is contained in an exemplification of a charter given by Archbishop Laurence O'Toole confirming the

2. Particularly useful are A.H.Thompson , 'Diocesan organization in the Middle Ages - Archdeacons and Rural Deans,' in Proc. Brit. Acad. vol.XXIX, pp.153-94 ; M.Brett, The English Church under Henry I (1975), pp. 199-211 ; R.M.Haines, The Administration of the Diocese of Worcester (1965), pp.30-74 ; C.Brooke, 'The Archdeacon and the Norman Conquest' in Tradition and Change , Essays in honour of N.Chibnall , ed. D.Greenway and C.Holdsworth (1985), pp.1-19 ; Jean Scammell 'The rural chapter in England from the eleventh to the fourteenth century', in E.H.R. vol LXXXVI (1971) pp.1-21 .

3. Archbishop Lanfranc's letters are printed in Patrologia Latina vol. 150 and in the same source vol. 159 can be found the letters of Archbishop Anselm .

4. The text of the bishop of Limerick's treatise can be found in J.P. Migne, Patrologia Latina , vol 159 pp. 997-1004 . A complete translation of the treatise was made available to me by Ms Elizabeth Dowse .

possessions of Holy Trinity . The witnesses of this charter , which can be dated c.1173-1180 , included 'Torquello the archdeacon'⁵: The first mention of an archdeacon of Dublin appears in 1185 when 'Macrobius Archdeacon of Dublin' witnessed a ratification of Archbishop John Cumin .⁶

At around the same time Archbishop Cumin held his Provincial Synod in the Church of Holy Trinity and from the constitutions of this synod can be obtained the earliest information concerning the position and duties of archdeacons⁷ . The details are sparse but mention is made of the occasions when the archdeacon might function as a substitute for the archbishop . Canon 8 states :

'.....We forbid that any bishop should presume to ordain a candidate from another diocese without letters of commendation from his proper bishop or archdeacon .'⁸

The synodal canons which can be tentatively dated to the episcopacy of Archbishop Fulk(1256-71) are more useful , not only in outlining the archbishop's duties which could be performed by the archdeacon but also in giving details of the functions which were specifically the archdeacon's⁹ . The role of the archdeacon as the protector

5. Cal.Lib.Alb. pp.24-5 . The date is fixed between the death of fellow witness Eugenius Bishop of Clonard which occurred in 1173 , Ann.Uls, 2 p.177 and the death in 1180 of Archbishop Laurence .

6. Chart. St. Mary's I, p.173 . The appearance of Giraldus Cambrensis in the same witness list allows the accurate date .

7. Gwynn , Prov. Dioc. Decrees, pp. 39-44 .

8. ibid. p.43

9. ibid. pp.44-55 .

of morals emerges . Canon 6, which urges rectors to be vigilant concerning public conduct , states that any aberration or excess which has caused public notice or gossip is to be brought to the attention of the archdeacon or dean who is to correct it without delay . Information is also given on the duty of the archdeacon to ensure that the parochial clergy were in the correct orders and of approved life and education and rectors were warned not to appoint presbyters until they had been presented to the archdeacon for examination of their orders , life and learning .^{10.} ^{II.}

The synodal canons provide no information about the mechanism for carrying out these duties but it is known that the archdeacon held a number of chapters each year , which the lower clergy were obliged to attend . The canons of St.Patrick's Dublin were granted the privilege that the priests in their prebends were only obliged to attend two of the archdeacon's general chapters ,^{12.} that after the Octave of Easter and that after Michaelmas . Presumably the archdeacon carried out most of his activities in the spheres of correction and examination at these chapters . The English evidence suggests that they were also used to acquaint the lower clergy with episcopal mandates and matters of general importance .^{13.}

10. Gwynn , Prov.Dioc.Decrees , p. 46 .

II. ibid. p. 47 .

12. This privilege was given to St.Patrick's at its foundation , Dignitas Decani , p. 2-3 .

13. Haines , Worcester p.50 : Churchill, Cant. Admin. I , p.51 ; Scammel, Rural Chapter , p.9 .

The archdeacon was also expected to carry out corrections while performing his visitations , but the most notable feature of these visitations was that they were the occasion for the collection of the archdeacon's procurations from the parish churches . There survive little evidence and no records of archidiaconal visitation in the archdiocese of Dublin in the thirteenth century . However , exemption from archidiaconal visitation was a sought-after privilege which proves that the visitation itself was real enough . Evidence from English dioceses indicates that the visitation was a yearly and much dreaded occurrence and the cause of numerous complaints and disputes . A particularly common complaint was that the procurations were levied without a visitation . There were statutes laying down the proper procedure for archidiaconal visitation which the Dublin archdeacon like his English counterpart had to promise to obey .

Another important function of the archdeacon was the induction of clergy instituted by the archbishop and the handing over of churches granted to the religious orders . It is not clear in the thirteenth century whether this was a function

I4. Holy Trinity consistently claimed exemption for its churches from archidiaconal visitation and levying of procurations . See below p.221 .

I5. English archdeacons were expected to observe the statutes of the fourth Lateran council and the councils of Oxford (1222) and London (1237) . These laid down the provisions for visitation . Mansi, Sacrorum Conciliorum. vol. 22, pp.982-1067 ; Powicke & Cheney, Councils and Synods, vol 2 part I , pp. 100 , 125 , 238-259 .

I6. See Dictionary of Church History , under 'Archdeacon' .

which belonged to the archdeacon by right - as it did in the later middle ages - or whether he was acting as the archbishop's instrument . An example of a mandate from the archbishop to the archdeacon , instructing him to induct a religious house into possession of a church survives from the early thirteenth century in the Register of the Hospital of St. John¹⁷. Archbishop Luke in 1230 informed the then archdeacon Geoffrey de Turville that he had granted the church of Donard to the hospital and the archdeacon was to induct the brothers into possession of this church .

In the Dublin archdiocese one of the duties of the archdeacon was to formally enquire into the circumstances surrounding vacancies of benefices and presentation to benefices . The enquiry was usually undertaken after an episcopal mandate had been received . Such a mandate, together with the archdeacon's reply to it can be found in Archbishop Alen's Register¹⁸. The mandate was dated the 25th of June 1328 and instructed enquiry to be made into a vacancy of the church of Aderke . The archdeacon was to hold a formal enquiry 'in full chapter' and reply with all the findings¹⁹. The archdeacon's reply , dated the 2nd of July 1328 , listed the names of the secular and ecclesiastical jurors who supplied the details under oath . It contained answers to such questions as how long the church was vacant , who was the true patron , what was its value and so on .

17. Reg. Hosp. St. John, pp. 210-11

18. Al. Reg. pp. 198-200 .

19. A full chapter would suggest the presence of a **good percentage** of the people eligible to attend . See Scannel Rural Chapter , pp. 10-11 .

A further right of the archdeacon for which some evidence survives was the privilege of installing priors into churches which were governed by priors in his archidiaconate . This information was supplied to the papal curia by the archdeacon's proctor in 1301 , when he complained that the Dean of St.Patrick's had installed the prior of Holy Trinity contrary to the archdeacon's right .^{20.}

There is little evidence concerning the other possible functions of the archdeacon such as supervision of the fabrics and contents of parish churches or the appointment and dismissal of rural deans, but some or all of these powers are known to have been exercised widely in English dioceses and more than likely were also exercised in Dublin .^{21.}

20. C.C.C.D., no. 166 , p. 67 .

21. See for ex. Thompson, Diocesan Organization, pp. 160-70 .

b) The Archdeacon's Jurisdiction.

As well as having his chapter it is clear that the archdeacon also had his own court in Dublin . The area of the archdeacon's jurisdiction is difficult to define and again the problem is in distinguishing the jurisdiction he possessed in his own right from that which he exercised as the representative of the archbishop . In Dublin , certainly by the end of the thirteenth century the archidiaconal jurisdiction was something distinct from the archiepiscopal jurisdiction^{22.} This meant that certain cases were automatically dealt with in the archdeacon's court , but what kind of cases is not clear at all .

In England as early as 1164 the Constitutions of Clarendon placed the archdeacon's court lowest in the hierarchy of ecclesiastical courts^{23.} In general the evidence from English diocese suggests that the archdeacon's court dealt with the lesser causes , particularly those concerning the moral conduct of the lower clergy and the laity . 'Archdeacons and rural deans (who seem to have acted as the archdeacon's deputies) operated at a level where sin was notorious and because of the censoriousness of neighbours , could be easily detected'^{24.}

22. This distinction is clearly expressed in the wording of the Compositione Facis between the two cathedrals in 1301 . It was decided that during vacancies of the see the two chapters were jointly to exercise archiepiscopal jurisdiction while the archdeacon was to continue to exercise archidiaconal jurisdiction . Monck-Mason St.Patrick's , appendix no. 6 .

23. Powicke & Cheney , Councils and Synods , I , pp. 877-883 .

24. Barlow. Eng.Church 1066-1154, p.155 . For details on the archdeacon's jurisdiction in England, see Haines, Worcester , pp.52-4 ; Scammel, Rural Chapter , pp. 1-21 .

The Dublin diocesan legislation contains a certain amount of information on the archdeacon's jurisdictional functions : for example , Canon 29 of Archbishop Fulk's synodalia concerns the arrangements for the examination of the witnesses in matrimonial cases . It seems that the archdeacon was involved in the setting up of a board of examiners and in arranging their fees .^{25.} Canon 41 of the same synodalia states that if litigants in a case decide to come to an agreement out of court , they were to be allowed to withdraw their suits and were not to be impeded by the archdeacon from doing so .^{26.} This would imply that the archdeacon on occasion did prevent people from withdrawing their suits , but out of which court , the archbishop's or his own, is not made clear .

It is possible that this canon did refer to cases in the archbishop's court because there is evidence that the archdeacon did at times preside over this most important ecclesiastical court . In a testamentary dispute of 1320 between the Abbot and Convent of St. Mary's and John FitzLysbon , it was the archdeacon's official who cited the protagonists to appear , and the writ of

25. Gwynn , Prov. Dioc. Decrees , p. 51 .

26. ibid. p. 5 '..... Si discordantes se sibi invicem voluerint concordare , inhibemus ne archidiaconi , officiales eorundem vel decani bonum pacis impedire presumant' .

prohibition which Fitzlysbou obtained from the King was addressed to 'the official of the archdeacon or his commissary' ^{27.}

There survives in the chartularies of St. Mary's Abbey a citation from the archdeacon addressed to the chaplain of the parish of Dalkey which is dated 1332. The chaplain was instructed to ensure that certain people whose names were attached to the citation appeared before the archdeacon in the church of St. Patrick's on a certain day ^{28.} Unfortunately it is unclear whether the persons were to appear in the archdeacon's or the archbishop's court.

In English dioceses, many archdeacons set up their courts as rivals to the courts of their bishops and many bishops were concerned with limiting the archdeacon's jurisdiction ^{29.} There is no evidence of this kind of rivalry in the Dublin archdiocese. The extent of the archdeacon's jurisdiction depended to a great extent on the archbishop. If he were often absent from his diocese or taken up with secular affairs, more and more business would be dealt with by the archdeacon, either in his own court or as the archbishop's representative in the court of christianity. In Dublin during the thirteenth century there were long periods when the archbishop was absent or the see vacant, which must have enlarged the jurisdictional functions of the archdeacon.

27. Chart. St. Mary's, I, pp. 522-3.

28. ibid. p. 520.

29. See for ex. Owen, Med Lincolnshire, pp. 35-6

The archdeacon often appeared as a judge in disputes between various parties and particularly in the mid-thirteenth century as a papal judge and general agent . In 1248 the archdeacon of Dublin was among those appointed by Pope Innocent IV to examine the proposal to transfer the episcopal see of Leighlin, and in 1255 the archdeacons of Dublin and Meath were instructed by Pope Alexander IV to insure that the Abbot and Community of the Abbey of St. Thomas's were not molested in any way .

30.

30. Pont.Hib. 2, no. 299, p.141 ; no. 411 , p. 234 .

c) The Archdeacon's Official

In the absence of any archidiaconal records it is difficult to judge to what extent the archdeacon's carried out their duties in person , but with so much and such varied work to do , an archdeacon even if he held no other office would require skilled assistance . Many of the thirteen century archdeacons in Dublin held high offices in the Irish administration , so it is no surprise to find that from an early date we get references to the archdeacon's official .

By the early thirteenth century all English dioceses had an archdeacon's official and this is seen as a sign of the separation of the authority of the archdeacon from that of the bishop . Inevitably when the archdeacon had established his right to do certain work and receive certain fees for it , he could delegate this work to an official and pay him with a portion of the fee . It is not possible to say precisely when the office of official was first instituted in Dublin . The only mandate which is addressed solely to the archdeacon dates from 1230-35 . The archdeacon's official is referred to in the synodal canons of Archbishop Luke (1240-55) where the duties assigned to the archdeacon can equally be carried out by the official , even the examination of

31. Geoffrey de Turville , Hugh de Mapilton and Nicholas de Clare all held important offices in the administration . See below pp. 224-31 .

32. Haines, Worcester . pp40-1

33. This was the mandate for induction of the brothers of St. John's to the church of Donard . Reg.Hosp.St.John, pp.210-11

lesser clergy and rectors as to their fitness for office^{34.} . As seen above the archdeacon sat as the bishop's representative in court and issued citations in this capacity .^{35.}

Generalizations about the type of person who held the office of archdeacon's official are not possible as only once in the thirteenth century is he specifically named . Adam de Stratton was the official of Nicholas de Clare who held the Dublin archdeaconry from c. 1287 to 1303^{36.} . De Stratton appears in many documents from this period and given the circumstances of de Clare's career , he no doubt fulfilled most of the archdeacon's functions with little help from his superior^{37.} . In 1303 de Stratton was described as 'notary public' when he attended at St.Patrick's to witness the Archbishop of Dublin declaring the churches of Stagonil and Tipperkevin to be prebendal^{38.} . According to Archbishop Alen the new prebend of Aderke in St.Patrick's was conferred on de Stratton in 1310^{39.} . In 1311 he was appointed a baron of the exchequer^{40.} and in 1213 he was referred to as commissary of Lord Alexander de Bicknor , then Treasurer of Ireland^{41.} . It is not

34. Gwynn , Prov.Dioc.Decrees , esp. p. 47 .

35. Chart.St.Mary's 2, pp.522-3 . See above p.

36. For Nicholas de Clare's career see below p.229-231 .

37. C.C.C.D. no.164, p.65 & no.166, p.67.

38. Al. Reg. p. 158 .

39. ibid. p. 200 .

40. CPR 1307-13, p. 354 ; Rich & Sayles Admin of Irl, p.106 .

41. C.C.C.D. no.106, p.70.

clear if de Stratton was still performing archidiaconal duties at this date , but from what is known of his career he was an important man in his own right .

It is thought that the archdeacon probably had the choosing and appointing of his own official but that the official had to take an oath of canonical obedience to the bishop or archbishop whose mandates he would be executing and whose jurisdiction he might be exercising ^{42.} . The wishes of both the bishop and the archdeacon would seem , therefore , to have been the factors influencing the choice of archdeacon's official .

The archdeacon also had a certain number of 'apparitors' or 'beadles' whose duty appears to have been to summon people to his court and to report crimes, particularly those of a moral nature . They are very obscure members of the archdeacon's staff , beside whom even the archdeacon's official is well documented . The diocesan legislation only contains the information that apparitors were not to impose grave sentences such as excommunication or the placing of interdicts ^{43.} .

42 . Churchill , Cant.Admin. vol.I p. 50 . For an example of the oath taken by the official to the bishop see ibid. vol. 2 p. 12 .

43. Gwynn , Prov.Dioc.Decrees , p. 53 '..... Bedelli seu aperitores archidiaconis nostris vel decanis intendentes subditis gravamina non inferant : sentencias autem excommunicationis vel interdicti seu suspensionis non ferant neque denuncient sine specialibus dominorum preceptis ' .

d) The Archdeacon and the Cathedral Churches : ST.PATRICK'S .

The role of the archdeacon in the diocese put him in a special position in relation to the cathedral church , or in the case of Dublin , to the cathedral churches . In European dioceses in particular , the archdeacon had in earlier times occupied a prominent position in the cathedral church . In the eleventh century rule of St. Chrodegang the archdeacon was placed at the head of the cathedral church . With the rise in the office of the dean he lost this position, although his influence was slow to fade . In the early history of the English secular cathedrals this is evident . At St. Paul's , London , the archdeacon was head of the chapter until the early twelfth century . At Exeter cathedral where there was no dean or chancellor until 1225 , the four archdeacons normally head the list of chapter witnesses to documents . In a recent study of the office of archdeacon in England it is suggested that for a period after the Norman Conquest the archdeacon held sway in non-monastic chapters before the advent of deans and dignitaries .

44. A.H.Thompson Archdeacons and rural deans , pp.159-60 ;
A.Amanieu, 'L'Archidiaque,' in Dict.de Droit Canonique, pp.948-

45. See The Old English version of the enlarged rule of Chrodegang , ed
A.S. Napier (1916)

46. C.N.L.Brooke 'The early hist.of St.Paul's' in Hist. of St.Paul's cathedral ed. W.R.Matthew and W.M. Atkins (1957) p.

47. See F.R.Troup 'The establishment of the office of dean at Exeter Cathedral ' , in Devon and Cornwall notes and queries , vol. 18 (1934) , pp. 16-20 .

48. Brooke, 'Archdeacons and the Norman Conquest', pp.10-11 ; see also Edwards, Sec.Cathedrals, pp.243-50 .

Archbishop Alen in a footnote in his register states
'..... before the position was created in St. Patrick's , the
archdeacon of Dublin had a stall in Holy Trinity ^{49.} But
unfortunately he does not expand on this information . It is not
clear if he means that the office became annexed to St.Patrick's
in 1191 when the collegiate church was founded , or later when
the officials of the cathedral were instituted . The successor
to Macrobius , the first known archdeacon of Dublin was William
who held a prebend in St. Patrick's from some time before 1220 ^{50.}
However , much earlier than 1220 William's name appears in the
records associated with a group of men who can be identified
as prebend holders in St.Patrick's . In the majority of witness
lists his name and position appears first , followed by the
other canons . For example ; an archiepiscopal grant of 1217
is witnessed firstly by 'William Archdeacon of Dublin ' , then
by Master William of London (who became the first dean of St.
Patrick's) , Master Philip de Bray (the first precentor) ,
Master Robert de Bedford , Master Peter Malveisin and Master
Ralph de Bristol (all prebend holders ^{51.}) . After c.1200 , although
the archdeacon continues to be associated with the same group of
men , his position in relation to them in witness lists changes .

49. Al.Reg. p.157 .

50. William as the holder of half of the prebend of Lusk was involved in a dispute which was settled by Archbishop Henry of London , then papal legate , which gives a date of c.1217-20.
Al. Reg. p. 59 .

51. C.C.C.D. no. 29 ; see also no.30 ; Reg.St.Thomas's p.286 ;
Chart. St. Mary's p.74 .

After this date the dean, chancellor, treasurer and precentor appear before the archdeacon , but his name is always before the names of the 'ordinary ' canons , that is the non-office holders ^{52.} . The evidence of witness lists , while by no means conclusive , indicates that the archdeacon did hold some sort of prominent position among the prebend holders of St.Patrick's which was subtly altered by the institution of the four dignitaries .

In the treatise of St. Osmund concerning the functions of various cathedral personnel , the archdeacon is described after the four officials in these words : '...Archdeacons are officials of the bishop , whose office consists in more external administration ' ^{53.} . This gives some idea of the peculiar position of the archdeacon in secular cathedrals ; they had rank , yet their chief work lay outside the cathedral precincts .

An important factor which linked the archdeacon to the secular cathedral of the diocese was that it was usual for him to hold a prebend and have a share in the income of the cathedral . The prebend gave the archdeacon a life tenure in his office and thus he could not be regarded by the bishop as a personal servant , nor could he be removed from office without his consent . Although his work lay outside of the cathedral and the archidiaconal system was based on diocesan divisions , the archdeacon derived his style

52. For ex. C.C.C.D. no.30 ; Reg.Hosp. St.John, no.338 ; Reg.Omn.Sanct. p.77 .

53. Reg.St.Osmund. ed. H.R.Jones (RS 1884), vol.I p.12 .

54.
from the cathedral church . In St.Patrick's c.1274 , following
a contest between the archdeacon and the prior of Holy Trinity ,
the prebend of Taney with its dependent churches of Donnybrook ,
Kilgobbin and Rathfarnham was assigned to the archdeaconry . Up^{55.}
to this there was no definite prebend for the archdeacon but
before 1220 William held the first portion of the prebend of
Lusk .^{56.}

By virtue of holding a prebend the archdeacon was considered
a member of the chapter , but his actual position in the chapter
is vague . It appears that he was granted precedence over the
ordinary canons but whether he was regarded as a cathedral
dignitary or not is uncertain . In the English dioceses the
practice varied . At St.Paul's , Chichester and Exeter cathedrals
all archdeacons were normally described as 'dignitaries' , whereas^{57.}
at Salisbury cathedral they were not usually given the title .
In Dublin while the title 'dignitary' does not seem to have been
used when referring to the archdeacon , his position seems to
have been slightly inferior to the four officials but still
superior to the other prebend holders .

54. A.H.Thompson , Archdeacons and rural deans, p.165.

55. Al.Reg. p.36 .

56. ibid. p.59 .

57. Edwards Sec. Cathedrals, p.250 ; W.H.Jones Fasti Ecclesiae
Sarrisberiensis , (Salisbury 1879-81) , vol. I p. 126 .

In some English secular cathedrals the archdeacons were
entitled to double commons and double rations of bread and beer .^{58.}
In 1234 the chapter of St. Patrick's enquired of the chapter of
Salisbury concerning the commons of the dignitaries . The Salisbury
chapter replied that the custom in their cathedral as regards the
commons of the four privileged persons was that '....in pane et
servisia quam in pitanciis et aliis distributionibus quefiunt de
communa duplicem porccionem percipiunt , alii autem ut pote
archidiaconi et canonici simplicem tantum'^{59.} It is likely
that this practice was adopted in Dublin also .

The evidence from St. Patrick's indicates that the archdeacon
attended chapter meetings although it is difficult to ascertain
if his voice held any more weight than that of the ordinary canons .
He was present at important meetings in the thirteenth century such
as the meeting in 1223 to decide the taxation to be levied on the
prebends of the non-resident canons .^{60.} The archdeacon also had one
of the houses in the close of the cathedral . In 1240 when Archbishop
Luke fixed the tax to be paid by new residents of these houses
to the commons of the cathedral , the house of the archdeacon
was taxed at ten marks .^{61.}

The canons of St. Patrick's , from the very foundation of
the cathedral, enjoyed privileges in their prebends in relation to

58. Edwards Sec. Cathedrals , p.248-9 .

59. Dignitas Decani , pp. 12-16 .

60. Al.Reg. p.43 .

61. ibid. p.76 .

archidiaconal visitation and jurisdiction . These privileges were contained in the foundation charter of Archbishop John Cumin in which he stated

'Concessimus etiam predictis canonicis quod prebende sue sint immunes a visitatione et procuracione archidiaconi , et quod non suspendatur nisi iudicio capituli Sancti Patricii , et quod presbiteri eorum prebendarii non sequantur nisi duo generalia capitul archidiaconi.....Archidiaconus non ullam capellanum prebendarium presumat suspendere in capitula suo nec extra nisi iudicio duorum canonicorum qui custodient communam Sancti Patricii vel aliorum duorum qui interesse poterunt .^{62.}

In 1224 Archbishop Henry of London added to these privileges , granting that all the prebends of St.Patrick's , the churches pertaining to them and the churches of the common fund of the cathedral were to be free from all procurations of the archdeacon.^{63.} He also granted that the canons were to have jurisdiction in their prebends of clergy and laity and the dean of St.Patrick's was to have similar jurisdiction in the churches belonging to the common fund . Two parts of the profits of this jurisdiction were to fall to the archbishop's use while the third part 'which the archdeacon was wont to receive ' was to go to the common fund^{64.} of the cathedral to be divided out between the dignitaries and canons .

62. Dignitas Decani , pp. 2-3 .

63. ibid. pp.5-3.

64. ibid. p.3.

In 1304 Archbishop Richard de Feringes confirmed the privileges of St. Patrick's with regard to archidiaconal visitation and at the same time laid down strict instructions for alternative procedure⁶⁵. These instructions provide a clear idea of what the archdeacon's functions were while undertaking visitation. The dean and chapter of St. Patrick's were to elect a canon to supervise the chancels of the prebendal churches and the chapels pertaining to the common fund. This canon was also to supervise the ministers of these churches and report any defects in ornaments, books, buildings and behaviour to the dean and chapter by whose assent correction was to be made and fines imposed.

A year earlier, de Feringes created two new prebends in St. Patrick's and he specially stated that in one of the new prebends (Tipperkevin) the archdeacon's rights to visitation and proxies were to be preserved⁶⁶. The archbishop's action was in order to ensure that the prebend would not be 'deprived of due right, or cure of souls neglected there'. Before his elevation to the see of Dublin de Feringes had been archdeacon of Canterbury, where he had been very active in defending the rights of that office⁶⁷.

In English dioceses it was not unusual for the prebend holders in secular cathedrals to be granted exemption from archidiaconal visitation and jurisdiction and this has been

65. Dignitas Decani, pp.40-1; Crede Mihi, fol. 108v.

66. Al.Reg. p. 157-8

67. See B.L.Woodcock, Medieval Ecclesiastical Courts in the Diocese of Canterbury (1952), p.17

seen to show cooperation between the bishop and secular chapter in limiting the authority of powerful archdeacons⁶⁸. Friction often developed in England between the archdeacons and the cathedrals . In the late twelfth century , the dean of Salisbury wrote to the dean and chapter of Wells who were having problems with the archdeacon ;

' As to the question at issue between you and your archdeacons , the law and custom here is this Archdeacons have no power in prebends over canons or their clerks or parishioners for the canons themselves are archdeacons in their own prebends It is quite contrary to our custom that priests or clerks of canons should be summoned before the archdeacon , since they owe him no kind of subjection , but the churches and chapels are entirely free from the vexation and
69.
servitude of archdeacons . '

Such strong words were not necessary in Dublin where relations between the secular chapter and the archdeacon were good . A possible reason for this could be that the chapter was granted exemption from the archdeacon at an early stage , in fact from its very foundation . The archdeacon had no chance to establish a foothold in the prebendal churches and therefore had no precedence on which to base any claims .

68. Edwards. Sec. Cathedrals , p. 245 .

69. Quoted by J.A.Robinson in 'Early Somerset Archdeacons ' ; p.79 .

e) THE ARCHDEACON AND THE CATHEDRAL CHURCHES : HOLY TRINITY .

The good relations between the archdeacon and the secular chapter were not duplicated with regard to the regular chapter of the cathedral of Holy Trinity . Much of the information for this relationship comes from cases of dispute of one kind or another and while this tends to give an unbalanced view , the very frequency of the disputes argues for hostility between the two parties .

The major dispute involved the tithes of the church of Rathfarnham and it dragged on throughout the thirteenth century . The dispute first emerged in the archdeaconry of William in 1225 and there is no record of a settlement reached at this time ^{70.} The next mention of the dispute comes during the 1250's and the archdeaconry of William de Northfield and at this stage it is referred to as 'a cause much litigated' ^{71.} . At this stage Archbishop Luke attempted to settle it by re-affirming that the church of Rathfarnham belonged by right to the archdeaconry but that the prior and convent of Holy Trinity were to be allowed ten marks of the tithes ^{72.} . Both parties agreed to be bound by the settlement under penalty of two hundred pounds from the transgressor to the other party and one hundred pounds to the archbishop .

70. Pont. Hib. I. NO.172 . Pope Honorius III appointed judges to determine the dispute at this date, but no more is forthcoming as to their decision .

71. Al. Reg. p.86 .

72. ibid. p.86 , and Crede Mihi, fol. 102v-103

Despite this settlement Holy Trinity in 1253 appealed to Rome against the decision and the apostolic see directed the dean and precentor of Limerick to determine the matter ^{73.} Again, unfortunately, there is no record of the papal judge's decision .

In the catalogue of churches contained in the Crede Mihi , there is a note under the entry for Rathfarnham to the effect that this church was appropriated by the canons of Holy Trinity after the death of the archdeacon William de Northfield but that they were ejected by the king ^{74.} There is no corroborative evidence for this statement . De Northfield died in 1274 ^{75.} and in 1278 when the king presented Master Geoffrey de Aspale to the archdeaconry of Dublin mention is made of the prebend of Rathfarnham 'annexed to it' ^{76.} . A measure of the importance with which this dispute was viewed by Holy Trinity was given in 1300 . The list of additional privileges claimed by Holy Trinity which was appended to the Composicio Pacis , starts by demanding 'restitution of the church of Rathfarnham ' ^{77.} .

In the thirteenth century rivalry between St. Patrick's and Holy Trinity there seems to have been an element of jealousy on the part of Holy Trinity of the exemptions enjoyed by its

73. Pont. Hib. 2, no. 361

74. Crede Mihi, fol. 109v.

75. CPR 1272-81, p.75

76. ibid. p.279 .

77. Monck Mason , History of St.Patrick's , Appendix no. 6 .

secular counterpart . In the above mentioned list of privileges Holy Trinity demanded exemption from the archdeacon's jurisdiction and in the Composicio Pacis it was agreed that 'the churches shall be accounted one and equal in all liberties ' ^{78.} This rather vague statement did not ensure Holy Trinity's exemption from archidiaconal visitation and procurations, as this was a major cause of trouble between the two parties in the early fourteenth century .

In 1324 the prior and convent of Holy Trinity appealed to the Holy see against the archdeacon who had claimed a right of visitation and proxies out of many of the churches pertaining to their common fund . The archdeacon had also excommunicated the prior and convent for resisting his claim and had sequestered their fruits and revenues ^{79.} The archdeacon at this time was Richard de St. Leger who had been provided to the archdeaconry in 1306 at the age of 15 by his uncle Pope Clement ^{80.}

V . It is not unreasonable to suppose therefore that it was in fact the official of the archdeacon who was asserting this claim . It is not clear how long this situation continued , but it appears that the case was finally settled in 1339 when both parties agreed to abide by the judgement of the Archbishop

78. Monck Mason , History of St. Patrick's , Appendix no. 6 '... quod dicte Ecclesie cathedrales et metropolitice sint una et in omnibus libertatibus pares habeantur ' .

79. ibid.

80. C.P.L. 2 p. 17 .

of Dublin⁸¹. The archdeacon's claim was upheld by Archbishop Alexander de Bicknor who fixed the amount of proxies to be paid by Holy Trinity and bound each side to abide by the decision.⁸²

The most serious dispute between the archdeacon and the regular chapter was over the administration of the spiritualities of the archdiocese sede vacante. During this conflict the archdeacon William de Salanis took the unprecedented step of excommunicating the prior and convent and invoking the aid of the secular arm against them. The chapter of St. Patrick's does not seem to have helped the prior and convent on this occasion but during the next vacancy of the see the two chapters united in an effort to prevent such a situation recurring, by excluding the archdeacon from administration of the spiritualities sede vacante.⁸³

Thus, although throughout the thirteenth century the archdeacon had cordial relations with the secular chapter and rather stormy relations with the regular chapter, as the century drew to a close both institutions cooperated in limiting his power.

81. C.C.C.D. no. 232.

82. ibid. The proxies were fixed as follows: The church of St. Michael 32d, church of St. John 2s, church of St. Michael's 2s, Balscadden 5s, Glasnevin 20d, Clonken 5s, Tallagh 20d. Either party refusing to abide by the award was to pay 100 s by way of alms to the archbishop and 10 pounds to the other party.

83. See above p. 189-90.

THE ARCHDEACONS OF DUBLIN IN THE THIRTEENTH CENTURY

It has been argued that there was no ecclesiastical office in which a man was more able to make money and less hampered by purely spiritual concerns^{84.} than an archdeaconry . This is reflected in the type of man who held the office . Many were practical men of affairs , involved in legal and financial matters , royal chaplains or members of the household clergy of a bishop who was himself a royal agent . To be granted an archdeaconry was a sign that one was progressing up the ladder of ecclesiastical promotion and heading for episcopal office at least . The majority of the Dublin archbishops in the thirteenth century had held English archdeaconries during their early careers and it will be seen that some of the Dublin archdeacons went on to hold episcopal office in Ireland .

It seems probable that the first two archdeacons of Dublin were chosen from the archbishop's household clergy . Macrobius, who became bishop of Glendalough , is a shadowy figure of whom little is known^{85.} William, who appears to have held the office for about thirty years, witnessed many charters, was involved in three recorded disputes^{86.} and yet not even his surname is known .

84. A.H.Thompson , Diocesan Organization , p. 243 .

85. For Macrobius as archdeacon see Reg.St.Thomas , pp. 291-2 ; C.C.C.D. no. 10 ; Ch.St.Mary's I p. 173 ; Al.Reg. pp. 11,13,20 .

86. C.C.C.D. nos. 18,22,36 ; Reg.Hosp.St.John , nos. 292,310,423, 458 ; Reg.St.Thomas , pp. 80, 117, 269 , 285-6, 297 , 330 ; Ch.St.Mary's I pp. 74, 144 , 147 , 148 ; Al.Reg. pp. 20 , 31 , 32 , 37 , 59 .

With Geoffrey de Turville we are on much firmer ground as it is possible to trace his career and it provides a good example of the process of advancement by virtue of service to bishop and king . It seems likely that Geoffrey came to Ireland with Archbishop Henry of London, as he first appears in the records in 1218 when he is styled 'clerk of the archbishop' . On this occasion the king instructed the Irish justiciar to compensate de Turville for the land he lost by the fortification of the castle . Richardson and Sayles say he was possibly Norman by birth and certainly by descent , Tourville being a common place name in Normandy . His mother Agatha, for whom he obtained privileges, held land in Warwickshire and the name is often associated with Warwickshire during this period .

In 1221 he was among those sent over to the king with money from Ireland and he possibly stayed in England until 1223. At the end of 1222 the king instructed the Irish justiciar to

87. Rot.Lit.Claus . p. 369 .

88. Rich.Sayles Admin.Irl. pp. 4-5 .

89. In 1237 the king at the instance of Geoffrey de Turville granted Agatha his mother exemption for herself and her men of all suits of hundred and county court in her lands of Wolston , Merston and Bretford in Warwickshire . C.P.R 1232-47, p.198.

90. Warwickshire Feet of Fines, ed. F.C. Wellstood (1932), vol.I 1195-1284 , nos. 14,56,113 , mention William and Robert de Turville .

defray the expenses incurred by Geoffrey during his stay in England which had been longer than he expected^{91.} Ecclesiastical preferment followed de Turville's return to Ireland in 1223 . In that year he was presented to the church of Dungarvan and in 1226 to Culrad with a moiety of Antrim^{92.} .

It is uncertain exactly when de Turville became archdeacon of Dublin but he did hold the office during the archiepiscopate of Henry of London^{93.} . In July 1227 he was called Archdeacon when the king had him appointed judge in the disputed election to the bishopric of Emlý^{94.} . In 1226 he had been appointed chamberlain of the exchequer and following Archbishop Henry's death in 1228 he was appointed joint custodian of the temporalities of the diocese, along with Geoffrey de Constantin^{95.} . In 1230 he appeared as a justice itinerant^{96.} . De Turville was back in England in 1233 whence he was dispatched along with Richard Duket to prosecute the king's pleas against Richard de Burgh , receiving 30 marks expenses^{97.} . At this time he also held the position of deputy

91. Rot.Lit.Claus. p. 369 . . .

92. Pat.Rolls 1216-25 , p. 373 , 1225-31 p. 30 .

93. Reg.Hosp. St.John, no. 338 .

94. Pont.Hib. 2 no. 184 ; Pat.Rolls 1225-32 p. 187

95. Rot.Lit.Claus . pt. 2 p. 126 ; Cl.Rolls 1227-31 p. 197 . For an account of Geoffrey's career in the exchequer see J.F.Lydon 'Three exchequer documents from the reign of Henry III,' in P.R.I.A. vol. 65 (1966-7) C pp. 1-27 .

96. C.A.R.D. vol. I p. 168 .

97. C.P.R. 1232-47 p. II ; Cal.Lib.Rolls I p. 195 .

chancellor of Ireland , acting as attorney of Ralph of Chicester .^{98.}

In August 1234 he was appointed treasurer of Ireland and he kept this post until his death in 1250 .^{99.}

Although Geoffrey held the archdeaconry until 1244 , one wonders how many of his spiritual duties he undertook in person as his administrative career must have taken up a great deal of his time and necessitated frequent absences from his archdeaconry . As mentioned above there is no reference to an official at this period ,^{100.} but a royal mandate of September 1231 to the Bishop of Lismore refers to a James de St. Martin , clerk of Hubert de Burgh who is called ' archdeacon of Dublin' . De Turville is called archdeacon in June 1231 and June 1232 and it is unlikely^{101.} that he gave up the position for a short period in between .^{102.} As he could have been in England in 1231 it is possible that James de St. Martin was functioning as his official .

In 1244 Geoffrey de Turville's service to the king and his archbishop was rewarded , when on the death of Walter de Brackeley , Bishop of Ossory he was appointed to that see . A royal mandate of June 1244 assenting to his election refers to him as 'late archdeacon of Dublin' .^{103.}

98. Cl. Rolls 1231-4 , II2-3 .

99. C.P.R. 1232-47 , p. 66 ; 1247-58 , p. 68 .

100. See above p. 208 .

101. Cl. Rolls 1227-31 , p. 557 .

102. ibid. p. 512 , 1231-4 , p. 144 .

103. Cl. Rolls 1242-7 , pp. 198-9 .

The next known archdeacon of Dublin was Hugh de Mapilton (sometimes called 'Hugh de Glendalough') who probably succeeded Geoffrey de Turville in 1244 . Very little is forthcoming concerning his early career , but he was designated 'magister' and therefore must have spent some time at a university . As archdeacon of Dublin Hugh witnessed numerous charters and instruments of Archbishop Luke which can be dated c. 1245-104.
150 . Hugh appears to have simultaneously exercised the spiritual functions of the archdeacon's office and the secular functions of the office of seneschal . He therefore provides a good example both of the versatility of episcopal staff and of the way in which the archbishop made full use of the varied abilities of his officials . In 1251 Hugh succeeded Geoffrey de Turville in the bishopric of Ossory and in the same year he was appointed treasurer of Ireland . This is the only position which he is known to have held in the Irish administration and he remained treasurer until 1260 . He appears to have relinquished the office of archdeacon on his elevation to the diocese of Ossory .

William de Northfield held the archdeaconry of Dublin at least before 1255 when Archbishop Luke decided the dispute between him and the chapter of Holy Trinity over the church of Rathfarnham . He continued as archdeacon under Fulk de Sandford and held the office until his death in 1274 .

104. Al.Reg. pp. 70 , 77 ; Reg.Hosp. St.John nos. 321 , 339 , 346 .

105. Al.Reg. pp. 103 , 107 , 109 , 112

106. C.P.R. 1259-66 , pp. 92,99 ; Rich.Sayles Admin.Irl , pp. 53, 98, 227 .

107. Al.Reg. pp. 59 , 86-7 ; Crede Mihi , fol. 102v-103 , 109v.

108. Reg. Hosp.St.John , no. 458 ; Ch.St.Mary's I pp. 331-2 ; C.P.R. 1272-81 , p. 75 .

He was also a prebend holder in Kildare and was one of the canons sent over to England to seek licence to elect a new bishop in 1272 .^{I09.}

The next two archdeacons , William de Salanis and Geoffrey de Aspal, were provided by the king sede vacante .William held the archdeaconry for four years during which time he was involved in a major dispute with the prior and convent of Holy Trinity who rejected his appointment . He appears from the records to have been a trusted official of the crown . He was sent over to France in 1268 as Henry III's representative and he was also a prebendary of St.Martin Le Grand in London and a proctor of the dean of that college . He died before September 1278 when the king provided Geoffrey de Aspal to the archdeaconry .^{II0.}

De Aspal probably held the office of archdeacon until his death in 1287 but it is doubtful if he ever set foot in Ireland . He was a clerk of both the king and of Queen Eleanor and is often mentioned as keeper of the queen's wardrobe . He frequently accompanied the king across the sea on business and was amply rewarded for these services .^{III.} In 1281 the king ordered the bishop of Chichester not to compel Geoffrey , who was beneficed in the diocese of Chichester , to take orders or make personal residence . The king stated that Geoffrey was continually engaged in affairs of state and thus was not obliged to comply with such regulations .^{II2.} Not surprisingly the Irish records contain no reference to him .

I09. C.P.R. 1266-72 , p. 663 .

II0. ibid. pp. 299,726, 1272-81 , pp. 75, 131 ; Cl.Rolls 1261-4 , p. 171 .

III. C.P.R. 1266-72 , pp. 182 , 1272-81 , pp. 166 , 268,316,408, 443 , 1281-92 , pp. 34,78,189,276 .

II2. C.C.R. 1279-88 , p. 129 .

The next archdeacon of Dublin was Nicholas de Clare . Although de Clare is best remembered for his sometimes questionable activities in administrative circles , he did in fact hold the archdeaconry of Dublin for about fifteen years . Like many of the royal officials in Ireland it was in the English dioceses that he gained experience, particularly in the financial side of ecclesiastical administration which made him suitable for many of the tasks he went on to perform in Ireland .

Nicholas began to appear in records in the 1270's but it is difficult to associate him with a particular area . He held a prebend in the King's chapel within the castle of Nottingham . , was appointed custodian of the manor and castle of Taunton in Somerset and had interests in Devon , Southampton and Nottingham . He seems to have had a connection with the diocese of Exeter where he held two prebends and was custodian of the temporalities of the diocese in 1280 . In May 1282 he was appointed as collector of the fifteenth granted by the clergy to the King in the archdiocese of Canterbury and the dioceses of Rochester , Chichester and

II3 . For Nicholas' career in the Irish administration see Rich.Sayles Admin.Irl. pp. 55-7 , 99, 208, 217 .

II4. C.P.R. 1272-81 , p.199 .

II5. ibid. p. 365 .

II6. CCR 1279-88 , pp. 185 , 192 , 288 . Connections are inferred from records of debts owing to him from persons resident in these areas .

II7 F.C.Hingeston-Randolph , Registers of Bronescombe and Quivil , Bishops of Exeter . (Lond. 1889) p.321 . Nicholas is recorded as holding the prebends of Glasney and St. Probus in 1282 .

II8 He was appointed Aug. 4th 1280 Cal.Fine.Rolls 1277-1326, p.132 and was still holding the temporalities in Oct. of the same year , C.P.R.1272-81. p 399 .

119.
London .

In July 1284 , along with three others , Nicholas was appointed to examine the accounts of the new custom , mintage and exchange in Ireland and also to examine the accounts of Stephen de Fulburne ,
I20.
former treasurer and justiciar of Ireland . Later in the same year he is mentioned for the first time as keeper of the archbishopric
I21.
of Dublin which was vacant following the death of John Darlington . He was instructed to pay over the issues of the see to the king's clerks so that they could be applied to the walling of certain towns and castles in Wales and he performed this task efficiently and faithfully until the temporalities were restored to John of Sandford
I22.
on August 6th 1285 . In July 1285 he was presented at the king's request to the church of Loughseudy and in August of the same year he was appointed treasurer of the Irish exchequer .
I23.

The first known reference to Nicholas holding the archdeaconry of Dublin comes in 1289 , in a papal indult granted to him at the request of Odo de Grandison . The indulgence allowed him

119. Cal.Chanc. Rolls Var. 1277-1326 , pp. 218 , 249 .

120. CPR. 1281-92 , p127 ; in September 1284 de Clare was given protection for two years on the occasion of his going to Ireland
ibid. p. 135 .

121. ibid. p. 146 .

122. During the period of his custodianship , he sent over 1,600 marks and victuals worth over 150 pounds to Wales from the issues of the vacant archbishopric CPR.1281-92. pp. 146, 149 , 170, 187 . In July 1292 a complaint was made by one of the executors of John Darlington's will that Nicholas had taken goods to the value of £431.17.10½ from the former archbishop's possessions . His claim was never substantiated .

123. Cal.Chanc.Warrants 1244-1326 , p.26 ; CPR.1281-92 , p.187 .

to continue to hold the churches of Loughseudy in Meath and Rathmegan in Kildare which up until then he had been holding irregularly , not having obtained a papal dispensation for failing to be in holy orders .^{I24.} Nicholas was allowed to retain the fruits of these churches on condition that he spend one hundred marks on their upkeep . There is no record of Nicholas's appointment to the archdeaconry but it most likely occurred soon after the death of Geoffrey de Aspale in June 1287 .^{I25.}

De Clare did not enjoy the fruits of his many benefices or the archdeaconry of Dublin for very long ; accused of serious irregularities while treasurer of Ireland , he was imprisoned in January 1292 and the issues from his ecclesiastical benefices were forfeited .^{I26.} He continued to hold the archdeaconry until his death in 1303, although except for a brief period in 1299 he remained in prison . The issues were recorded in the receipt rolls of the Irish exchequer from 1294 onwards and went towards paying off the archdeacon's debts . Mention has already been made of Adam de Stratton the archdeacon's official, who performed the spiritual functions of the office during this period ; he no doubt received a portion of the issues as his fee .^{I27.}

I24. Nicholas is called priest and archdeacon in this document and therefore must have been ordained between 1286 and 1289 . For the full latin text see Theiner, p. 149.

I25. C.D.I.3, no. 323 . The appointment would have been made by Archbishop John de Sandford¹⁶ , most likely in compliance with the King's wishes .

I26. For the charges brought against de Clare and his dismissal see Rich.Sayles.Admin.Irl. pp.55-6 , also Select Cases in the Court of King's bench. ed. Leadam & Baldwin (Selden.Soc. XV , 1918), p.12-13.

I27. See above p. 209 .

From the available evidence it appears that the thirteenth century archdeacons of Dublin were generally practical men of affairs , skilled in legal and financial matters who spent little of their time engaged in purely spiritual functions . This reinforces the view that it was the archdeacon's official who performed the majority of the duties pertaining to the office and exercised the archidiaconal jurisdiction . It is to this largely anonymous person that the title 'oculus episcopi' more accurately belongs .

SECTION 3 .

CHAPTER 12. THE SPIRITUAL JURISDICTION OF THE ARCHBISHOP .

- a) The relationship between the spiritual and the secular jurisdictions . p. 234-41 .
- b) Advowson . p. 242-4 .
- c) Breach of Contract , defamation and usury . p. 244-7 .
- d) Matrimonial and testamentary cases p.248-53 .
- e) Benefit of clergy and purgation . p.254-62 .
- f) Ecclesiastical sanctions . p.263-70 .

a) The relationship between the spiritual and the secular jurisdictions.

' Yet render to Caesar the things that are Caesar's and to God the things that are God's , for there are two swords here , not taking away from each other , but assisting each other I. and each one supplying the other's defect or want of power.'

John Alen , Archbishop of Dublin (1528-34) made the above entry in the margin of his register c. 1530 as a comment on a letter dated 1261 from Pope Urban IV to the bishop of Dromore and the prior of the Friars Preacher of Drogheda , in which are outlined the many and various ways in which the justiciar of the English king and his son Edward was obstructing the proper functioning of the ecclesiastical court in the city , diocese and province of Dublin . It seems odd that faced with such obvious evidence of a clash between the two swords in thirteenth century Dublin , Archbishop Alen should speak rather of their potential for cooperation and mutual assistance . Yet in many ways Alen's comment is not as inappropriate as it might at first appear . It captures the essential ambiguity in the relationship between the two jurisdictions in medieval times , a relationship which was punctuated by periods of (sometimes bitter) conflict but which also had the capacity for frequent cooperation .

1. Al.Reg. p. 93.

2. Liber Niger Alani AI f. 12 . This letter was one of a series , issued at the same time and containing largely similar material . The other three letters were to King Henry III Crede Mihi f. 84-84v ; Edward Lord of Ireland ibid. f.85-85v; and the bishops of Lincoln and Worcester (Richard Gravesend and Walter Cantilupe), ibid. f.85v-86 .

3. For an excellent study of the interaction of the royal and ecclesiastical jurisdictions see W.R.Jones 'The relations of the two jurisdictions', in Studies in Medieval and Renaissance History vol. 7 (1970-71) pp. 79-201 .

It has long been known that the thirteenth century and in particular the period 1250-1300, was a time of much conflict^{4.} between the crown and the Irish church. The complaints of the Archbishops of Armagh and Tuam supplement the list of grievances^{5.} supplied to the pope by Archbishop Fulk in the early 1260's. The Articles of the Clergy presented to the justiciar in Dublin in 1291 provide a strong indictment of the English monarchy's conduct towards the church courts, as do the gravamina submitted by the^{6.} Irish representatives at the Council of Vienne (1311-12). Moreover, the complaints of the Irish church echo closely those contained in^{7.} English clerical gravamina of the same period.

4. See Watt, Edward II and the Irish Church, pp. 153-163; M. Sheehy, 'English law in Medieval Ireland' in Archiv. Hib. vol. 23 (1960), pp. 167-75; and Hand, Church in the Eng. Lordship, pp. 22-36.

5. For the Armagh gravamina see A. Gwynn, 'Documents relating to the medieval province of Armagh,' in Archiv. Hib. vol. 13 (1947), pp. 1-29. For the complaints of Archbishop Florence Mac Floinn of Tuam see C.C.R. 1254-6 pp. 412-4; C.P.R. 1247-58, pp. 11-12.

6. Text of the Articuli Cleri in Stat. Ire. John-Henry V, pp. 178-191. For the gravamina submitted to the Council of Vienne see F. Ehrle, 'Ein Bruchstück der Akten des Konzils von Vienne,' in Archiv für literatur und Kirchengeschichte (1888), pp. 361-470. The representatives at Vienne included the archbishops of Armagh, Cashel and Dublin, and they presented sixteen different charges in which Edward I was held responsible for the usurpation of ecclesiastical jurisdiction in Ireland. See J. A. Watt, 'Negotiations between Edward II and John XXII concerning Ireland,' in I.H.S. vol. 10 (1956), p. 10-11.

7. Many statements of English clerical grievances are printed in Councils and Synods pt. 2 (1205 - 1303), pp. 280-4, 469-72.

Most of the surviving evidence for ecclesiastical jurisdiction in thirteenth century Dublin is concentrated in those periods and around those areas in which there was dissension . A discussion of the archbishop's spiritual jurisdiction must therefore deal to a large extent with his conflicts with the representatives of the secular jurisdiction . This tends to obscure the question of whether and to what extent the jurisdictions were capable of cooperating . Even when conflict did arise , it is possible to argue that it could be limited to a few areas while the jurisdictions continued to work together in many others .

It is impossible to reconstruct the working of the ecclesiastical court in Dublin as no records survive . At least by the end of the thirteenth century , however , it must have resembled the English ecclesiastical courts , with a carefully defined written procedure , under the presidency of a professional judge and supplied with expert legal advisers .^{8.}

It is clear from what records do survive that the spiritual court of the archbishop was held in St.Patrick's cathedral , but at

8. For the evolution of ecclesiastical courts in England see C. Morris 'From synod to consistory ' in J.E.H. vol. 22 (1971) , pp. 115 - 120 . See also B.L.Woodcock Medieval ecclesiastical courts in the diocese of Canterbury (1952) and A.M.Erskine ' Ecclesiastical courts and their records in the Canterbury province' in Archives vol. 3 (1951) , pp. 8-16 . The jurisdiction of the archdeacon is discussed above pp. 204-7 .

9.
what intervals is not clear . The court would usually be presided
over by the official of Dublin, who would direct the dean of
christianity to summon litigants to appear before him . In the
official's absence he was replaced by his commissary ^{10.} . The names
of many of the thirteenth century officials are known and most
appear to have connections with St. Patrick's ^{11.} . It is not clear if
there was a permanently fixed number of legal advisers in the
court christian . In 1277 there is a record of a case heard in
the ecclesiastical court which was decided by the official 'with
advice of prudent men learned in the law who sat with him ' ^{12.} . In
1284 the official of Dublin directed the executors of a will to
appear before the dean of christianity and two chaplains in St.
Patrick's cathedral ^{13.} . The thirteenth century Dublin synodal statutes
contain little information concerning the working of the spiritual
court but do mention advocates, who are prohibited from pleading
cases which they know to be unjust or which are based on false
evidence ^{14.} .

9. C.C.C.D. nos. 129 , 136 , 190 , 206 ; Cal. Lib. Alb. no. 9 & p. 58 ;
Reg. Nov. p. 275-7 ; Irish Chart. Anthony. p. 275 .

10. C.C.C.D. no. 633

11. See below Appendix no. 3 .

12. Al. Reg. p. 147.

13. C.C.C.D. p. 147.

14. Gwynn, Prov. Dioc. Decrees, p. 51 '....firmiter inhibemus ne quis
advocatorum ad patrocinium admittatur , nisi prius iuret quod causam
iniustam ex certa sciencia non fovebit , nec falsis probacionibus seu
allegacionibus utetur , ad iusticiam perimendam vel iustum iudicium
declinandum vel prorogandum .

The ecclesiastical court claimed cognizance of a case either because the case concerned what was considered to be a spiritual matter or because it concerned a person who was specially subject to ecclesiastical jurisdiction^{I5.} Problems arose mainly because the church had a wider understanding of what constituted a spiritual offence than the lay power. Difficult areas were advowson, breach of contract and usury^{I6.} but disputes did also arise in other areas. Even testamentary and matrimonial cases occasionally caused difficulties^{I7.} Disputes were less frequent with regard to the exercise of the privilege of clerical immunity, as the secular courts did not deny the theoretical right of the church to claim and deal with the criminous clerk. However there were tensions in this area also^{I8.}

In the areas of conflict the crown had the advantage because it had a weapon to use against the ecclesiastical courts, the writ of prohibition, described by Jones as the 'symbol and principal instrument for the curtailment of ecclesiastical jurisdiction'^{I9.} The writs, which commanded the court christian to stop prosecuting a case, appeared in the reign of Henry II and were available to anyone

I5. For an outline of the variety of cases claimed by the church courts in England see F. Pollock and F. W. Maitland, A History of English Law (2nd. Ed. 1911), pp. 125-9.

I6. See below pp. 242-7.

I7. See below pp. 248-53.

I8. See below pp. 254-62.

I9. Jones, Two Jurisdictions, p. 85.

who had been sued in the ecclesiastical court over a matter which
20.
was alleged to belong to the royal court . Failure to obey the
writ could result in the summoning of the ecclesiastical judge to
the royal court to answer for contempt . Different types of writs
of prohibition could be obtained, depending on the subject matter of
the case . There were writs de laico feudo , de advocacione and
de catallis et debitis . The draft of a register of writs which was
prepared for Ireland c. 1227 but which was never sent contains
21.
the most widely used writs of prohibition . A writ of prohibition
de catallis et debitis is preserved in the records of St.Mary's
Abbey, as it concerned the Abbot of St.Mary's, who was prohibited from
proceeding in a debt case in the Dublin court christian . The writ
was issued by the justiciar Maurice FitzGerald and reads :

Prohibemus vobis ne sequimini placitum in Curia Christianitatis
de catallis vel debitis unde Willelmus de Lenne queritur quod
vos trahitis eum in Curia Christianitatis auctoritate literarum
Domini Pape , nisi catallis vel debitis ille sint de testamento
vel matrimonio spectant ad coronam et dignitate domini Regis . 22.

The church in England and in Ireland resented the writs , but
in the majority of cases the ecclesiastical authorities had very
23.
little choice but to agree to the suit being transferred. One of

20. The best general study of the writs is R.H.Helmholz, ' The writ of Prohibition to Court Christian before 1500 ,' in Med. Studies vol. 43 (1981), pp. 297-314 .

21. E.Haas & G.D.G.Hall, ed. Early Registers of Writs (Sel.Soc.1970), pp XXXIII - xL .

22. Ch.St.Mary's , 2, pp. 57-8 .

23. G.B.Flahiff 'The use of Writ of Prohibition in the thirteenth century' in Med. Studies vol. VI (1944), pp. 266-313 .

the complaints which Archbishop Fulk brought to the attention of Pope Urban IV in 1260 concerned writs of prohibition . Fulk stated that when the prelates and their officials had complied with such writs , the lay officials took no notice of their obedience but^{24.} punished them with fines and at times imprisonment . According to the Articuli Cleri , writs of prohibition were being produced by the secular authorities at every turn and were used to hinder the ecclesiastical judges from proceeding with cases which rightly belonged to them .^{25.}

The question of the application of writs of prohibition proved a fertile ground for dispute, but in the majority of cases what the church was complaining about was not the existence of the writs in the first place but their over use or misuse . This same distinction might be applied , for example , to secular complaints about the way ecclesiastical courts treated criminous clerks . They did not dispute the principle of clerical immunity or the use of purgation by the spiritual courts, but they did challenge the perversion or abuse of the system . Most of the time clerks were handed over to the church court and tried without any interference from lay authorities , just as most of the time the official of the ecclesiastical court accepted a writ of prohibition and agreed to the transfer of a case to the secular court .

24. Al. Reg. p. 92 .

25. Stat. Irl. John. Henry V, pp. 185-7.

It is particularly important with regard to the Dublin evidence , concentrated as it is around areas of conflict , to remember that complaints about the abuse of a legal procedure do not imply a criticism of the procedure itself . Examination of these conflicts must distinguish between , on the one hand , those areas of disputed jurisdiction where there is a notable disagreement on basic principles between church and crown and , on the other hand , those in which a general consensus existed on the relationship between the two jurisdictions .

Falling into the first category would be cases of which both courts claimed cognizance, such as advowson and breach of contract . The second category would include matrimonial and testamentary cases and also cases involving ecclesiastics , over which exercise of ecclesiastical jurisdiction was not questioned but where disputes could nonetheless arise (for instance , over secular property rights) .

There is evidence from thirteenth century Dublin on disputes fitting into each of these categories ; but , particularly in the latter part of the century , there is also the unspecific but frequently voiced complaint by the ecclesiastical authorities that their jurisdiction is being rendered ineffective by the secular powers who are attempting to limit the imposition of punishments by the court christian . However the exercise of ecclesiastical sanctions and in particular the existence of the writ de excommunicato capiendo also provides one of the best illustrations of Archbishop Alen's metaphor of the two swords 'not taking away from each other , but assisting each other and each one supplying the other's defect or want of power ' .

b) Advowson .

The church's right to hold pleas and hear cases arising out of disputes over presentation to benefices , advowsons and patronage was strongly resisted by the crown . The ecclesiastical jurisdiction claimed these cases because in their eyes they were inseparably linked to a spiritual objective i.e. the provision of a suitable candidate to a benefice . The crown however , continued to assert, and was ultimately successful in claiming, the rights of presentation to a benefice to be a form of secular property which should come under the temporal jurisdiction . In secular eyes the advowson was a property whose lawful ownership had to be protected .^{26.}

Attempts to exclude the ecclesiastical jurisdiction from the area of advowson were a distinctive feature of English law and the practice was quickly applied to Ireland also .^{27.} In 1233 the king wrote to the earls , barons , knights and freemen of Ireland on the subject of pleas of advowson to churches . He reminded them that it was clearly contrary to the royal dignity as well as to the customs and laws of England that pleas should be held in a court christian concerning advowson of churches and chapels . The laws of England had been applied to Ireland , the king stated , and therefore he forbade them to presume to sue such pleas in court christian . At the same time the justiciar was instructed to

26. For disputes between the two jurisdictions over advowson see Powicke, Thirteenth Cent. 463-4 ; Jones, Two Jurisdictions, pp. 102-132 ; Rodes, Ecc. Admin. p. 57 ; Hand, Church and English law, p. 15.

27. Cheney, Becket to Langton, pp. 108-118 . The first sentence of the Constitutions of Clarendon declares that disputes over advowsons and the presentation of churches should be heard and settled in the King's court .

28. Early Statutes of Ireland, pp. 24-5.

proceed against transgressors according to the statutes of the English court and all ecclesiastical persons were warned against presuming to hold such pleas^{29.} . It seems likely that this strongly worded statute had the desired effect, in Dublin at least . The 1261 gravamina of Archbishop Fulke do not mention advowson . There survive details of a case concerning disputed advowson of the church and vicarage of Ballymacdan . The dispute , which involved the archbishop himself, was settled in 1262 in the court of the Lord Edward before^{30.} four justices itinerant . It is important to note that this agreement was reached during the period when Fulke was determinedly defending his ecclesiastical liberties elsewhere .

Royal courts developed a special set of writs to deal with suits over advowson, which were never treated in the same way as other landed property . The frequent mention of such writs of advowson and the assize of darrein presentment, which was applicable only to advowsons, in the roll of the Dublin bench for 1290 show that a great deal of litigation over advowson was taking place in the^{31.} court of the common bench .

Although the Irish church to a large extent realised the futility of persisting in asserting claims to hear pleas of advowson , it did

29. Early Statutes of Ireland, pp.24-5.

30. Al. Reg. p. 100. The case also involved the Prioress of Grace Dieu and one John de la Hide . The justices itinerant were Walerand de Wellesley , Alexander de Nottingham , Master William de Bakepuyz and Richard de Exonia .

31. See Hand, Church in the English Lordship p. 28 .

continue to insist on its right to satisfy itself whenever a presentation was made , as to the availability of the benefice , the right of the patron and the suitability of the presentee ^{32.} One of the complaints listed in the Articuli Cleri was that the custom that prelates make due enquiry into presentees to a benefice was being obstructed ^{33.} The king replied that by virtue of their office prelates could make enquiry when they wished, thus proving that although the temporal power was successful in claiming advowson as secular property it did not try to prevent the church's right of canonically examining the presentee.

c) Breach of Contract , Defamation and Usury

These cases belonged to the category of private ,civil wrongs , the rectifying of which the church claimed fell into the broad area of correction of sin . Breach of contract or breach of faith (fidei laesio) was considered by the church to be a spiritual matter because it concerned an oath sworn and then broken ^{34.} This claim brought a great number of cases involving debt and contractual obligation into the ecclesiastical forum and secular authorities were consistently obliged to argue that the subject matter of the contract , usually money or lay chattels, was outside the church's jurisdiction . Most people however appear to have preferred to bring their debt cases to the ecclesiastical rather than royal courts as the ecclesiastical courts were willing to enforce verbal agreements, whereas the king's courts to a large extent insisted on written proofs ^{35,} . 'The popularity

32. See for example the enquiry set on foot by archiepiscopal mandate in Dublin in 1328 Al. Reg. p. 198-200 .

33. Articuli Cleri p.187 .

34. Jones, Two Jurisdictions, p. 83; Powicke, Thirteenth Century, p.465

35. Rodes, Ecc.Admin. p.58 .

of the church courtscan be ascribed to their greater attractiveness to suitors and their willingness to do justice in cases which were ignored by the common law ' .
36.

The court christian in Dublin claimed the right to hear cases of breach of contract and claimed it by reference to right and custom . In 1261 Pope Urban IV affirmed that an ancient and approved custom existed in the city , diocese and province of Dublin whereby the ecclesiastical courts had cognizance of suits between lay men concerning money and property if there was a contract on oath between the parties .

'...quod in civitate, diocesis et provincia supradictis de antiqua et approbata et hactenus pacifice observata consuetudine, est obtentum , ut venerabiles fratres nostri , Dublinensis archiepiscopus, eiusque suffraganei et officiales ipsorum, ne alii iudices ecclesiastici earundem civitatis et diocesis et provincie (ad quos de huiusmodi consuetudine causarum cognicio pertinet), de causis quas super pecuniarum summis seu possessionibus inter laicos sibi subditos verti contingit possint cognoscere , dummodo pactum firmatum fide vel iuramento intervenerit inter partes' . 37.

The archbishop had complained that the officials of the king were obstructing him and his suffragans from hearing such cases.

During this same period the English church was suffering an assault from royal justices insofar as its jurisdiction over breach of faith was concerned and there were numerous complaints over the excessive use of the writ of prohibition de catallis et debitis . In 1266 Edward's letter to the Prelates of Ireland
38.

36. Jones, Two Jurisdictions, p. 166.

37. Crede Mihi f. 86 .

38. Powicke, Thirteenth Century, p. 466; Jones, Two Jurisdictions, p. 168 .

contained a general prohibition that the citizens of Dublin should not be impleaded in the court christian concerning chattels and debts , except those which arose out of testamentary or matrimonial cases .^{39.} Edward's assertion in the letter that this rule was strictly adhered to in England was less than true . There , after a brief period of open conflict, pressures against ecclesiastical jurisdiction in general and in particular with regard to breach of contract were relaxed. Up until the fifteenth century the fairly wide jurisdictional area of debt was left largely to the church courts . In effect then ,^{40.} the crown did accept that the church could treat breach of contract as the correction of a sin , but the lay authorities insisted that penalties imposed by the church should be in the nature of a penance and no attempt to give financial redress should be made . This reservation was given expression in Circumspecte Agatis, where the ecclesiastical courts were allowed cognizance of breach of faith as long as the object of the suit was the spiritual correction of sin and not payment of money.^{41.}

Charges of defamation of character brought by an individual or a group of people were frequently dealt with in the church courts. Defamation was considered to be a moral matter and moreover one for which the lay courts did not afford a remedy .^{42.} On occasion a plea of

39. '.... prohibemus ne contra cives nostros Dublin teneatis placitum in curia Christianitatis, de catallis aut debitis , nisi catalla ipsa aut debita de testamento vel matrimonio existant' . H.M.Docs. p.179.

40. See Plucknett, Hist.Eng.Law, p. 630; Rodes Ecc.Admin . p.142 .

41. '.....dummodo non petatur pecunia , sed agatur ad correctionem peccati' . Councils and Synods, 2, p.975 .

42. Rodes, Ecc.Admin. p.142 .

defamation of character was brought into the ecclesiastical court as a result of a case which was being heard in the secular court and when this happened there was usually a complaint from the lay authorities, as the testimony given in their court was being simultaneously used to prove defamation in the court christian ^{43.} In general the lay court made no difficulty about the holding of cases of defamation and in England such cases gave the church courts a major part of their business until long after the Reformation. ^{44.} It is surprising therefore to find that defamation was one of the pleas which Archbishop Fulke was being prevented from hearing in his court. It indicates that at this time a wide-reaching and strict application of the 'only matrimonial and testamentary' rule was being attempted.

The archbishop also complained that he was being obstructed from hearing cases of usury and from trying usurers ^{45.}. This was an area which caused serious conflict in England throughout the thirteenth century and well into the fourteenth. A settlement was finally reached in 1341 whereby usury was treated as a spiritual offence while the usurer was living and after his death the royal courts could confiscate his chattels. ^{46.}

43. See details of a case heard before the justiciar in 1297 when Agnes de Feypo abbess of the convent of del Hogges accused John le Marechal of breaking into her house and stealing documents and money. John had her summoned before the court christian on a plea of defamation and she was fined 100 marks. However John was later called to answer for his actions before the secular court, C.J.R. 1295-1303 p.17.

44. Woodcock, Church Courts, p.87-9.

45. Crede Mihi, f. 86.

46. Statutes of the Realm I, p.296. See Jones, Two Jurisdictions, p. 82, where he describes the agreement as proof that the two jurisdictions were occasionally able to draw 'neat and satisfactory distinctions'.

d) MATRIMONIAL AND TESTAMENTARY CASES

Throughout the medieval period it was accepted that the two types of cases over which the ecclesiastical court was allowed to exercise unrestricted jurisdiction were those relating to testamentary and matrimonial affairs . The 'only testamentary and matrimonial' rule appears continuously in royal mandates seeking to fix for once and for all the limits of the jurisdictional competence of the ecclesiastical courts . However as the secular courts did in practice leave many other cases to the church , the maxim rings somewhat hollow . Moreover , although there was no attempt to infringe on the church's jurisdiction in the areas of marriage and wills , certain aspects of it could cause dissent .

Cases involving marriage had been a subject of ecclesiastical jurisdiction from earliest times . These cases would include objections to clandestine marriages , disputes over the system of dowry and dissolutions of marriages when impediments such as consanguinity were cited . The method of dealing with such cases appears to have been the holding of an inquisition in the litigant's locality to obtain testimony from all concerned , followed by a decision in the church court based on the findings of the inquisition. One of the thirteenth century Dublin statutes states that since pleas of matrimony and other pleas were being threatened

47. See King Henry III's mandate of 1233 to the earls , barons, knights, and free tenants of Ireland C.P.R. 1232-47 , p. 31 , and Edward's letter of 1266 to the archbishops and bishops H.M.Docs. p. 179 .

48. Rodes , Ecc.Admin. p. 130 .

by indiscreet examiners , four or six honest persons in each deanery were to be chosen to examine the testimony and commit it to writing .^{49.}

Most of the time the lay authorities made no attempt to interfere in marriage cases but sometimes when lay chattels were involved they did try to cause some obstruction . In 1260-1 Archbishop Fulk complained that the secular officers were preventing the ecclesiastical court from compelling a man to restore a woman's dowry in a case^{50.} where the marriage had been dissolved by it .

The church courts also determined questions of legitimacy and if such a question arose in the course of a temporal dispute in the lay court it was sent for trial in the ecclesiastical court, whose^{51.} decision was then accepted by the secular authorities . This is one area, therefore, where it is possible to apply to the relationship between the two jurisdictions Alen's metaphor of the two swords aiding each other .

49. Gwynn, Prov. and Dioc. Decrees, p. 51'Quia cause plerumque matrimoniales et alie per indiscretos examinatos periclitantur et diucius protrahuntur , volumus quod in singulis decanatibus sex vel quatuor fidedigni eligantur et discreti , qui testes producendos diligenter examinent et singulorum dicta integre et fideliter redigant in scripturam ' .

50. Rymer, Foedera , I, p. 731-2'Porro , si inter virum et uxorem per ecclesiasticum iudicem celebrato divorcio coram eo super dote restituenda questionem oriri contingat , predicti iudiciarii et ballivi ne dictus iudex virum ad restituendam dotem mulieri compellat ' .

51. Pollock & Maitland, Hist. Eng. Law, p. 127.

The procedure for transferring a case from the secular court to the ecclesiastical court when illegitimacy had been alleged was obviously well established in Dublin by 1223 when Archbishop Henry of London received a royal mandate instructing him to enquire into the case of one Nicholas de la Feld⁵². Nicholas' assize of mort d'ancestor in the lay court had been curtailed by a plea of bastardy against him and he was required to go to the ecclesiastical court and produce witnesses to attest to his legitimacy⁵³.

One problem which was associated with questions of legitimacy was that canon law held that a child born before marriage was legitimized if the parents subsequently married, but common law continued to regard such children as bastards and unable to inherit⁵⁴. In effect, when the royal court referred a case of bastardy to the ecclesiastical court they really wanted to know whether the child had been born before or after marriage. In England in 1236 some bishops, notably Robert Grosseteste of Lincoln, tried to bring the common law into line with canon law and at the council of Merton

52. Rot.Lit.Claus . p. 585

53. ibid. p.629. The subsequent handling of this case in the ecclesiastical court was atypical as an objection was raised and the case was referred to Rome. The details of the case survive because the king was angered by Archbishop Henry's action and wrote complaining that he had transferred the case to a 'foreign dignitary'.

54. See Powicke The thirteenth Century pp. 403-4.

they refused to assist in the application of a law which was
55.
contrary to canon law . The lay magnates, however , refused to change
the law of the land . Understandably confused by the issue , the
Irish justiciar Maurice Fitz Gerald and Archbishop Luke of Dublin
56.
appealed to the king for clarification in 1236 . He replied in
a letter giving details of the events of the council and saying in
effect that the English church had relinquished proof of bastardy
to the secular authorities since they were refusing to comply
with mandates from the lay court requiring them to enquire whether
or not the plaintiff had been born before or after the marriage of
57.
the parents . There is no evidence that this dispute extended
into Ireland . In England opposition from the church faded out
after a brief period ; the bishops went back to accepting mandates
from the lay courts and the secular authorities continued to use
their enquiries for their own purposes .

The church courts exercised complete control over testamentary
affairs . This included the right to grant probate of a will ,
supervise the inventory of the chattels , authorize the actions of
58.
the executors and deal with all cases arising out of a testament .
Until the end of the thirteenth century the ecclesiastical courts

55. Powicke & Cheney Councils and Synods 2 p. 199 .

56. Cl. Rolls 1234-7 p. 199 .

57. ibid. p. 199 .

58. For details of testamentary cases held in Dublin court Christian
see for ex. Ch. St. Mary's 1 pp. 82-6 ,

were also largely unhindered in holding pleas of testamentary debt, but in the reign of Edward I ecclesiastical competence over cases of testamentary debt was challenged by the lay authorities⁵⁹. In 1285 Richard de Northampton, the bishop of Ferns, complained that his archdeacon had been called before the barons of the exchequer in Dublin and fined for a debt arising out of a testamentary matter⁶⁰. This information is contained in a letter which he wrote to Robert Burnell, chancellor of England and Bishop of Bath and Wells, whom he calculatingly styles 'the firmest pillar of ecclesiastical liberty'. Bishop Richard stated that the case was merely testamentary and belonged by right to ecclesiastical investigation; he prayed the chancellor to provide a remedy and preserve unimpaired the liberty of the church.

Archbishop Fulk of Dublin complained in 1260-1 that the officials of the king were obstructing ecclesiastical judges from carrying out the wishes of deceased persons, especially with regard to houses and lands left to the church in wills⁶¹. The synodal canons

59. Jones, Two Jurisdictions, pp. 169-178. The writ of prohibition to the abbot of St. Mary's in c.1240 clearly states that a case of debt cannot be heard in ecclesiastical courts unless it refers to testamentary or matrimonial debt. See above p. 239. Likewise Edward's letter of 1266 prohibits ecclesiastical judges from hearing cases of debt except those which arise out of testamentary or matrimonial cases. H.M. Docs p. 179

60. C.D.I. 2 no. 2361.

61. Crede Mihi f. 84v.

which can be dated to Archbishop Fulk's episcopacy contain a group dealing with testamentary affairs which includes prohibitions against anyone who hindered the drawing up of wills, or obstructed their proving in the ecclesiastical court or the execution of the deceased's requests . The penalty for anyone who presumed to offend in this way was to be excommunication .^{62.}

Apart from these incidents , there is very little evidence for conflict over testamentary matters and the ecclesiastical court in Dublin performed its functions in this area largely unhindered by the secular authorities .

62 . Gwynn, Prov. Dioc. Decrees, pp. 52-3 . See above p. 101 .

e) Benefit of Clergy and Purgation.

The medieval church put forward a wide claim of immunity for its clerks from all suits in the lay court, a claim based on a firm belief in their moral superiority and their status as servants of a higher power than the one that purported to judge them⁶³. The secular authorities were not prepared to grant such a far reaching privilege but in England a compromise was worked out after Becket's death, and this in general held good throughout the Middle Ages. By this, the exemption of clerics from lay prosecution for felony was established, but the immunity did not cover treason or non-capital offences and clerics were still bound to answer all civil proceedings in the lay court⁶⁴. During the thirteenth and fourteenth centuries minor disagreements over benefit of clergy were common but they invariably related to the procedural aspects of the practice and the principle itself was never in danger. The exemption of clerics from criminal trial and punishment in English secular courts has been described as visible evidence that relations between the two jurisdictions could be characterised by a spirit of compromise and mutual respect⁶⁵.

63. Rodes, Ecc.Admin. p. 43.

64. Councils and Synods,

65. Jones, Two Jurisdictions, p. 178. For the theory and practice of benefit of clergy, see Leona C. Gabel Benefit of Clergy in England in the Later Middle Ages (2nd. ed. 1969); C.R. Cheney, 'The punishment of felonious clerks', in E.H.R. (1936), pp. 215-36; J. Bellamy, Criminal law and society in late medieval and early tudor England (1984), esp. pp. 115-24.

The procedure governing benefit of clergy was composed of a number of strictly regulated acts which followed the attachment of a clerk suspected of a felony . These included a plea of innocent or guilty , a claim of benefit of clergy , an examination of the genuineness of the claim , the arrival of the clerk's ordinary with letters claiming him , the examination of the letter , the holding of an ex officio inquest by the secular jurors , the handing over of the 'guilty' clerk to the ordinary and the confiscation of his chattels .

The evidence of the rolls of the justiciar's court in Ireland shows that from 1295 on at least , the principle of benefit of clergy and the series of acts governing the procedure were all observed in Ireland as they were in England . Apart from the specific complaints contained in the thirteenth century gravamina , there is no reason to think that the practice in Ireland was any different from that in England . Having examined the examples from the justiciar's court one must come to the conclusion that Irish conditions caused no change to be made in the principles and procedures in force in the king's court against felonius clerks.

66. For some examples of cases in the justiciar's court where benefit of clergy was claimed see C.J.R. 1295-1303 , pp. 22 , 33-6 , 46 , 195 ; 1303-7 , pp. 235 , 479 , 498 , 493 , 499 ; 1308-14 , pp. 149 , 208 , 217 , 264-5 .

67. Watt, Edward I and the Irish Church , p. 155 .

As mentioned above , the principle that clerks were not liable to answer in the lay courts for felonies other than treason was accepted by both secular and ecclesiastical authorities . Disputes could and did occur over the actual claim of clerical status and over procedural issues, such as the genuineness of letters claiming the clerk for the ecclesiastical court . In Ireland , as in England, the problem of widespread false claims of clerical status and the necessity of introducing various tests to ascertain whether or not the accused was a clerk did not arise to any great extent in the thirteenth century . There are examples of clerical immunity being withheld because the accused was found to be bigamous or because the letters claiming the clerk bore the wrong date . There is no direct evidence however that there was serious friction in Ireland over the procedure of claiming a clerk from the secular court . There is certainly nothing to compare with the claim of the English clergy in 1257 that clerks , including those who had been arrested while wearing the clerical habit were being hanged before the ordinary could claim them for the church .

As the thirteenth century progressed the secular authorities tightened up the system of granting clerical immunity by insisting

68. Bellamy, Criminal Law p. 119 . He has found no evidence for the literary test, for example, before the middle of the fourteenth century.

69. C.J.R. 1295-1303, p. 22 , 46 ; 1303-7 , p. 499 . Bellamy states that from the middle of the thirteenth century the church was quite ready to deliver a man whose guilt of bigamy had been proven before the bishop to the secular court for trial Criminal Law, p. 116.

70. ibid. p. 120 . Mat. Paris, Chron. Maj. vol. 6, p. 365-6 .

on the holding of an ex officio inquest in the secular court to determine whether the accused should be delivered to the ordinary as guilty or innocent . Bellamy sees this as indicative of a 'desire on the part of the crown to demonstrate that it had never yielded its right to enquire into a felony , even if the prisoner was to be transferred to another jurisdiction ' . Cheney however stresses the fact that a verdict of guilty resulted in the confiscation of the clerk's chattels by the crown . If the clerk was subsequently found innocent of the crime in the ecclesiastical court he could sue to have his goods returned to him .

The confiscation of the chattels of a clerk found guilty by the secular inquest was resented by the church, but in general the inquest itself was accepted . No matter what the verdict of the inquest was , in the eyes of the church the guilt or innocence of the clerk had still to be established . In the ecclesiastical court compurgation was the procedure employed for arriving at judgements on the guilt or innocence of accused clerks . Firstly the clerk would swear his innocence, backed up by the oaths of a group of men acquainted with his past life and character . The second part of the process involved the reading out of a general proclamation inviting anyone who wished to accuse the clerk or add anything to the evidence

71. Bellamy, Criminal Law, p. 118 .

72. Cheney, 'Punishment of Felonius Clerks', p. 230 .

73. For some examples of the confiscation of clerical chattels see C.J.R. 1295-1303, p. 22 ; 1305-7, p. 235 .

on the crime to appear before the ecclesiastical court within a certain time span . If no one appeared or there was no further evidence the clerk would complete his purgation and be restored to good faith . If the clerk was found guilty of the crime the usual punishment was a term of imprisonment , degradation from clerical orders or both .^{74.}

There was an amount of lay scepticism about the effectiveness of purgation as a method of enquiring into a felony , which was hardly surprising given the small proportion of clerics who actually failed to prove their innocence of the crime by this method . In the statute of Westminster which was applied to Ireland In 1285 , the king admonished all prelates, warning them that they were not under any circumstances to deliver without due purgation those who had been indicted for felonies by solemn inquest of lawful men made in the king's court .^{75.} The wording in the statute implies that the crown was losing patience with the ecclesiastical method of enquiring into clerical crimes and it contained the warning that the king might be obliged to provide some 'other remedy' .

Details of an interesting case are contained the the rolls of the Irish justiciar's court for the year 1302 . The information would

74. For more information on the process of purgation and the methods of punishing a felonius clerk see Jones, Two Jurisdictions, p. 124-8 ; Rodes, Ecc.Admin. p. 138-9 and Bellamy, Criminal Law, p. 121-24.

75. Statutes of Irl. John-Henry V, p. 51-3 contains the full text of the statute.

suggest that the secular authorities in Dublin were not satisfied with the process of purgation in the ecclesiastical court and also that they were attempting to bring the ecclesiastical authorities to task over what they termed the 'misconduct of a purgation'^{76.} This was the charge levelled against the vicar general of Dublin, Master Robert de Walraunt, when he was summoned to appear before the justiciar's court in 1302. A clerk had been found guilty of feloniously slaying a merchant by secular inquest in the lay court. He was granted benefit of clergy and was handed over to the vicar general 'to be kept in the prison of the archbishop as convicted of said felony under suitable penalty'. The inquest in the lay court took place on a Wednesday and by the following Saturday the clerk had been cleared of the charge in the ecclesiastical court and released. De Walraunt was accused of allowing the clerk to be set free without due purgation.

The vicar general claimed that he had caused a proclamation to be made in public places stating that if anyone wished to say anything about the purgation of the clerk then they should come to St. Patrick's cathedral on the Saturday and make known their objection. As no one came, the clerk proceeded with his purgation and was set free. Moreover De Walraunt said that this had been the custom of the church in Ireland from time beyond memory and he offered to prove this. A day was set and the archbishop of Dublin (Richard

76. C.J.R. 1295-1303, p. 445-6.

de Ferings) was required to appear in person to avow or disavow his vicar general . Unfortunately no further information concerning this case is known to survive .

If the details of the case are accepted it would seem that four days after being found guilty in the lay court a clerk could be proclaimed free and innocent in the ecclesiastical court . The exasperation of the secular authorities is in some measure understandable. Moreover, the vicar general claimed that it was usual for clerks to proceed to purgation as rapidly and easily as the clerk in this case . The action of the secular authority in this case in calling the representative of the ecclesiastical jurisdiction to answer for his conduct would appear to be unprecedented and there is no evidence that it happened again . The case does illustrate that while the lay power , for the most part , cooperated with the church in the handing over of criminous clerks , conflict could arise over the church's subesequent handling of these clerks .

The church's claim to have cognizance of all cases involving disputes between clerics over lands , matters relating to church lands which were held in free alms (frankalmoign) and in general any case which included reference to the 'spiritualities' of the church was however challenged by the lay authorities .^{77.}

77. Jones, Two Jurisdictions, pp. 132-142 .

The challenge at first only applied to lay fees, which explains how it was possible for Archbishop Henry of London to complain to the king in 1218 that the religious of his diocese were being impleaded in lay courts touching possessions which belonged to the church. On this occasion the king replied that no religious were henceforth to be impleaded for this reason^{78.} Five years later in 1223 the king did complain to the archbishop because he had been informed that the archbishop's clerks were resorting to the ecclesiastical court touching lay fees which they held in the city of Dublin and also that religious houses were using the ecclesiastical courts for their disputes over land. The archbishop was instructed to put an immediate stop to such actions^{79.}

The famous dispute of the early thirteenth century involving Ailbe O'Molloy, the bishop of Ferns and Earl William Marshall concerned what the secular authorities described as a 'lay fee'. In 1218 William Marshall complained to the king that he had been sued by the bishop of Ferns to appear before the archbishops of Tuam and Dublin and the bishop of Clogher in the ecclesiastical court in Dublin^{80.} The king issued letters prohibiting the bishop of Ferns from bringing the case into the spiritual court and the ecclesiastical judges from hearing it as it concerned a lay fee^{81.} As

78. Rot.Lit.Claus, p. 369.

79. ibid. p. 570.

80. Pat.Rolls 1216 - 25 pp. 148-9; B.M.Add.Charter no. 19614; 'Letter from the archbishops of Tuam and Dublin to William Marshall in 1216', in Kilkenny Archaeological Proceedings, vol. 4 (1864-6) pp. 137-9.

81. Pat.Rolls 1216-25, pp. 173-4.

they had already heard the case the judges were summoned to answer before the king for their actions .

As the thirteenth century progressed the lay courts extended their claims to deal with ecclesiastical land and even with land held in Frankalmoign . In 1261 Archbishop Fulk complained that clerics were being hindered from ^{suing} other clerics over land in the ecclesiastical courts and rectors from ^{suing} other rectors about chapels and churches . In England , and presumably in Ireland also , the lay courts were eventually successful in pushing back the frontiers of ecclesiastical jurisdiction with regard to church lands . In large measure they won by legal innovation and by providing suitors both ecclesiastical and lay with attractive alternatives to ecclesiastical jurisdiction . The church was then faced with the problem of its own members showing preference for the secular courts . This problem manifested itself in Ireland as early as 1263 when Pope Urban IV wrote to Irish ecclesiastics instructing them not to have recourse to secular courts in contempt of ecclesiastical ones .

82. Crede Mihi f. 84 .

83. Jones Two Jurisdictions p. 132 .

84. Theiner p. 92 .

f) Ecclesiastical Sanctions .

Interference by the lay authorities with the ecclesiastical court's methods of punishing lay people convicted of spiritual offences was a recurrent theme in the complaints of the Dublin Archbishops . During the thirteenth century the ecclesiastical court encountered opposition to each of its methods of punishing the laity ; the imposition of corporal or public penances , the imposition of fines or pecuniary penances and the use of its most powerful weapon - the ban of excommunication .

Sins which were brought to light in the ecclesiastical court were usually punished in an external way , by a symbolic expiation in the form of performance of a public penance . This distinguished them from sins confessed privately, which were expiated by private prayer and/or fasting⁸⁵ . Sins which merited a public penance were usually associated with violence , particularly violence towards ecclesiastical persons or property , or with sexual offences . Although the most commonly imposed public penance involved beating in a public place , there appears to have been a definite attempt on the part of the church to make the punishment fit the crime by including in it some visual reminder of the transgression .⁸⁶ beatings , when they did occur, were carried out in the vicinity of a church and often on a Sunday or feastday to ensure maximum exposure .

85. For an interesting discussion of public penance see: R.M.T.Hill, ' Public Penance , some problems of a thirteenth century bishop,' in History (1951) pp. 213-26 , and Rodes, Ecc.Admin. pp.91-4 .

86. Hill, Public Penance, p.216-20 . For example , a common punishment for invasion of church property involved standing in the middle aisle of a church during mass carrying all one's armour .

In Dublin , resentment over public penances came to the forefront in the 1260's,during the period when Archbishop Fulk was being attacked for excessive employment of both his spiritual and temporal jurisdictions. The topic became entangled both with the complaints that secular cases were being heard in the church courts and with the archbishop's defence of his temporal liberties . This double complication is evident in the letter of May 1266 sent by the Lord Edward to the mayor and citizens of Dublin . Edward reminded them that it was prejudicial to the royal dignity that ecclesiastical sentences which involved his men being beaten through the streets be carried out , especially , he states , since the church would not allow the decrees of his court to be implemented in their lands .^{87.}

The immediate reason , if any , for the sending of this letter is not stated , but it is possible that Edward was particularly angered by the use by the church of its sanctions of public penance and excommunication to punish officials of the crown who were attempting to enter the liberty of the archbishop or in other ways to obstruct him . There is no evidence that this occurred in the episcopacy of Fulk, but in the inquisition held in the archbishop's manor of Swords 1257-63 , it was claimed that two sergeants of the king who had entered the manor to serve a writ on one of the archbishop's tenants were excommunicated by Archbishop Luke . In order to have themselves freed from the ban they came to the archbishop and submitted to a

87. '....presertim cum iudiciorum curie nostre execuciones in territorio ecclesiastico fieri nullatenus sustinerent . H.M.Docs. p. 180 .

public penance which involved their being beaten around the church of
88. Swords . During the conflict between Fulk and the royal justices
over the boundaries of his jurisdiction , both spiritual and temporal ,
the archbishop may have made excessive use of ecclesiastical sanctions
and forced officers of the crown and of the Dublin municipality to
submit to public penance under threat of excommunication .

The relationship between the royal letter and the trouble which
flared up between Archbishop Fulk and the mayor and citizens of Dublin
in the 1260's is not clear . It may have been in the nature of a
show of solidarity with the citizens, or it may have precipitated the
struggle . The conflict involved various attempts by the citizens to
undermine ecclesiastical jurisdiction and lessen the influence and
wealth of the Dublin church . This resulted in Fulk placing the city
under interdict and calling on the Papal Legate, Cardinal Ottobon, who
89. was then in London to confirm his sentence . The Cardinal thereupon
instructed the bishops of Lismore and Waterford to pronounce sentence
of excommunication on the mayor and citizens of Dublin , informing
them that, among other enormities, the citizens had asserted that
public penances were to be limited and mitigated by their decision and
90. not fixed by judgement of the ecclesiastical court.

88. Al.Reg. p. 105 . The archbishop was in fact departing from
recognised procedure in excommunicating the king's sergeants . In
1231 Henry III obtained from Pope Gregory IX an assurance that his
officials should be immune from excommunication while on the king's
service . This promise was renewed in 1245 . It covered sheriffs ,
justices, royal bailiffs and anyone engaged in official business,
permanently or temporarily . Councils and Synods, 2 p. 283, n.1 ,
p. 472 n.1 .

89. Crede Mihi, f101 .

90. '...Publicas insuper penitencias , non iudicio ecclesie sed arbitrio
eorum artandas , seu mitigandas esse dicentes ' ibid. f 101 .

The prominence of the issue of public penance can be seen in the agreement which was reached between the archbishop and the citizens, where its regulation was the most important matter decided and other issues, such as the limitation of church offerings, not touched

^{91.} upon . The composition was made before the justiciar and many others of the Lord Edward's council, and the archbishop was represented by John of Sandford his attorney , Thomas de Chaddesworth his official, William of Evesham his seneschal and many others of his council .^{92.}

It was agreed that on the first offence a public sinner would be fined , the second offence would be punished by a beating around the church and for a third offence the sinner would be beaten in front of the procession at St. Patrick's or Holy Trinity .^{93.} If after this the offence was repeated, the official of the ecclesiastical court was to inform the mayor and bailiffs, who would see that the sinner was removed from the city or beaten around it .

It was also agreed that a general inquisition concerning public sins should be held in the city once a year . An inquisitio of this^{94.}

91. Al.Reg. p. 130 ; H.M.Docs. pp.182-3.

92. '...et pluribus aliis de consilio eiusdem archiepiscopi'. The copy of the agreement preserved in the Dublin White book f49-50 is entitled ' De compositione et ordinacione facta per justiciarium et consilium hibernie inter Archiepiscopum Dublin et cives Dublin '. H.M.Docs. p.182n.

93. '...coram processione apud sanctam Trinitatem vel apud sanctum Patricium '. H.M.Docs. p. 183.

94. '...quod semel in anno generalis inquisicio per civitatem capiatur et hoc de peccatis publicis et manifestis , et non de secretis , et si magna necessitas fuisset quod iterato huiusmodi inquisicio capiatur et non plus '. H.M.Docs. p. 183.

type would most likely include a mixture of laity and clergy who would answer collectively and ascertain the true facts of whatever matter or charge was put before them for consideration . This regulation allowing for the holding of such an inquisition once a year was probably an effort to ensure that people were not brought before the ecclesiastical court on the testimony of one person or without sufficient evidence .

The 1267 composition would appear to represent a genuine compromise on both sides . The archbishop was prepared to accept a certain amount of regulation and mitigation of the practice of public penance and agreed that he would hand persistent offenders over to the mayor and bailiffs . For their part the mayor and citizens accepted the church's right to punish such sinners by fines and beatings as long as these took place in the vicinity of the churches or cathedrals. The agreement to hold an annual inquisition into public sins demonstrated the desire for future co-operation between the archbishop and the citizens.

In the Dublin gravamina of 1260-1 and the Articuli Cleri of 1291 , there are assertions that the church's exercise of its other sanctions , imposition of pecuniary penances and excommunication, was being interfered with . It has already been mentioned that the secular authorities regarded the imposition of fines for breach of contract as unacceptable procedure for the church courts. However

95. For a discussion of the ecclesiastical inquest see Rodes, Ecc. Admin. pp.144-5 .

96. See above p. 246.

it would appear that the royal justices in Dublin were applying this rule to cover all sorts of cases which were being decided in the ecclesiastical court , possibly with the understanding that if they prevented the court christian from carrying out its sentences then people would be less likely to have recourse to it . Fulk complained that he and his suffragans were being prevented from compelling payment of fines that they had legitimately imposed on people convicted of contumacy or offence and that their canonical jurisdiction in cases of usury , adultery and other crimes was thus rendered ineffective .^{97.}

More serious even than this was the complaint, also from the Dublin province, that a person who had been excommunicated in the ecclesiastical court could get a writ of prohibition which would compel the archbishop and his officials to cease taking cognizance of the case . The Articuli Cleri also contain the complaint that if a prelate excommunicated his subject and this person complained before the officers of the king , the prelate was summoned before these officers and compelled by a writ out of chancery to absolve the excommunicated person .^{98.}

The king replied to the 1291 complaint that the writ should be exhibited and the person who had issued it should be punished

97. Foedera. T.I, p.731 .

98. 'Quinimo si quis eorundem litigantium , excommunicationis vinculo , exigente justicia , innodatus ab eis regiam prohibitionem apportet , non solum eosdem archiepiscopum , officiales et commissarios eius cognitioni causarum huiusmodi supersedere compellunt.' From Pope Alexander IV's letter, March 1260 in Crede Mihi, fol.83.

99. Art.Cleri p. 190 .

and dismissed, suggesting that the officials in this case were acting without royal permission or approval in issuing writs to excommunicants ^{100.} It is not clear whether the same thing was happening in Dublin in the 1250's and 60's or if the justiciar had been instructed by the Lord Edward to place restrictions on Fulk's exercise of this most serious ecclesiastical sanction .

Excommunication was , in general , one of the areas in which crown and church co-operated willingly . The strength of the sanction of excommunication was in decline throughout the middle ages , mainly because the church resorted to it more and more frequently and for less serious offences ^{101.} Many people who regarded themselves innocent of the matter on which the excommunication was founded were apt to regard themselves as not bound by the ban ^{102.} The church therefore had to rely on the secular power to reinforce their censure by imprisoning the offender who had avoided reconciliation with the church for more than 40 days and by distraining his goods and chattels .

A special writ , de excommunicato capiendo was formulated which a bishop or archbishop could request to be issued to the local sheriff, who would then take action against the excommunicate. The rolls of the justiciar's court in Ireland contain evidence that

100. Art.Cleri. p.190.

101. See R.M.T.Hill, 'The theory and practice of Excommunication' in History no.42 (1957) pp.1-11 ; Jones, Two Jurisdictions, pp.142-157.

102. Hill, Excommunication, p. 15-16.

this writ was available and availed of in Ireland and also that
an excommunicate was forbidden from suing in the king's court .^{103.}

It must be presumed therefore that difficulties such as those which
arose in 1261 and 1291 did not constitute a stumbling block to the
continuing cooperation of the two jurisdictions , but merely a
temporary setback .

103. See for ex. C.J.R. 1295-1303 , pp. 269-70 , 338 . For a detailed
general study , see F.D.Logan Excommunication and the Secular arm in
Medieval England , (Toronto, 1968) .

SECTION 3 .

CHAPTER I3 The temporal jurisdiction of the archbishop .

- a) Introduction p. 272-5.
- b) The archbishop's temporal officers p. 275-8 .
- c) Conflict between Archbishop Henry of London and the citizens of Dublin , I223-4 . p. 279-84.
- d) The inquisitions on the archbishop's manors I257-63 . p. 285-90 .

INTRODUCTION

It would be unwise to consider the exercise of spiritual jurisdiction by the Dublin archbishops and the difficulties which the ecclesiastical courts experienced during the thirteenth century without looking also at the temporal jurisdiction which was exercised by the archbishop in the manors of his see . Although the two types of jurisdiction were theoretically very distinct from each other it is clear that, in the minds of medieval Dubliners at least , they were closely associated , particularly as the archbishop's spiritual court was situated in his temporal liberty of St.Sepulchre . This makes for some confusion, for when the citizens complained that they were being cited to the archbishop's court outside the city of Dublin , they usually did not specify whether it was his temporal or his spiritual court . Knowing the names of the archbishop's officers who were involved in a certain case is of no help as the archbishop was liable to utilise the services of any legally trained clerk for the exercise of both his spiritual and his temporal jurisdictions .

Moreover , royal intervention into one aspect of the archbishop's jurisdiction would frequently refer to his exercise of the other jurisdiction . A good example of this which has already been cited comes from the letter of 1266 from the Lord Edward to the mayor and citizens of Dublin . Edward wrote that his dignity was being

I. See above p.264 .

prejudiced in the city of Dublin by the execution of public penances in the main street . He stated that this was particularly unjust especially as his servants were not allowed into the archbishop's lands to serve summonses ^{2.} . It appears obvious that the inquisitions into the temporal jurisdiction of Archbishop Fulk in 1257-63 and the attempts of the justiciar and his officers to limit the scope of the ecclesiastical court in Dublin during the same period was part of a concerted plan to try to increase the number of cases in the royal courts and increase the profits of the Lord Edward's justice .

The temporal jurisdiction of the archbishop of Dublin received its first official recognition when the Count of Mortain in 1189-90 granted to Archbishop John Cumin a court and justice of all his men throughout the land of Ireland ^{3.} . The inquisitions held in 1257-63 mention that the liberties on these manors had been exercised in the time of Archbishop John ^{4.} .

The manors which together formed the archbishop's secular liberty can roughly be divided into three groups . North of the river were the manors of Swords , Portrane , Lusk , Finglas and Clonmethan . South of the river were St.Sepulchre's , Clondalkin ,

2. H.M.Docs. p. 180 .

3. Mac Niocaill, Charters, p. 299 .

4. Al.Reg. p. 105 . The jurors at Swords swore that all the predecessors of Archbishop Fulk held all pleas of the crown by their bailiffs . This had begun in Archbishop John's time and Archbishop s Henry and Luke afterwards did the same .

Tallaght, Rathcoole and Shankill . The third group comprised Ballymore and the lands which had been obtained from the unification of Dublin with Glendalough, the most important of the manors being Castlekevin , Kilmesantan and Brittas .

Very little can be gleaned concerning the location and the frequency of the Archbishop's secular courts . What little is known about the thirteenth century is obtained from the documentation resulting from archiepiscopal vacancies , in particular the account of Thomas de Chaddesworth for the vacancy of 1272-7⁵ . The only court rolls to have survived are from the late sixteenth century and from this century⁶ also comes the earliest information concerning the frequency and arrangement of the courts . This is a statement of Archbishop Alen which is headed ' Order and time of the temporal courts of the archbishopric of Dublin ' . This contains the information that after the Octave of Easter and of Michaelmas the first session of the court was held on a Monday in St.Sepulchre's , on a Tuesday in Swords and on a Wednesday in Finglas . On Thursday the seneschal held the court at Tallaght, Clondalkin or Rathcoole and on Saturday at Ballymore . The session ended on the next Monday with a court at Shankill or Dalkey, depending on the preference of the seneschal .

5. Betham , Custodian's Account, pp. 149-162 .

6. See H. Wood ed. The court book of the liberty of St.Sepulchre 1586-1590 . (1930)

7. Al.Reg. p. 291 .

When de Chaddesworth accounted for the twelve archiepiscopal manors in 1272-9 he mentioned a court in six of them , Swords , Ballymore, Clondalkin , Finglas , St.Sepulchre's and Shankill . With the exception of Swords a sum is also given for the profits or perquisites of these courts for the time accounted for . This sum ranged from £155.18s.8½d for the court of Ballymore to 8. £5.19s.0d for that at Shankill .

THE ARCHBISHOP'S TEMPORAL OFFICERS .

The archbishop's seneschal was the most important of the temporal officers . He presided over the archbishop's courts and controlled the other temporal officers . Archbishop Alen recorded that 9. there were two seneschals, and two are sometimes named . In a late fourteenth century commission of appointment of a seneschal for the whole archbishopric of Dublin it appears that the seneschal could appoint a deputy or deputies , so perhaps the confusion stems 10. from this . The commission also outlines the duties of the seneschal, the most important being the governing , holding , exercising and adjourning of the archbishop's courts , as often and wherever the seneschal thought fit , for the advantage of the archbishop .

8. Betham, Custodian's Account, pp.149-162 .

9. Al.Reg. p. 101 . The inquisition at Tallaght mentions two seneschals ibid. p. 103.

10. ibid. p. 225.

The importance of the office is reflected in the men who are known to have held it . Many were also involved in the secular administration and jurisdiction and had connections with St.Patrick's cathedral . In Archbishop Henry of London's time , Richard de la Corner , prebendary of St Patrick's and later bishop of Meath was seneschal . He appears to have been replaced by Robert Lutterell, treasurer of St. Patrick's 1228-49 , deputy treasurer of Ireland in 1234 and chancellor of Ireland 1235-46 . Under Archbishop Luke Geoffrey de Elme , precentor of St.Patrick's was seneschal and also Hugh de Mapilton , archdeacon of Dublin , bishop of Ossory and treasurer of Ireland . In Archbishop Fulk's time the seneschal was William de Caversham who was also a justice itinerant of the crown . There is less evidence about the latter part of the century but in a case of 1302 in the justiciar's court Arnaul de Cassherel, merchant stranger , was described as the former seneschal of the archbishop of Dublin .

II. Al.Reg. pp. 102,104,106,107, 109.

12. Al.Reg. pp. 106,108-9 , 113 . Rich.Sayles.Admin. Irl. pp. 92,98 .

13. Al.Reg. pp. 106-09 ,111-13.

14. ibid.pp. 107,109,112 . See above p.227 and below Appendix 4 .

15. Al.Reg. p. 130,131 . Rich.Sayles Admin.Irl.p.140. William appears to have been a wealthy landholder and a retainer of Margaret de Lacy Countess of Lincoln . In 1271 he granted to the canons of St.Victor in St.Wulstan's convent by the Salmon Leap the land of Tristeldolan (Co.Kildare) on condition that they find three canons to pray for the souls of his lady Margaret de Lacy , late Countess of Lincoln , himself and his next of kin. After his death they are to celebrate his anniversary with masses and by feeding 30 poor persons . The penalty for each omission was to be 100s.to the archbishop of Dublin and 100s. for the fabric of St.Patrick's . Al.Reg. pp.144-5.

16. C.J.R.1295-1303 p. 398 .

The seneschal was assisted in his duties by the archbishop's bailiffs of whom there appears to have been no fixed number . Each manor probably had two or three bailiffs . In the account of 1272-7 Thomas de Chaddesworth claimed allowances for the fees of the bailiffs in the manors of Swords, Finglas , Clondalkin , Shankill , Tallagh and St.Sepulchre's . The bailiff of St.Sepulchre's was superior to the other bailiffs . It was he who received the royal bailiffs at St.Sepulchre's when they came to serve summonses on any of the archbishop's men . He then ordered the other bailiffs to make attachments and levy debts of the royal exchequer . He also choose jurors from the manors , ordered views of lands and attended the justiciar's court to answer for debts involving the archbishop's men . Some other bailiffs had specialized tasks . Mention was made in the St.Sepulchre inquisition of John de la Taillour , the bailiff who kept the prison .

Another important secular official was the constable . There only appears to have been a constable in the more important manors . Thomas de Chaddesworth claimed 20 pounds for providing the four constables of Ballymore , Swords , St.Sepulchre's and Clondalkin with winter robes and summer tunics . By the end of the fourteenth century

17. Betham, Custodian's Account, p. 161 . As the sum included what was needed for repairs to houses and mills on the manors as well as other unspecified expenses it is not possible to work out how much the bailiffs received .

18. These duties are all outlined in the manorial inquisitions .
Al.Reg. pp. 101-114 .

19. ibid. p. 103 .

20. Betham, Custodian's Account, p. 160 .

the office had primarily military functions , associated with the archbishop's castles . A commission of appointment for the constable of Ballymore in 1373 stated that the constable was to reside in the castle and guard and govern the tenants faithfully . No mention is made of any jurisdictional functions of the office .

References are sometimes made to the archbishop's sergeants , whose duties were connected with the courts and who appear to have been subject to the seneschal . During his episcopacy Archbishop Luke granted to Richard de Chambre , his sergeant , for his services to him and the church of Dublin , a burgage in New St. in the suburbs of Dublin .

Other temporal officers who are mentioned in connection with the archbishop's temporal jurisdiction were summonitors , who evidently summoned people to appear before the manorial courts and also delivered the summonses which had been delivered to the bailiff of St.Sepulchre by the officers of the royal court . They probably functioned in much the same way as apparitors did with reference to the ecclesiastical court .

21. Al.Reg. p. 222 .

22. ibid. pp. 103 , 110 .

23. ibid. p. 78 .

24. ibid. p. 114 .

CONFLICT BETWEEN ARCHBISHOP HENRY OF LONDON AND THE CITIZENS OF
DUBLIN 1223-4 .

The main source of tension between the archbishop of Dublin and the citizens of that city was the fact that the jurisdictional liberty exercised by the archbishop was personal as well as geographic. King John's charter granted the archbishop justice of his men throughout the land of Ireland , thereby implying that crimes committed by his men could only be tried in his court . This grant raised the large problem of whether the archbishop's men , who although resident on his land might also hold land in the city , practice a trade in the city or in other ways benefit from the municipal liberties of Dublin , should be liable to the same fines , tolls and levies as the other citizens . For example , should they be assessed for murage payments and if so who would collect the money from them and take action in cases of default ?

Archbishop Cumin came to an agreement with the citizens of Dublin over this issue in c. 1190 . He agreed that the men holding land from him, both in the city and outside it , should aid and pay in the city as the citizens did if they wished to partake of the freedom of the city . At this stage the lands of the archbishop consisted largely of those which had belonged to his predecessor and which were confirmed to him in 1182 as well as the land which had been granted to him by King John . Problems must have arisen

25. Al.Reg. p. 22 .

26. See Pope Alexander III's confirmation to Archbishop Laurence in 1179 Pont.Hib. I, no.9, pp.26-9 and Pope Lucius III's confirmation to Archbishop John in 1182 ibid. no.11, pp. 35-7.

after the incorporation of the vast lands of the bishopric of Glendalough in 1216 and the extension of the jurisdictional liberty to the archbishop's new manors in those lands .

In 1223 the king was informed that the archbishop's men asserted themselves to be free from tallages and payments although they participated in the liberties of the city . Archbishop Henry was obviously failing to honour the agreement reached between his predecessor and the citizens . In 1224 however a new agreement was worked out whereby the archbishop promised that his men and the men of his clerks who lived on his lands would be assessed along with the citizens of Dublin for tallage and for levies for the purpose of defending the city's liberties and fortifying it , should they wish to partake of the liberties of the city . It was agreed that the payments would be made by view of the archbishop's bailiffs and they were to distrain for payment if this was necessary . If the citizens lost anything out of their farm the archbishop's men were not bound to contribute tallage or aid to make up the loss.

The question of whether or not the archbishop's men were answerable in the city for crimes committed there was also a major

26. Rot.Lit.Claus p. 570 '.... quod homines vestri qui participes sunt libertatis quas habent cives nostri Dubline et communam cum eis habent in contractu vendium , a tallagiis et auxiliis sint immunes'.

27. Crede Mihi, f.93v .

28. ibid. f.93v '....Si autem cives ipsi de firma sua aliquid forte perdidissent , dicti homines archiepiscopi et clericorum suorum ad illud dampnum restarandum non tallientur nec auxilientur' .

point of contention in this period . There must have been frequent disputes , but one is particularly well-documented as the citizens 29. wrote giving all the details to the king and sought his help in 1220 . The case involved was an assault by two of the archbishop's men 'from the mountains' on two citizens in the market place in Dublin . The men were attached by the city provosts but the archbishop's bailiffs demanded their discharge , claiming them for the archbishop's court. The citizens asserted to the king that the archbishop had never before deprived them of a plea of this kind , nor had his predecessors and they stated that where a crime had been committed there it should be punished . 30.

The citizens went on to say that in the time before King John had granted the city to them in fee farm , the representatives of the king had heard such cases and they were merely continuing to exercise the same jurisdiction . They calculatingly stressed the fact that this incident was an attack on the king's liberty and that they were defending it on his behalf as they would not dare to lessen the jurisdictional powers which had been granted to them by the king .

Although the archbishop cited the charter of King John , the citizens claimed that they had never heard of it . They told the king that the archbishop's bailiff's had treated their court with disdain and had excommunicated the provost , seneschal and 24 of the principal

29. Shirley, Royal Letters, i. no. xci pp. 108-111.

30. ibid. p. 108 '....ubi transgressio facta est debet emendari' .

men of the city council who tried to prevent them freeing the two malefactors . The citizens begged the king for speedy help and council .

There is no evidence of any royal intervention and no further details of the case to be found , but the position of the archbishop's men with regard to municipal jurisdiction was bound to cause trouble until the situation was clarified . The citizens complained again to the king in 1223 that if they wished to seek justice from one of the archbishop's men then they had to do so in the archbishop's court , and if one of the archbishop's men had a case against one of the citizens then the citizen was forced into the archbishop's court .^{31.} What they found particularly exasperating was the case of bakers resident on the archbishop's land who were convicted of selling light bread in the city and were then claimed by the archbishop's bailiff for the archbishop's court .

In an agreement worked out in 1224 , some effort was made to regularize practices and solve the more serious of the citizen's complaints^{32.} . For a start the corrupt bakers were to be subject to the citizen's jurisdiction , providing that the archbishop's bailiff was present in the hundred court to see that justice was done to them . Archbishop Henry also agreed that the lands which might in the future be given to the Dublin church were still to remain within the jurisdiction of the city and his jurisdiction was to

31. Rot.Lit.Claus. p. 570.

32. Crede Mihj f.93v.

apply only to the lands which were in his possession on the day the deed was signed .

The citizen's assertion that a crime was to be punished where it had been committed was not upheld . The arrangement which was reached defies understanding, but it is clear that the archbishop's men were to continue to be tried in his secular court , while the citizens were to be tried in their's . If one of the archbishop's men was attached within the city , he was not to be brought to trial for four days , at which point he would be claimed by the archbishop's representative . This four day delay clause was also to apply if a citizen was attached on the archbishop's land . It might possibly represent an attempt to ensure that no precipitate action was taken by either court .

It is not clear if this agreement improved matters or even satisfied the citizens . It is likely that this aspect of the archbishop's secular liberty continued to cause trouble . In a case of 1308 which is recorded in the rolls of the justiciar's court , one William Dyer of Patrick's St. was sued because he owed a debt of 28s. to a merchant . He came to the justiciar's court and did not deny that he owed the debt but said that since he lived in St. Patrick's St. and the contract had been made in this street, which was in the liberty of the archbishop of Dublin , it seemed to him that he was

33. Crede Mihi f. 93v.

34. Cal. Just. Rolls 1308-14 . p. 65 .

not bound to answer elsewhere but in the court of the archbishop. It did not appear so to the justices, who found him guilty on his own admission, placed him in mercy for false detention and required him to find pledges for the debt. In the inquisition of 1257-63 on the archbishop's manor of St. Sepulchre's, it was stated that in the time of Archbishop Henry, one Richard le Folour was indicted for homicide committed in the archbishop's tenement and imprisoned in the king's prison, but was delivered to the archbishop's court by judgement of the king's court³⁵. It would appear that practice varied both from period to period and depending on the subject matter of the case. With so little evidence to go on it is impossible to ascertain how effective was the personal liberty of the archbishop in the thirteenth century

35. Al. Reg. p. 102 .

THE INQUISITIONS ON THE ARCHBISHOP'S MANORS 1257-63 .

Most information concerning the type of cases which were heard in the archbishop's temporal courts comes from a series of jurisdictional inquisitions undertaken on the archiepiscopal manors of St.Sepulchre's , Swords , Ballymore , Clondalkin, Castlekevin and Shankill . The findings of these inquisitions were certified by another group of jurors at what was probably the first Irish parliament , which was held at Castledermot in 1264 .

In each of the Dublin manors a group of jurors was gathered together and shown a list of articles or questions which they swore to answer truthfully , giving examples where possible . Mc Neill has compared the Dublin inquisitions to the huge Quo Warranto inquiries of Edward I's reign which were similarly based on articles of enquiry delivered to selected juries , in an effort to ascertain the various ways in which royal jurisdiction had been usurped throughout the kingdom . The inquisitions , however , probably had as much in common with the investigations carried out in England in the reign of Henry III , and in particular the eyre of 1254 which saw the

36. Al.Reg. pp. 101-114 . What survives in Alen's register are according to Archbishop Alen himself contemporary transcripts which were retained probably by the archbishop's officers ibid. p.108 .

37. ibid. pp.114-5 .

38. The jurors numbered 17 at St.Sepulchre's , 37 at Swords , 36 at Ballymore , 16 at Clondalkin, 28 at Castlekevin and 12 at Shankill .

39 . See C. Mc Neill 'The secular jurisdiction of the archbishops of Dublin ' in R.S.A.I.J. vol.45 (1915) pp. 81-108 , p. 87 . For some Irish examples of Quo Warranto enquiries see C.J.R. 1295-1303 , pp. 103, 189, 316-7 and also P.Brand 'Quo Warranto law in the reign of Edward I' in The Irish Jurist , vol. 14 (1979) , pp. 124-172 .

administration by the royal justices of several new articles of^{40.}
enquiry intended to discover subjects' usurpations of franchises .
The clergy of the province of Canterbury complained in 1257-8 that
they were frequently being required to show warrant in the king's
court for ancient ecclesiastical franchises and were being harried by
the king's representatives .^{41.}

The list of questions which were put to the jurors on the
archiepiscopal manors in Dublin has not survived but it can be
reconstructed from the answers of the jury .^{42.} The first question
concerned waiver or outlawry and whether persons who were outlawed by
the Lord Edward's court were received into the archbishop's tenement.
In St.Sepulchre's the jurors said that persons outlawed by the Lord
Edward's court were never received inside the archbishop's
tenement . Those at Castlekevin answered similarly as did the jurors
at Clondalkin and Ballymore . However the jurors at Swords said
that persons outlawed by the royal court did come into and sometimes
live on the archbishop's land and they were not delivered to the
king's bailiff . They did however give an example of one such person
who was taken and hanged by the archbishop's bailiff . The jurors
at Shankill said that they did not know who had been outlawed by
Edward's court but if they were given names they would answer yes or
no . This answer was allowed stand and no names were produced .

40. See H.M. Cam Studies in the hundred rolls, (1921) p. 23 & appendix
II pp. 92-5 .

41. ibid. p. 24 .

42. All the information contained below is from Al.Reg. pp. 101-114

The jurors were then asked if the archbishop himself waived or outlawed persons . They all agreed that he did and that the person's land then fell to the use of the archbishop . This land was often used by the archbishop to reward his temporal officers . Examples were given of outlawed persons who returned and were received back on payment of a fine . Sometimes their land was returned to them and sometimes it was retained by the archbishop .

The third question required the jurors to answer if the archbishop's bailiffs made view without the king's coroner of all persons found dead on the archiepiscopal lands and if they took inquests and buried them . All replied that they did and many examples were given . Even persons who were not resident on the archbishop's lands but who were found dead there were viewed and buried by the bailiffs . A man who drowned in the Dodder and was cast up on the manor of Clondalkin and twenty men who drowned in a ship wreck at Portrane were all viewed without the king's coroner . The jurors at St.Sepulchre's added that during vacancies the bailiffs of the escheator took view of the slain in this way .

The jurors were then asked if the king's officers were allowed to enter the archbishop's land to serve summonses or attachments . All replied emphatically that they were not and that such summonses could only be handed over to the bailiff at St.Sepulchre who would then direct the bailiffs of whatever manor was concerned to act upon them . Bailiffs or sergeants of the king who did presume to enter the archbishop's land for this purpose were always opposed and punished by ecclesiastical censure .

Another question related to duel of felony or homicide and whether such duels took place in the archbishop s manors . All the jurors replied that they did . The jurors at Castlekevin added that all of Archbishop s Fulk's predecessors both bishops and archbishops held such duels . In Shankill one example was given of a duel which ended with the killing of the accuser . The defendant was released and the chattels of the unsuccessful accuser remained in the archbishop's hand .

This was followed by an enquiry as to whether the archbishop had abjurations of felons and whether fugitives who fled to churches within the archbishop s lands were watched by the archbishop's tenants or the king's . The jurors in all the manors gave examples of persons who had taken refuge in churches and abjured in the presence of the archbishop's bailiffs . In three of the manors it was also stated that such fugitives were watched by the archbishop's tenants and never by the king's .

The jurors also affirmed that the archbishop did take into his hand as his escheats the lands and tenements of all those found guilty of homicides , felonies and thefts . The jurors in Ballymore gave an incident of a tenant of the archbishop who was hanged in the king's court and whose land remained in the archbishop's hand as an escheat . The archbishop later gave this land to one of his servants . These same jurors certified that during the vacancy of 1255-6 the king's escheator , Robert de Anketil took a felon s land into his hand as an escheat of the archbishop's and this later was handed over to Archbishop Fulk .

The jurors were also in agreement that the archbishop's officers took redemption payments from those who were accused of killing Englishmen and also took fines for thefts and other crimes . Likewise all the jurors affirmed that the archbishop held all pleas of the crown in his manors except the four reserved pleas of rape , forestalling , treasure-trove and arson .

It appears that the inquisitions gave the jurors the opportunity to add any further liberty which they knew to have been exercised by Fulk's predecessors , but only those at St.Sepulchres availed of this . They stated that in the tenements of the archbishop , the king's ministers never made caption of grain or beasts and that the archbishop's men were never compelled by the king's sergeants to do carting or draw victuals for the justiciar against their will .

The inquisition taken at the parliament in Castledermot on June 18th 1264 was made by 26 knights before an important gathering which included the justiciar , treasurer , chancellor and escheator ^{43.} The inquisition was stated to be concerned with pleas of the crown and liberties taken arbitrarily by Fulk, archbishop of Dublin to the loss and prejudice of the Lord Edward and his liberties . The jurors swore on oath that Fulk had pleaded all pleas of the crown except the four prohibited ones , and that he held duels , had abjuration of fugitives , had waiver of criminals and by his bailiffs viewed and buried without the king's coroner.

43. Al.Reg. pp. 114-5 .

They concluded however that since Archbishop Luke of Dublin had died seised of these liberties and the king's escheators had continued to exercise them during the vacancy until Fulk was created archbishop, he had made no illegal encroachments.

This attempt by the Lord Edward to prove that his jurisdiction was being prejudiced by Archbishop Fulk de Sandford was therefore a failure, as was the effort made by the justiciar and his officials to limit the ecclesiastical court in Dublin to hearing solely testamentary and matrimonial cases. The next detailed account of the temporal liberties of the archbishop of Dublin comes from the end of the fourteenth century in a confirmation granted^{44.} by King Richard II to Archbishop Robert Waldeby. This confirmed to the archbishop all legal jurisdiction which he claimed his predecessors had. All the liberties which were found to be exercised in 1260 reappear with the addition of view of frankpledge, holding of assizes of wine and ale and possession of a pillory, tumbrel and thewe in the manors of St. Sepulchre's, Swords, Finglas, Clondalkin, Ballymore, Shankill and Castlekevin.

44. Al. Reg. p. 229-30.

a) THE SUFFRAGAN DIOCESES .

The archbishop of Dublin in the thirteenth century was metropolitan over four dioceses , Ferns, Kildare , Leighlin and Ossory . Dublin had been raised to metropolitan status at Kells in 1152, an event symbolised by the presentation of the pallium by the papal legate I. John Paparon at the Council of Kells . Thereafter each new archbishop would receive the pallium at his consecration and be reminded of the special powers and duties entailed in being a metropolitan . Pope Lucius III's confirmation of John Cumin's rights , privileges , and possessions in 1182 enjoins the new archbishop to ensure that his conduct will suitably adorn the pallium 2. The confirmation also gives details on the use of the pallium and urges Cumin ' to cultivate episcopal virtues , so as to be seen to embrace with fervour what the dignity of the pallium demands ' 4.

Dublin was originally allocated five suffragan sees at the 1152 council as Glendalough before it was amalgamated with Dublin

1. For a full discussion of the Council of Kells and the various authorities for its decrees , see Watt, Two Nations , pp. 28-31.

2. Pont.Hib. I, no. II , pp. 35-7

3. The pallium might be used in the archbishop's church , at mass on the principal feast days of the church , at consecrations of bishops , ordinations of clerks , the chief feasts of the Dublin church , and the anniversary of the archbishop's consecration . Pont.Hib. I. p. 36 .

4. McNeill's translation Al. Reg. p.10 .

5.
was of course a suffragan diocese . After 1215 four remained the stable number making Dublin the smallest of the Irish provinces . However , on one occasion during the thirteenth century the archbishop of Dublin was mentioned as being metropolitan over another diocese . This happened in 1219 during the episcopacy of Henry of London and the diocese in question was Man . During much of its early history this small diocese was torn apart by internal division and dispute . Two different parties in Man claimed the right to appoint to the bishopric and at times the see was simultaneously claimed by a line of native bishops and a line appointed from York ^{6.} . The archbishop of Dublin was drawn into this tangled situation at a particularly divisive time .

The information for Dublin's involvement comes from a mandate of Pope Honorius III in 1219 to the bishops of Carlisle and Norwich ^{7.} . These bishops were requested to enquire into the situation on Man , which was outlined as follows . On the death

5. Lucius III's confirmation states '.....episcopus quoque inferius adnotates ecclesie tue metropolitico iure subiectos tibi tuisque successoribus nichilominus confirmamus , episcopatum videlicet Waisfordensem (Ferns) , episcopatum Osserianensum , episcopatum Lechlinensem , episcopatum Insularum (Glendaloch) cum omnibus pertinentiis et libertatibus suis .' Pont.Hib. I, p. 35 . The 1216 confirmation of Pope Innocent III to Henry of London lists only the four dioceses ibid. I, p.179.

6. J.Dowden , The bishops of Scotland (1912),pp.274-5 ; A.Ashley , The church in the Isle of Man,(St.Anthony Hall Publ. no. 13 , 1958) pp. 3-28 .

7. Theiner , p. 14 ; The Chronicle of Man and the Sudreys , ed. P.A. Munch , 2 vols.(Manx Society 1874) vol. 2 pp. 96-8 .

of the bishop of Man , the monks of Furness Abbey had convened and unanimously elected a new pastor . They then sent the decree of the election to the Archbishop of Dublin , who is called metropolitan of that place , and asked him to confirm the election and consecrate the elect ^{8.} The archbishop had done this and sent the bishop back to Man with letters to all the clergy of the Islands commanding them to receive him as their bishop and show obedience to him in every way . Problems had arisen because the Prince of Man and others of the diocese had forbidden the clergy to submit to the new bishop, and it was this rejection that the pope required the bishops of Carlisle and Norwich to examine . Honorius III did not in any way link the actions of the monks of Furness in sending the bishop-elect to Dublin for consecration with his rejection by the prince of Man . However , five years later , when the same bishop of Man appealed to the pope for a licence to resign from his see because he had been so long exiled from it , it was to the Archbishop of York that Pope Honorius directed the mandate to examine and if expedient to grant the bishop's request ^{9.}

To complicate matters further , in 1226 the next bishop of

8. '.....et cum decreto electionis confirmandum , ad venerabilem fratrem nostrum Dublinensem Archiepiscopum metropolitanum loci , legatum sedis apostolicae transmiserunt , per suas litteras humiliter supplicantes ut electione confirmata ipsius impenderet munus consecrationis eidem' . Theiner , p. 14 .

9. Chronicle of Man, vol. 2. p.309 .

Man was consecrated at Trondhjem in Norway¹⁰. It appears from a letter of Pope Innocent IV to the Archbishop of York c1243-4 that the custom with regard to the bishop of Man up to that time had been that, depending on weather conditions, the bishop of Man was consecrated either by the archbishop of York or by the archbishop of Trondhjem¹¹. If the journey to Norway could not be undertaken the bishop-elect of Man would go to York instead. No mention is made in this letter of Dublin's role in the 1219 election.

There was nothing remarkable in the consecration of bishops by metropolitans other than their own, especially when times were disturbed. What is unusual in this case is that the archbishop of Dublin was actually called 'metropolitan of that place'. It is possible that up until 1220 the archbishop of Dublin was in the habit of standing in for the archbishop of York in times of vacancy in the see of York. This happened in 1189 when the bishop-elect of Galloway was consecrated by Archbishop John Cumin in the Abbey of Pipewell in Northamptonshire¹². The see of York was vacant at the time of the consecration but soon afterwards the bishop of Galloway made his profession as a suffragan of York to Geoffrey Plantagenet¹³, the archbishop-elect.

10. Dowden, Bishops, p.252. The Archbishopric of Trondhjem (or Nidaros) was established in 1152 and the diocese of Orkney was suffragan to it.

11. The Register of Walter de Gray, ed. J.Raine, (Surtees Soc. 56 1872), pp. 198-9.

12. Hovenden, Chronicle 3 p.16'...Insequenti vero die [17 Sept. 1189] Johannes electus Candidae Casae (Galloway) consecratus est in episcopatum a Johanne Dublinensi archiepiscopo, apud Pipewelle.'

13. Dowden, Bishops, p.355.

The see of York was not vacant in 1219 but there is evidence that at that particular time the archbishop Walter de Gray was not in a position to perform his metropolitan duties . In a letter to Hubert de Burgh and Peter de Roches in August 1219 , de Gray informed them that he was at that time recovering from a grave illness which had threatened his life and made it impossible for him to move outside his manor of Scroby for many days . It could have happened that the monks of Furness required the confirmation of their candidate at the precise time that the archbishop of York was on his sick-bed and that fearing any delay in the proceedings they had sent him to Dublin instead . Whatever happened in 1219 there is no evidence of a repeat occurrence and in the thirteenth century the archbishop of Dublin exercised his metropolitan jurisdiction only over the four dioceses of Ferns , Leighlin , Kildare and Ossory .

14. Shirley , Royal and other historical letters , I, no. 32 p. 39 .

B) THE ELECTIONS OF SUFFRAGAN BISHOPS .

Episcopal elections in the province of Dublin during the thirteenth century , with few exceptions , conformed to the practice in English dioceses which the crown was at pains to see observed throughout Ireland . Pressure was put on the cathedral chapters to comply with these regulations and it was seen as the metropolitan's task to ensure that those parts of the electoral procedure which involved the rights of the crown were rigorously observed .^{15.}

The procedure to be followed in the election consisted of a number of formal acts and notifications which can most clearly be identified by an analysis of one representative election . The election of Richard de Northampton to the diocese of Ferns in 1282 can be used as a model, as all the stages of the election are well documented . In June 1282 the chapter of Ferns informed the king of the death of their bishop and prayed licence to elect a new pastor .^{16.} The king promptly granted the licence to the two chapter members who had been sent over .^{17.} In July the chapter notified the king of the election of Richard de Northampton and asked for his assent to the election and that he send letters to the archbishop

15. For the standard electoral procedure in the thirteenth century see above p. 172 . Injunctions to metropolitans to ensure that their provincial chapters obtained royal licence and letters of confirmation came from monarch and pope . See C.D.I. I no. 1455 ; Font.Hib. I no. 122 p. 206 , no. 123 p. 207 .

16. C.D.I. 2 no. 1932 .

17. C.P.R. 1281-92 , p. 30 .

of Dublin , their metropolitan ^{19.} . In August the royal assent was
given and letters were sent to John archbishop of Dublin ^{20.} . The
archbishop confirmed the election and in his turn notified the king
who then took fealty from the elect and restored the temporalities
to him ^{21.} .

This strictly formulated procedure required the co-operation of
all those involved for it to run smoothly and in general in the
Dublin province it did run smoothly . Vacancies were filled
remarkably quickly in the thirteenth century , the average length
being about five months . Delays could occur, of course, if the
archbishop was away or if the archiepiscopal see was vacant , but
in these cases it was usual for the mandate for confirmation and
consecration to be sent to the official of the archbishop or the
custodian of the spiritualities ^{22.} . On occasion other Irish
prelates were required to stand in for the archbishop of Dublin.
In 1198 during John Cumin's exile from his diocese the elect of
Leighlin was confirmed by the archbishop of Cashel and consecrated
by the pope ^{23.} . In 1276 the dean and chapter of Leighlin applied to
the apostolic see for confirmation of their election of a new
pastor because the metropolitan see of Dublin was vacant due

19. Royal Letters , no. 3622 .

20. C.P.R.1281-92 , p. 34.

21 ibid. p. 38 .

22. In August 1260 William de Hattingle , official of Fulk archbishop
of Dublin confirmed the election of Geoffrey de St. Leger as bishop
of Ossory by the authority of the archbishop, who was in Rome
C.P.R.1258-66 , p.92 , and in Jan. 1300 the royal notification of the
election of Walter Le Veel as bishop of Kildare was sent to the
custodian of the spirituality of Dublin , ibid. 1292-1301 p. 485 .

24.

to the dispute between the chapters . On this occasion the pope asked the bishop of Clonfert , the prior of the Friars Preachers and the guardian of the Friars Minor, Dublin to enquire into the election and if it was canonical to confirm and consecrate the bishop-elect , adding that the mandate was without prejudice to the archbishop of Dublin for the future .

25.

When the archbishop examined and confirmed the bishop-elect in person he would then proceed to the consecration, during which the new bishop would take an oath of obedience to his metropolitan. The consecration would take place in one of the Dublin cathedrals or in the diocesan cathedral . In 1300 the prior and convent of Holy Trinity asserted that wherever the suffragans of the archbishop of Dublin were consecrated , they should take their oath in Holy Trinity and present there the choir cope in which they had made their profession .

26.

27.

24. '...Cumque Dublinensis ecclesia , cui prefata ecclesia Lechlinensis metropolitico iure subesse dinoscitur , pastore , sicut dicitur vacet ad presens , ac Sancte Trinitatis et Sancti Patricii ecclesiarum de Dublino capitula , sive canonici inter se invicem super iure electionis et metropolitico ipsius Dublinensis ecclesie non modicum dissentiant et discordent , dicti Decanus et Capitulum Lechlinenses super electione sua de dicto Archidiacono in eorum ecclesia celebrata recursum ad sedem apostolicam habuerunt , electionem eandem confirmari per sedem ipsam instanter et suppliciter postulantes , presertim cum , sicut asserunt electus ipse propter virum timenda discrimina sedem eandem personaliter adire nequiverit confirmationis sue beneficium petiturus . Theiner, p. II7.

25. The judges were required to enquire into the type of election , and if the electors were suitable as well as the merits of the elect . If everything was in order they were to induct the elect into the possessions and goods of his bishopric and consecrate him . ibid. p. II7.

26. Ware reported that John of Sandford consecrated Roger of Wexford as bishop of Ossory in St. Canices Kilkenny in 1287 . Works Ip. 406

27. Monck Mason History of St. Patrick's , Appendix no. 6 '.... ubi cunque suffraganei eiusdem Ecclesie consecrantur , statim post consecrationem accedant ad Ecclesiam Cathedralem Sancte Trinitatis pro juramento obedientie prestando , una cum oblatione cappi choralis in quo professionem fecerint !

The confirmation and consecration of a new bishop in his province were part of a metropolitan's right and are well documented . An interesting but not readily answerable question is how important was the part played by the metropolitan in the selection and election of the suffragan bishops . How much influence did the Archbishop of Dublin have over the composition of the suffragan episcopacy with which he had to work closely ?

The archbishop would probably be informed of a vacancy in one of the suffragan sees at the same time that the diocesan chapter chose proctors and sent them to the king to ask for the licence to elect. Sometimes the archbishop was actively involved in the petition for licence .^{28.} Other factors made it necessary to inform the metropolitan as soon as possible of a vacancy . Evidence from the English dioceses indicates that it was customary for the metropolitan to have some measure of control over the spiritualities of the suffragan dioceses^{29.} in times of a vacancy . Arrangements were usually arrived at between the chapter of the diocese and the archbishop . The usual procedure was for the archbishop to appoint an official to administer the spiritualities until such a time as the bishop-elect was confirmed .^{30.} Although we might expect to find such a commission for the administration of a suffragan diocese in the Dublin records , unfortunately none appear to have survived . There are however a few references to the exercise of certain functions by the archbishop of

28. A royal licence to elect a pastor was granted to the chapter of Ossory in March 1231 '...at the instance of Luke Archbishop of Dublin' Cl.Rolls 1227-31 , p. 482 .

29. See for ex. Churchill Cantab. Admin. I, p.161.

30. The Archbishop of Canterbury made many such arrangements with chapters in his province in the thirteenth century ibid. p.161.

Dublin in vacant suffragan sees , such as canonically instituting clerks into possession of ecclesiastical benefices, which involved examination of the clerk's fitness for office ^{31.} . Also , when the king exercised his right to present canons to prebends in the cathedral church during a vacancy , it was to the metropolitan that he addressed his mandate that a stall in choir should be assigned to the canon ^{32.} .

The fact that the metropolitan was guardian of the spiritualities of the vacant diocese meant that he had opportunities to make contact with the cathedral clergy and , if not directly influence them , then certainly make his feelings and preferences known . Gibbs and Lang in their study of the early thirteenth century English episcopacy concluded that ' ...the metropolitan was fairly impotent in the matter of elections ' but qualified this by saying that 'opportunities for influence' did exist ^{33.} . Given the extremely important role played by the church as an instrument of English colonization and the characters of the Dublin archbishops in the thirteenth century it is not rash to conclude that in the Dublin province these 'opportunities' were utilized to the full .

The election was theoretically made freely by the chapter , but the election of suitable bishops was safeguarded by the post-

31. During a vacancy in the see of Leighlin in c.1186 Archbishop Cumin was requested by John de Clahalla 'lord of the soil' to institute a clerk into various ecclesiastical benefices Al.Reg. p.26.

32. See the provision of the archdeaconry of Kildare and a prebend in Kildare to William de Axemuth , clerk of the King in 1259 , OPR. 1258-66, p.12 .

33, Gibbs and Lang , Bishops and Reform, p.83 .

election formalities , in particular the necessity of obtaining royal and metropolitan consent . The metropolitan could , after examination of the validity of the election process and the canonical fitness of the elect , refuse to consecrate him . The refusal however had to be made on formal grounds and in the ecclesiastical court .^{34.} If the chapter then appealed against his decision the case would be transferred to the papal court where in the majority of cases the pope would provide his own candidate to the disputed see . This candidate might prove undesirable both to the metropolitan and the diocesan chapter . Therefore it is not surprising to find that such cases did not arise with great frequency .

It is interesting to note that when disputes about elections arose , it was nearly always when the metropolitan see was vacant . In the period immediately following the death of Archbishop Henry of London the chapter of Leighlin proceeded to an election without waiting for the royal licence . They were severely reprimanded for this and their election was declared void .^{35.} In 1276, again during a vacancy in the archiepiscopal see, the chapter of Kildare failed to come to agreement and held two elections , electing two persons to be bishop of Kildare . This case was decided in Rome where the pope, true to form, prevailed on the two candidates to renounce their rights and then provided the Franciscan Nicholas de Cusack to the see .^{36.}

34. Churchill , Cantab. Admin. pp. 163-4 .

35. Pat. Rolls 1225-32 p. 227 The king however relented as he approved their choice of William, formerly Archdeacon of Leighlin .

36. C.D.I. 2 no. 1643 .

THE COMPOSITION OF THE SUFFRAGAN EPISCOPACY 37.

The Dublin province became completely anglicised in the course of the thirteenth century and was the only Irish province to do so . A total of twenty six suffragan bishops were elected during the years 1180 to 1300 and a high percentage of them are known to have held prebends or official positions in the diocese or the diocesan chapter . Many also served in the secular Irish administration in some capacity both before and after their promotion, and a fair proportion had connections with the archbishop of Dublin and held prebends in Dublin .

In Ferns Ailbe Ua Molloy's death in 1223 was followed by the election of John de St. John , treasurer of Ireland and treasurer of Limerick Cathedral . He was succeeded by his brother and clerk John, who was chancellor of Ferns and escheator of Ireland . Early in his career John de St. John was collated by Archbishop Henry de London to the church of St. Nicholas in Carrickfergus . The next bishop of Ferns was Hugh de Lamport, the treasurer of the cathedral, and he was succeeded by Richard de Northampton, the dean of Ferns and a justice itinerant in the Anglo-Norman administration .

In Kildare Cornelius Mac Faelain , former archdeacon of the diocese, was elected at some time previous to 1206 . His death in 1223 was followed by the appointment firstly of Ralph of Bristol ,

37. Further information and full references are contained in the table and biographical notes which make up appendix number 4 . .

the treasurer of St. Patrick's Dublin and then John of Taunton, who held prebends in Dublin and Kildare and had been a clerk of Archbishop Henry of London in Middlesex and later in Dublin . In 1258 Simon of Kilkenny , canon of Kildare, was elected and the last thirteenth century bishop was Nicholas de Cusake, the Franciscan provided by the Pope in 1279 after a long vacancy in Kildare brought about by the chapter's inability to agree on a candidate .

The diocese of Leighlin proved to be slightly more resistant to English infiltration . The first two bishops to be elected after the invasion were John the Cistercian abbot of Monasterevin in 1198 and Herlewin another Cistercian in 1202 . Richard Fleming, who Ware calls archdeacon of Leighlin, held the see from 1217 to 1228 . The chapter was reprimanded in 1228 for failing to obtain a royal licence, but the king approved their choice of William, the former archdeacon and in 1235 he expressed 'special confidence' in William's prudence and discretion . Thomas prior of GreatConnell was elected in 1252 and Nicholas Chever, a Franciscan and former archdeacon of Leighlin held the see from 1275 to 1309 . Leighlin therefore had a high proportion of bishops coming from religious orders ; only one bishop had connections with the royal administration and none appear to have obtained their see as a result of links with the archbishop of Dublin .

In contrast, the diocese of Ossory , particularly in the period 1220 to 1260, was dominated by clerks with connections in Dublin and with the crown . Hugh de Rous, an Augustinian who held the see from 1202 was succeeded by Peter Malveisin a canon of St.

Patrick's and a canon of St. Canice's . Following his death in 1232 William of Kilkenny , a clerk of Archbishop Luke de Roches was elected . He resigned the see before consecration and Walter de Brackeley, clerk of the wardrobe and trusted servant of King Henry III was rewarded with the see of Ossory . The archbishop of Dublin renewed his influence over the see in 1244 when Geoffrey de Turville archdeacon of Dublin and treasurer of Ireland was speedily elected . In 1250 a second archdeacon of Dublin and treasurer of Ireland, Hugh de Mapilton, succeeded de Turville . This domination relaxed in 1260 when Geoffrey de St.Leger treasurer of Ossory was elected and he was followed by the dean of Ossory, Roger of Wexford . Roger's short episcopacy ended in 1289 when Michael of Exeter, a royal clerk, was elected .

d) METROPOLITAN VISITATION .

Metropolitan visitation was one of the elements in the relationship between metropolitan and suffragan which was capable of causing tension . In the English provinces metropolitan visitation was well established by the end of the thirteenth century^{38.} although it was resisted strongly in the early part of the century . There is no evidence for metropolitan visitation in the Dublin province before the episcopacy of Archbishop Fulk of Sandford and it is possible that his 1257-8 visitation was the first of its kind .

If Fulk of Sandford complied with the canon law concerning metropolitan visitation which had been laid down in the councils and in a curial judgement of Innocent IV in 1246 , he must first have visited the churches of his own diocese before embarking on the^{39.} visitation of the churches of his suffragan dioceses . The bishop and clergy of Leighlin have left an account of the manner in which Fulk visited their diocese in 1257-8 . This account suggests that the archbishop of Dublin was aware of the correct procedure and began his visitation with the suffragan bishop , then the cathedral church^{40.} and then the other churches ending up with the lower clergy .

38. See Matthew Paris' account of Archbishop Boniface of Canterbury's attempt to visit his province , Chron.Maj. vol. 5 pp. 119-126 .

39. For a full discussion of metropolitan visitation see Churchill , Cantab.Admin. I pp.288-347 .

40. Liber Niger Alani AI f. 116 v '.....cum veneralis pater Fulco Dei gratia archiepiscopus Dublinensis ad supradictam nostram diocesim causa visitationis faciende tam in capite quam in membris accessisset, visitato etiam capite ,videlicet episcopo et maiora eiusdem loci ecclesia , ecclesiis etiam et domibus collegiatis aliis eiusdem diocesis tandem ad visitationem decanatum ecclesiarum in eisdem sitarum , rectorum etiam vicariorum eorundem ecclesiarum pertransisset ' .

During this visitation the archbishop took pity on the poverty of the clergy of Leighlin and at their request he reduced the procurations to be taken from each deanery to five pounds . This would suggest that there was a fixed sum for procurations already observed in the province and might perhaps be an argument for provincial visitations before the episcopacy of Fulk .

Visitations of all kinds provoked disputes , but especially provincial visitations, which involved the suspension of all inferior jurisdictions during their duration . This meant that all the usual episcopal functions were performed by the archbishop and his staff ; likewise the episcopal jurisdiction was exercised by the metropolitan , with of course the deflection of all fees^{41.} involved . Another cause of dispute was the fact that during the visitation the archbishop and his household had to be supported by the suffragan bishop . The bishop of Ferns complained in 1257 that Archbishop Fulk had descended on him with a multitude of retainers . The pope informed him that if the archbishop contravened canon law regulations again that he would be entitled to withhold^{42.} procurations .

The 1256-7 metropolitan visitation is the only one for which evidence survives ; it is not beyond the bounds of possibility that it was the only such visitation . However it seems more likely that there were other thirteenth century provincial visitations which did not result in such extensive litigation .

41. See Churchill , Cantab.Admin. p.288-92 .

42. Crede Mihi f. I04v ; see above p. 84 .

Metropolitan supervision, the case of Bishop Walter de Brackeley .

In addition to the supervisory powers exercised by the archbishop in his suffragan dioceses during a visitation and the full control he assumed of the spiritualities during a vacancy of the episcopal sees , there were many occasions when he could intervene directly in the diocesan administration within his province .^{43.} If it came to the archbishop's attention for example that one of his suffragans was guilty of faults of a moral nature he could exercise discipline over him . The archbishop could insist on the suffragan bishop's residence in his cathedral city and if he found that a suffragan was maladministering his diocese , he could assert his rights to make provision for the needs of the diocese . The metropolitan had the potential to intervene considerably in the suffragan dioceses , but in general he did not do so . There was however one major clash between metropolitan and suffragan in the Dublin province in the thirteenth century , the details of which shed light not only on the supervisory and disciplinary rights of the metropolitan but also on the question , previously posed , concerning the degree of control the metropolitan exercised over the election of the suffragan bishops . Furthermore, the events, if interpreted correctly, demand a reappraisal of the episcopacy and character of one of the thirteenth century archbishops .

43. Churchill Cantab.Admin . p. 160 et passim . Rodes. Ecc. Admin. pp. 107-8 .

The dispute, which started in 1237 and continued until at least 1241 involved Archbishop Luke de Roches (1228-55) and the bishop of Ossory Walter de Brackeley (1232 -⁴⁴43).

Sometime early in 1237, Walter de Brackeley instructed a priest in his diocese of Ossory to put away his concubine. This priest (who is referred to as M.) refused to comply and appealed against the decision to Luke the archbishop of Dublin. The archbishop, acting in his metropolitan role, called his suffragan into his presence and suspended him. The bishop protested but was fined sixty marks and forced to bind himself under oath on pain of one hundred marks that he would cease interfering with the clergy and people of Ossory. De Brackeley, believing his treatment to be unjust, appealed to the pope to intervene. Pope Gregory IX wrote to the archbishop of Dublin seeking a relaxation of the penalty and a restitution of the money. A papal mandate was sent to the bishops of Worcester and Hereford and the dean of Hereford, instructing them to effect this reconciliation. Luke ignored these attempts to modify his judgement and went even further by excommunicating the bishop of Ossory. He was then fined 40 marks by the papal judges for failing to comply with their instructions.

There appears to have been some confusion at the papal curia at this time because the archbishop then succeeded in obtaining papal letters to the bishop of Lismore and others, instructing them to

44. Details of the dispute are contained in a 1241 mandate from Pope Gregory IX to the archdeacon of Northampton asking him to intervene in the four year long struggle. Pont.Hib. 2, no 247, pp. 86-7.

take action against the bishop of Ossory who despite injunctions from his metropolitan was refusing to reside in his diocese⁴⁵. As a result of these letters the bishop of Lismore and the other papal judges also excommunicated the bishop of Ossory .

According to Walter de Brackeley, the archbishop had occupied the diocese of Ossory , carried off the bishop's goods and forced the bishop's men to swear fealty to him . De Brackeley also informed the pope that Luke was filling void benefices in the diocese and depriving clerks whom he had appointed . In 1241 Walter again appealed to Rome for help claiming that the archbishop of Dublin was so powerful in Ireland that he could not, indeed dare not litigate with him . On this occasion the pope asked the archdeacon of Northampton to do his best to bring the dispute to an end within six months , and if this proved impossible , to remit the case to Rome . Meanwhile the archbishop of Dublin was not to summon de Brackeley out of England or be permitted to molest him in any way . At this point information about the case ceases and there is no indication whether or not the protagonists came to an agreement before de Brackeley's death in 1243 .

45. The letter was dated May 18th 1240 and was addressed to the bishop , dean and archdeacon of Clonard Venerabilis frater noster L. archiepiscopus Dublinensis nobi significare curavit quod venerabilis frater noster W. Ossoriensis episcopus suffraganeus suus non attendens quam periculosum sit gregi sollicitudini sue commisso cura pastoralis carere , diu extra suam diocesim pro sue voluntatis libito moram traxit nec ad eam licet auctoritate nostra sepe dicatur monitus diligenter redire procurat in proprie salutis dispendium ecclesie sue prejudicium et commissarum sibi periculum animarum Pont.Hib. 2, no. 243 , p. 80-1 .

The details of the case which survive pose many puzzling questions , not the least of which concerns the incident which purportedly sparked off the whole affair . The bishop of Ossory was perfectly correct to instruct his priest to put away his concubine . In doing this he was complying with the decrees of the lateran councils and the legislation of his own province . The Provincial Constitutions of Archbishop John Cumin clearly stated that all priests , deacons and subdeacons were forbidden to have any woman in their houses under pretext of service or anything else unless they be mother or blood sister or of such an advanced age^{46.} that the suspicion of concubinage be removed . The later synodal canons of Archbishop Luke or Fulk placed great emphasis on clerical celibacy , stating that all those who were in charge of the souls of the faithful were to lead blameless lives , free from all risk of scandal and to flee from feminine society . Why the Ossory priest felt^{47.} that he had grounds to appeal to his bishop's metropolitan on this occasion is hard to explain ; why Luke accepted his complaint and reacted in such a harsh way towards his suffragan is even harder .

46. '....sub periculo officii et beneficii districtius inhibemus , ne quis sacerdotum , diaconorum , subdiaconorum , Foeminam aliquam habeat in Domo sua , vel sub praetextu obsequii necessarii , vel sub aliquo aliostatis colore ; nisi matrem , aut sororem Germanam , sive talem quae aetatis suae prolatione omnem illiciti concubitus repellat suspicionem. Gwynn ,Prov. Dioc.Decrees p. 42 .

47. ibid. p. 45-6 . Canon 3 stated that the penalty for priests who kept a concubine was to be excommunication .

According to canon law , the subject of the suffragan had the right of appeal to the metropolitan either from a definite sentence in the diocesan court , or by way of complaint to the archbishop^{48.} of a grievance suffered or feared . But there was no default or defect of justice here on the part of the suffragan . From the information available on the origin of the dispute it would seem that either de Brackeley failed to inform the pope of the full details or that the archbishop of Dublin used the priest's complaint as a pretext to take action against a suffragan whom for some other reason he wished to discipline and possibly remove from office . There appears to have existed a degree of personal animosity between these two churchmen which nothing in the known details of their careers would explain . Indeed an examination of their respective backgrounds demonstrates that there was surely more of a basis for collaboration between them than for antagonism .

Luke de Roches was closely connected with Hubert de Burgh and occupied a distinguished position in the royal curia during de Burgh's main period of influence , 1224-29 . His appointment to the archbishopric of Dublin in 1228 was the culmination^{49.} of a long series of provisions and rewards for faithful service . The career of Walter de Brackeley , although it did not culminate in such a high position , was remarkably similar to that of Luke . Walter is first mentioned in the administrative records in 1222 when he was described as

48. Churchill, Cantab. Admin. p. 160 . Amanieu , ' Appel' , D.D.C. I . pp.763 , 794-97 .

49. For the career of Archbishop Luke see above pp. 63-79 .

'clericus' on the occasion of the king's presentation of him to the
50.
church of Strathundal in Hereford . From December 1222 on , Walter
appears frequently in the state records described as ' clerk of
the wardrobe ' ^{51.} He was usually associated with Peter des Rivaux
and both are recorded as receiving money for the payment of the personal
52.
expenses of the king's household . Des Rivaux disappeared from office
in December 1223 , according to Tout ' as a result of the strengthening
53.
of the power of Hubert de Burgh' . Significantly de Brackeley was not
affected by this power shift and his responsibility for the wardrobe
54.
continued with his new partner Walter de Kirkeham . De Brackeley
and de Kirkeham's account roll for 1224-7 survives and it is here
that the names of Walter and Luke are associated for the first
time , as this was the account which was supervised by Luke in his
55.
capacity of Treasurer of the household .

In 1226 Deodatus , bishop of Meath died and early in 1227 the
king informed the archbishop of Armagh that he was sending Walter de
brackeley familiaris clericus noster de camera to Ireland in
56.
order to facilitate his election to the see of Meath . For some

50. Pat.Rolls 1216-25 ,p. 353 .

51. ibid. pp. 467,478,494,512,540 .

52. For Ex. Rot.Lit.Claus. I, pp.550-551 .

53. T.F.Tout , Chapters in English administrative History , vol. I p. 191 .

54. De Brackeley is seldom found acting alone and was probably the subordinate of de Kirkeham who occasionally is mentioned as receiving money alone.Pat.Rolls 1225-32,pp.25,26, 326,330, ; Cl.Rolls 1225-32 pp. 38,290,471 .

55. Tout,Chapters, Appendix to chap.V, p.233 .

56. Pat.Rolls 1225-32 , p. 109 .

reason the king's desire was ignored and a few months later Walter
57.
was back at his job in England . In 1230 when the see of Meath
58.
became vacant again de Brackeley was given custody of the temporalities.
The Archbishop of Dublin was instructed to assign a custodian on
59.
Walter's behalf to whom seisin of Meath could be given . Walter
would not have been able to carry out these duties in person as
he accompanied the king abroad in 1230 on his expedition to
Brittany and Poitou .
60.

On 16th March 1231 the king granted licence to the chapter
of Ossory to elect a bishop . In June of the same year he assented
to the election of Master William of Kilkenny . But less than a year
later the king granted a new licence to the chapter to elect a bishop
61.
due to the resignation of William of Kilkenny . The licence was
granted, he states ' at the instance of Walter de Brackeley , my
clerk and a canon of Ossory ' . This is the first mention of Walter
holding a prebend in Ossory . Then on June the 14th 1232 the king
wrote to the archbishop of Dublin informing him of the election of
de Brackeley dilecto et speciali clerico nostro to the see of
62.
Ossory . In March 1233 the Irish treasurer was mandated to hand over
the administration of the temporalities of Ossory to Walter and to

57. Ralph Le Petit, who had been archdeacon of Meath for nearly 40 years, was elected bishop and confirmed by the king in March 1227. Pat. Rolls 1225-32 p. 115. By July 1227 Walter was back in the wardrobe Cal. Lib. Rolls 1226-40 pp. 138, 146, 149 .

58. Pat. Rolls 1225-32 , p. 133 .

59. Cl. Rolls 1227-31 , p. 454 .

60. ibid. pp. 425 , 430 .

61. ibid. p. 482 , Pat. Rolls 1225-32 p. 473 .

62. ibid. p. 473 ,

cause him to have the issues of the see from the time he was elected^{63.}
i.e. June 1232 . De Brackeley was probably in Ossory from about July^{64.}
1233 when the treasurer was instructed to take his counsel , but
he still had not received the issues of the vacancy by October
1234 when the justiciar was again instructed to cause Walter to
have all the issues of the see , this time from the time it was
vacant and in the king's hands i.e. February 1231 , 'which issues^{65.}
were not received for the king's use at the exchequer , Dublin' .
In April 1230 the king had granted the archbishop of Dublin custody
of any see which might fall vacant within his province so presumably^{66.}
Luke had custody of Ossory during the 1231-2 vacancy . The king's
instruction to the justiciar to hand over to Walter the issues of
the see from the time it became vacant seems strange in the light
of his previous grant to Luke . It is not clear whether Walter
ever received these arrears and there is no further mention of
the issues . This sort of litigation over the issues of vacant sees
was fairly commonplace and there is no indication that the matter
developed into anything serious at the time .

An examination of the careers of de Brackeley and de Roches
in the English curia does not reveal any relationship between them

63. Cl. Rolls 1232-4 , p. 481 .

64. ibid. p. 315 .

65. C.D.I. I. no. 2220 .

66. Pat. Rolls 1225-32 p. 341 . The king further granted Luke that he
might have custody of all vacant sees throughout Ireland while he
(the king) was overseas in 1230-1 . Cl. Rolls 1227-31 , p. 340 .

which might account for their future animosity . It is true that they worked together and that Luke was in a superior position to Walter, so there was potential and opportunity for conflict . The fact that the power shift in the English administration in 1223 when Peter de Roches was replaced by Hubert de Burgh did not affect Walter's position although his associate was deprived of office suggests that he was at least acceptable to de Burgh . It is also significant that the king in 1230 asked Luke to find and appoint a custodian of Meath on Walter's behalf . This would suggest that there was no reason or at least none known to the king why Luke should be an unsuitable choice , or would be less than solicitous on Walter's behalf .

While it is possible that Luke's hostility towards his suffragan dated from their days together in the English administration an Irish origin for the animosity seems more likely . In particular, the circumstances surrounding the election of de Brackeley to Ossory in 1232 appear to provide a promising area for speculation . The first licence to the dean and chapter of Ossory to elect a pastor was granted in March 1231 ' at the instance of Luke , Archbishop of Dublin ' ^{67.} This resulted in the election of Master William of Kilkenny ^{68.} 'late chancellor of the church of Kilkenny ' . The second licence was granted in May 1232 on the occasion of William's resignation 'at ^{69.} the instance of Walter de Brackeley' . Barely six weeks later the ^{70.} archbishop of Dublin was informed by the king of Walter's election.

67. Cl. Rolls 1227-31 , p. 482 .

68. Pat. Rolls 1225-32 , p. 473 .

69. ibid. p. 473 .

70. ibid. p. 481 .

According to Ware 'William of Kilkenny sat but a short time ,
for about the beginning of the year 1232 he was persuaded to resign
71.
by his successor ' . While there is no corroboration for this
statement it does seem likely that de Brackeley exerted some kind of
pressure on William of Kilkenny or was in some way instrumental in
his resignation and then had himself speedily elected in England with
the king's support . If this is indeed what happened it would
doubtless have upset the archbishop of Dublin, who had already
consecrated a suitable candidate . Luke had been personally involved
in obtaining the licence which resulted in the election of William
of Kilkenny and he no doubt approved of this choice . William of
Kilkenny was the archbishop of Dublin's proctor at the papal court
72.
in the case concerning Luke's own election to Dublin . It is
possible that the see of Ossory was intended as a reward for services
rendered by a faithful clerk .

While this intrusion on the part of Walter would go a long
way towards explaining his stormy relationship with his metropolitan
there is no evidence that Luke objected to him on these grounds .
When the archbishop received the royal mandate in 1232 informing
him of de Brackeley's election and instructing him 'to do what is
73.
his in the matter ' he could have refused consecration but there is

71 . Ware, Works , I p.404 . He gives no source for this information
and it is possibly a misreading.

72. Pont.Hib. 2. no.197 , pp.32-4 . For the further career of William
of Kilkenny who went on to become archdeacon of Coventry and Bishop
of Ely see D.N.B.

73. Pat.Rolls 1225-32 , p. 481 .

no indication that he failed to play his part , nor any record of a formal complaint . Walter was consecrated as bishop of Ossory by March 1233 at the latest .^{74.}

Apart from the lengthy mandate from the pope to the archdeacon of Northampton in 1241 we know nothing of the dispute and no further details of Walter's episcopacy . He was absent from his diocese from 1237 to at least 1241 and it is likely that his death in October 1243 occurred while he was still in exile from his diocese .^{75.} If the details of the dispute as outlined by the pope are accepted, the conclusion must be that the archbishop of Dublin acted in an unreasonable manner , ignored papal censures and mandates and abused his position of metropolitan in his efforts to remove de Brackeley from office . There is of course the possibility that the evidence supplied by Walter was falsified or exaggerated, perhaps in order to explain his non-residence in his diocese when faced with excommunication and imminent loss of his bishopric . However Luke's behaviour during the vacancy following Walter's death strengthens the case against him and sheds more light on his attitude towards his suffragan dioceses .

On de Brackeley's death in October 1243 , the temporalities of Ossory were taken into the King's hand and on February the 5th^{76.}

74. Cl. Rolls 1232-4 , p. 204 .

75. Walter was present at the benediction of the Abbot of Eynsham in Northampton in 1238 . Rotuli Roberti Grosseteste episcopi Lincolniensis ed. Davis (Canterbury and York Society 1913) p. 459 .

76. Rôles Gascons , I. p. 255 no. 1995 .

1244 two proctors of the dean and chapter of Ossory were granted licence to elect^{77.} In June 1244 the king notified the Irish justiciar of his assent to the election of Geoffrey de Turville, the archdeacon of Dublin and treasurer of Ireland to the bishopric of Ossory^{78.} In this letter the king mentioned an unprecedented action on the part of the archbishop of Dublin, who had confirmed Geoffrey as bishop before he received royal assent. The king accepted that the archbishop had to do this in order to avoid imminent peril to the church of Ossory, but asked for various letters^{79.} assuring him that this would not happen again. Having received these letters of assurance the king instructed that the temporalities^{80.} be handed over to de Turville in October 1244.

At the same time as the election and confirmation was taking place in Ossory, the archbishop of Armagh received a mandate from the pope instructing him to order those who were electing the bishop of Ossory to send two of their number to Rome. These two were to be given powers to elect at Rome, but if the election had already taken place the chapter was to send representatives^{81.} to appear before the pope in person.

77. Rôles Gascons I. p. 225 no. 1995.

78. Cl. Rolls 1242-7 pp. 198-9.

79. ibid. p. 199 '.....pro iminenti Ossoriensis ecclesie periculo'.

80. C.P.R. 1232-47, p. 436. The letters were received from the archbishop of Dublin, the two Dublin chapters, Geoffrey de Turville and the chapter of Ossory.

81. Pont. Hib. 2, p. 100, no. 258.

Sheehy interprets this action as an unsuccessful papal attempt^{82.} to provide to a vacant Irish see but it seems more likely that it had something to do with the events of de Brackeley's episcopacy and the irregular actions on the part of Luke with regard to his suffragan diocese of Ossory . The fact that the mandate was addressed to the archbishop of Armagh would suggest that the pope was attempting to go over the archbishop of Dublin's head . Luke obviously expected some sort of intervention and he moved speedily to confirm de Turville , his right-hand man in Dublin , as the new bishop of Ossory . There is no evidence that the chapter of Ossory complied with the papal instructions and sent over representatives to the papal curia ; the pope at any rate accepted de Turville's appointment as a fait accompli and in July 1245 addressed a mandate^{83.} to him as bishop of Ossory .

Although there are many questions which remain unanswered concerning the dispute between Archbishop Luke and Bishop Walter , an analysis of the evidence which has survived sheds light on a number of areas . Perhaps the most revealing aspect of the conflict is that it involved two churchmen of the Anglo-Norman nation , both of whom were royal servants . Because of the tensions which undoubtedly

82. Pont.Hib. 2 p. 100 .

83. ibid. 2 no.

existed between the native Irish and Anglo-Norman elements in the Irish church , there is the tendency to assume that nationality was the most influential factor in most ecclesiastical disputes . In the province of Dublin where the episcopacy and the cathedral chapters had been rapidly anglicised , one would expect , and in general one finds , that the Anglo-Norman churchmen formed a homogenous group , united in interests and aims . The case of Archbishop Luke and the bishop of Ossory shows however that this community of interest provided no guarantee that disputes would not arise between Anglo-Norman churchmen .

Archbishop Luke's actions also illustrate the extent of the supervisory and disciplinary powers of the metropolitan over his suffragan episcopacy as well as the ways in which these powers might be used, and occasionally abused , to pursue personal objectives . It is clear that there was a wide gap between the real power wielded by the archbishop in his province and the perception on the part of others of the legitimate extent of his authority . Pope Gregory IX gave expression to this disparity when he informed the archdeacon of Northampton that although de Brackeley had been treated unfairly and canon law had been contravened , the bishop of Ossory did not dare to litigate with the archbishop of Dublin who was so powerful in Ireland^{84.} . Moreover , the actions taken by

84. Pont.Hib. 2 p. 88 ... et dictus archiepiscopus sit in partibus Ybernie ita potens et sic episcopatum Ossoriensem exhausserit quod prefatus episcopus cum eo ibi nec possit nec audeat litigare .

Luke on the death of Walter show that if he wished the metropolitan could play a primary role in the election of the suffragan episcopacy despite papal disapproval and even laying aside the election formalities which normally he was expected to safeguard .

Finally , the dispute forces a reappraisal of the character of Luke de Roches , the third Anglo-Norman archbishop of Dublin . His episcopacy has been seen as marking a peaceful and constructive period in the thirteenth century history of the see of Dublin , positioned as it is between the eventful time of Henry of London and the stormy episcopacy of Fulk of Sandford . Gwynn attributed the thirteenth century synodal canons to Luke's episcopacy because he appeared as the most able of the thirteenth century archbishops , while Hand characterized Luke as an 'earnest diocesan' and the best archbishop Dublin was to know for a considerable time . All of this may be true of Luke but if the information on his actions with regard to the bishopric of Ossory is accepted , it appears that he was capable of allowing personal motives to lead him beyond the legitimate bounds of his authority .

85. Gwynn , Prov.Dioc.Decrees , p.33 .

86. Hand , The church in the English lordship , p. 38 .

SECTION 4 .

CHAPTER 15 Dublin and Armagh , the primacy dispute . p. 324-31 .

Dublin and Armagh - The primacy dispute .

The dispute over the primacy of Ireland between the archbishops of Dublin and Armagh has been covered extensively by J. Watt and M. Sheehy¹. Their conflicting theories on the significance of the controversy reflect the incomplete nature of the evidence and the lack of information concerning the origins and the course of the dispute . Sheehy asserts that the conflict rarely had more than a peripheral importance before the Reformation², while Watt sees it as reflecting 'post-invasion national divisions' and claims that it was a significant factor impeding further progress in the reform of the Irish church³.

Being concerned here with the progress of the conflict in the thirteenth century and the effect, if any, it had on Dublin's relations with Armagh and with the two other Irish Archbishoprics there is no intention to trace the dispute through the middle ages . However, a consideration of the possible origins of the controversy is useful in coming to an understanding of the actions and possible motives of the two Archbishops during the course of the thirteenth century .

1. J. Watt, Two Nations, pp.108-116, 208-9 ; M. Sheehy Pont. Hib. 2. pp.96-7, When the Normans came to Ireland, Appendix 2 pp. 91-8 .

2. Sheehy, Normans, p.98

3. Watt, Two Nations, p.108

There is no evidence from the twelfth century of outright hostility between Dublin and Armagh and this may be explained by the fact that resident papal legates were widely used during this period . These legates , whose task was to accelerate the pace of the reform movement within the Irish church , held superior rank over any of the bishops , thereby making disputes over precedence pointless .^{4.}

At the time of Dublin's incorporation into the Irish diocesan system at the synod of Kells there is little evidence to suggest what the relationship was to be between the four newly constituted archbishops although some sources imply that at Kells Armagh was recognised as occupying a primary position in relation to the other dioceses .^{5.} Archbishop Alen, commenting in 1529 on the history of the primacy dispute, stated that John Paparon the papal legate ' assigned limits to the archbishops in Ireland and by delivering a pallium to each , made them equal , so that they are immediately subject to the pope'.^{6.} Another Dublin archbishop Peter Talbot, who wrote a tract in the mid-seventeenth century arguing for the historical precedence Dublin over Armagh , came up with the ingenious if illogical argument that the pallium delivered to the archbishop of Dublin by Cardinal Paparon was primatial because it resulted in Dublin

4. Sheehy puts forward this argument , Normans p.94

5. The lost annals of Clonenagh which are quoted in Keating's History of Ireland vol.2. pp314-5 , state that Armagh was placed in primatem super alios at Kells and in the list of dioceses printed by Lawlor from a Ms.in Montpellier Armagh is designated primas totius Hibernie , H.J. Lawlor, 'A fresh authority for the Synod of Kells 1152', in P.R.I.A. XXXVI. C. 1922 pp.16-20 .

6. Al. Reg. p. 218 .

being exempted from the jurisdiction of the Primate of Canterbury and this would not have happened if the pallium given to Dublin had been merely archiepiscopal ^{7.}

The first evidence we have that a Dublin archbishop took calculated steps to prevent an assumption of jurisdictional primacy by an archbishop of Armagh comes from Pope Lucius III's confirmation of the see of Dublin and the jurisdictional rights ^{8.} which pertained to it to Archbishop John Cumin in 1182. The confirmation contained the provision that no bishop or archbishop could hold an assembly or hear a cause in the diocese of Dublin without the consent of the archbishop of Dublin, unless he was ^{9.} specifically acting on papal instructions. Although the archbishop of Armagh is not specially mentioned, this provision would effectively forestall any possibility of primatial visitation by Armagh.

There is no hint that Archbishop Cumin so early in his episcopate recognised a possible threat from Armagh. The presence of Thomas O'Conchobair, Archbishop of Armagh in Dublin in 1190 to preside over the setting up of St. Patrick's cathedral would

7. Peter Talbot, Primatus Dublinensis, ed. W.E.Kenny (Dublin 1947).

8. Pont.Hib. I, no.II, pp.35-7.

9. ibid. p.37. 'Sacrorum quoque canonum auctoritatem sequentes statuimus ut nullus archiepiscopus vel episcopus absque assensu Dublinensis Archiepiscopi, si in episcopatu fuerit in diocesi Dublinensi conventus celebrare, causas et ecclesiastica negotia eiusdem diocesis nisi per Romanum pontificem vel legatum eius fuerit eidem iniunctum, tractare presumat'.

suggest that Cumin accepted Armagh's position of honour , but was not prepared to accept a jurisdictional inferiority^{10.} The evidence does not warrant the interpretation of this papal confirmation as the calculated beginning of a campaign by Dublin to assert its primacy over Armagh^{11.}

Perhaps the more precise assertion of liberty obtained by Archbishop Henry of London from Pope Honorius III in 1221 can be construed as an attempt to establish the primacy of Dublin . As well as reiterating the prohibitions against holding assemblies or hearing causes it provided that no Irish archbishop or bishop or any Irish prelate was to have a cross borne before him in the Dublin diocese^{12.} The carrying of the cross , symbol of primatial jurisdiction, is here mentioned for the first time . A further detail which appears to link this archbishop with an assertion of primacy for Dublin is the seal of the archiepiscopal manor of St. Sepulchre's which bears the title 'Primate of Ireland and Papal Legate ' and must date from Henry of London's archiepiscopate^{13.} However this is still a long way from the outright conflict and conflicting assertions of later periods .

10. Annals of Dudley Loftus , Marsh's Library MS. Z.4.2.7 f. 65 .

11. This assertion is made by Gwynn, Cumin , p.296 .

12. Pont. Hib. I no. 148, p.235 . Sheehy notes that this type of document with the emphasis on prerogatives and privileges of an archbishop was a common beginning to a claim to primatial status in the middle ages . p. 235n.

13. The seal is in the National Museum . Reg. No. 1894 , 5 . See Watt, Two Nations, p.112 .

Some further evidence comes from the 1240's when Luke was archbishop of Dublin and Albert Suerbeer was archbishop of Armagh . At this time Armagh encountered difficulties with regard to its exercise of primatial rights in the provinces of Cashel and Tuam . There survives a bull of Innocent IV in 1244 to the Cistercian abbot of Pontigny and the dean and archdeacon of Auvergne, appointing them to examine the Irish primacy question and stating that the archbishops of Cashel and Tuam were contesting the rights and privileges of the archbishop of Armagh . It is interesting that the name of Dublin was originally included and later deleted .

It is known that Dublin was actively involved with the other provinces in efforts to limit Armagh's primatial claims . A solemn compact was made between the archbishops of Dublin , Cashel , and their suffragans which can be dated to this period . The two archbishops swore to protect and mutually defend their churches , liberties and possessions against the archbishop of Armagh maxime in causa primatie . There are no further details of co-operation between Dublin and Cashel for this reason but it may be significant that while the subjection of Tuam to Armagh was strongly stated by Pope Alexander IV in 1255 , there is no record of a similar statement of subjection of Cashel to

14. Pont. Hib. 2. no. 255 pp.96-7

15. Crede Mihi. fol. 92v , 93 . This document is undated but Ware refers it to the time of Archbishop David McKelly (1238-53), and given the 1244 papal bull his dating appears to be acceptable .

I6.
Armagh . It is however difficult to accept that Armagh only exercised full primatial rights in one province and was excluded from the other two , while at the same time the papacy continued to address the Archbishop of Armagh as Totius Hibernie Primas .^{I7.}

Apart from the evidence of Henry of London's seal there is no other reason to suspect that the Dublin archbishops of the thirteenth century were actively attempting to establish a primacy of Ireland for themselves . Although the seal proves that at least one archbishop was using the title what is important is not the use of a title but the active assertion of primacy by visitation , carrying of the primatial cross and hearing of cases in other provinces . The first two Anglo-Norman archbishops of Dublin took steps to ensure that Armagh could not assume these rights in their province but there is no evidence that they themselves attempted to perform them outside of their province . In the middle of the century , especially during the episcopacy of Albert Suerbeer (1239-47) , Armagh made a determined effort to assert its primatial rights by appealing to the Apostolic See . Dublin and Cashel joined together and were successful in their resistance but Tuam

I6. Pont. Hib. 2. no.255 . pp.96-7 . The rights and privileges defined in the letter of Alexander IV included permission for the Archbishop of Armagh to call himself Primate of Tuam , to carry his cross throughout the Province , to hold a 27 day visitation every five years and to collect procurations .

I7. This was the form of address used by Pope Alexander IV when referring to Archbishop Abraham O'Connaltain in 1258 . Pont. Hib. 2. nos 458 , 459 pp.285-6 .

was not . The primatial rights of Armagh as regards Tuam which were defined by Pope Alexande IV in I255 included visitation , carrying of the primatial cross and other privileges which Dublin and presumably Cashel were determined to deny to Armagh .

It is not known if the archbishop of Armagh made any attempt to forcibly assert these perogatives in the Dublin province in the thirteenth century as Archbishop Roland Jorz (I3II-22) did^{18.} in the fourteenth , but they did verbally assert their claim and complain about its being denied to them . Nicholas Mac Maoil Iosa refers to the problem in one of the seven petitions he submitted to the king in I278 . When referring to summonses he had received from the king's justiciar to appear before the king's court in Dublin , he reminded the king that there were parts of Ireland into which he could not go and could not carry his cross so he asked to be summoned to appear elsewhere .

'....Cum quedem partes sint Hibernie ad quos nisi crucem nostram baiularem sine prejudicio juris primatie ecclesie Armachane accedere nullatenus possemus qua de causa nullus predecessorum nostrorum ad illas partes usque ad hec tempora aliquo modo personaliter accessit . '^{19.}

With relation to this complaint it was agreed that the archbishop of Armagh was not required to attend personally at any court

18. This archbishop secretly entered the archdiocese of Dublin by night and attempted to elevate his cross, but he was ejected by Archbishop John Lech Chart. St. Mary's 2, p.342 .

19. Gwynn, Doc. relating to Armagh , p.9 .

outside his own province but was allowed to be represented by proxy .

In the early fourteenth century , the conflict intensified with the expulsion of Archbishop Jorz from Dublin in 1313 and Archbishop Bicknor's use of the title 'primas Hiberniae' during his episcopacy .^{20.} Although the thirteenth century was not marked by such open dissent , developments which occurred then laid the ground for the later escalation of the conflict .

20. Gwynn , Prov.Dioc.Decrees , p. 71 .Alexander de Bicknor styled himself primas Hiberniae in the preamble to his provincial constitutions of c. 1320 .

APPENDICES .

1. The unification of the dioceses of Dublin and Glendalough . p.333-38 .
2. The archbishops of Dublin and the deanery of Penkridge , p.339-46 .
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thirteenth century .

APPENDIX I.

THE UNIFICATION OF THE DIOCESES OF DUBLIN AND GLENDALOUGH .

In 1151 at the reforming synod of Rath Breasail , the diocese of Dublin was ignored and the area it covered was included in the diocese of Glendalough which was recognised as a suffragan see of Cashel ^{1.} This situation was reversed at the Council of Kells in 1152 when the Cardinal Legate John Paparon raised Dublin to Metropolitan status and Glendalough became one of its suffragan sees ^{2.} The position of Glendalough as a suffragan diocese of Dublin was confirmed in April 1179 in a grant of privileges from Pope Alexander III to Archbishop Laurence of Dublin and in May of the same year Pope Alexander also called Dublin the metropolitan ^{3.} of Glendalough in a confirmation to Bishop Malchus of Glendalough .

At the Council of Kells Cardinal Paparon ruled that small and impoverished dioceses should be incorporated into larger dioceses on the death of their present bishops ^{4.} It is not known whether Glendalough at that time fitted into the category of small and impoverished bishoprics but soon after Archbishop John Cumin's arrival in Dublin in 1185 he received a grant from Prince John of the bishopric of Glendalough in order ^{5.} to increase the size and wealth of the archdiocese of Dublin . This grant included all the appurtenances of the diocese which were to be held by the archbishop of Dublin and his successors freely and without any secular exactions .

1. See J. Mac Erlean 'The synod of Rath Breasail - Boundaries of the dioceses of Ireland', in *Archiv.Hib.* vol. 3 (1914) pp. 11 , 16 .

2. See G. Keating *History of Ireland*, vol. 3 p. 317 and J.H. Lawlor , 'A fresh authority for the synod of Kells 1152', *P.R.I.A.* 36 (1922) p.17 .

3. *Pont.Hib.* I no.9, pp.26-9 , no. 10 pp. 29-31 .

4. This ruling was referred to at the diocesan synod held by Bishop Simon de Rochfort of Meath in 1216 as well as by Pope Innocent III in the same year , Wilkins *Concilia* , vol. I, p. 547 and see below.

5. Mac Niocaill , *Charters* p. 285 '....Sciatis me pro salute anime mee... pro raritate populi et paupertate ecclesie Dublinensis concessisse Johanni Dublinensi Archiepiscopo et successoribus suis episcopatum de Glendelacha cum omnibus pertinenciis suis' .

There was no reaction to this grant by anyone involved at the time and it seems likely that it was never confirmed .

In 1192 the grant was repeated by Prince John and with the consent of his barons he confirmed to Archbishop Cumin his previous grant of the bishopric saying that when the cathedral church of Glendalough became vacant the archbishop should have custody of it and should appoint a chaplain who would be a vicar of the archbishop . It was in this year that William Piro became bishop of Glendalough , so presumably the grant was to come into effect on his death.⁶

In July 1193 Pope Celestine III confirmed Prince John's grant⁸ to Archbishop Cumin of the ' capellania of St. Kevin of Glendalough. At some time between 1193 and 1197 Matthew Ua h'Enne , the archbishop of Cashel and papal legate also confirmed the grant stating that there were in fact two grants , one covering the Abbey of Glendalough and the other the bishopric⁹ . Apart from these confirmations there is no evidence that any practical steps were taking to bring about the unification of the two dioceses . It is probable that the long period which John Cumin spent in exile from his diocese affected the plans with regard to the incorporation of the diocesan lands of Glendalough .

6. Mac Niocaill Charters p. 301 ... cum cathedralem ecclesiam de Glendelacha vacare continget archiepiscopus de Dublinia episcopatum tenebit in manu sua absque omni responsione quam mihi vel heredibus meis inde faciat donec ipsi episcopatu pro voluntate sua de pastore assensu meo non expetito secundum Deum providerit et quod ipse episcopus de Glendelacha capellanus sit Dublinensis archiepiscopi et vicarius '.

7. Al.Reg. p. 27 .

8. Pont.Hib. I no. 27 pp. 77-8 '.....Capella iam sancti Keivini de Glindeleche cum omnibus pertinentiis suis quam nobilis vir Johannes comes Moretanie tibi et ecclesie sancte Trinitatis Dublinensis donavit.'

9. Al.Reg. p. 26 ; Chartae , Privilegia et immunitates , p. 10 .

John Cumin's successor Henry of London wasted no time however .
Soon after his promotion to Dublin he received a grant of King John
confirming to the archbishopric the abbey and bishopric of
Glendalough with all its appurtenances^{I0.} While he was attending the
Fourth Lateran Council in 1215-6 he ensured that the details of the
situation and the fact of the royal grants were placed before the pope .
In February 1216 Innocent III confirmed to him the grant of the bishopric
and declared the two dioceses to be formally united .^{II.}

In his grant Innocent stated that many prelates present in
Rome had declared in his hearing that when Cardinal Paparon had come
with the pallia to Ireland , he had raised the see of Dublin to
metropolitan status and assigned to it a great part of the lands of
the diocese of Glendalough . He had reserved the remaining lands to
the bishop of Glendalough on the understanding that on his death
it would go to the archbishop of Dublin .^{12.} Innocent referred to the
grant of Prince John and also to a grant of King Henry II for which
no evidence survives .

I0. Rot.Chart. p. 194 .

II. Pont.Hib. I no. 93 pp. 171-2 .

I2. ibid. 'Nostris siquidem est auribus declaratum assertione
quod cum olim ad partes vestras bone memorie Johannes Paperon
presbyter cardinalis tunc apostolice sedis legatus ad informandas
et limitandas Hibernienses ecclesias accessisset quatuor pallea
secum ferens provida consideratione inductus apud Dubliniam in
Glindelachcensem diocesim constitutam ubi sedes regalis et caput
Hiberniense regni fuerat ab antiquo , sedem duxit metropolitanam
statuendam eiusdem ecclesie pontifici palleum auctoritate apostolica
conferendo . Ac potioem partem Glindelachcensis episcopatus pro
diocesi eidem ecclesie assignando parte reliqua Glindelacensi
episcopo dum viveret reservata , ita quod eadem cum ecclesia
Glindelacensi et pertinentiis suis post eius obitum cederet ecclesie
Dublinensi .

One of the prelates who was present at the Council and who testified in favour of the unification was Archbishop Felix O' Ruadhain of Tuam . His testimony survives and it supports the statement of Pope Innocent that it was the papal legate who first ordered the unification of the dioceses^{I3.} Archbishop Felix claimed that the arrangement would have come into effect at that time were it not for the insolence of the Irish who were powerful in those parts . He also added that although the church of Glendalough had been revered in early times for its sanctity it had become desolate and was in this condition for the last forty years . He claimed that the area had become a den of thieves and that more^{I4.} homicides were committed there than in any other part of Ireland .

If the statement of the archbishop of Tuam was representative of the statements of the other Irish prelates it would appear that there was support for the planned unification from the leaders of the Irish church , many of whom were of course involved in similar arrangements themselves . It would be more correct therefore to see the incorporation of the diocese of Glendalough into the archdiocese of Dublin as an extension of the process of diocesan reorganisation which followed the reforming councils of the twelfth century rather than as an unprincipled takeover by the Anglo- Normans of an historic Irish diocese .^{I5.}

I3. Al.Reg. p. 40 ; Pont.Hib. I p. 172 .

I4. ibid. p. 172 Preterea illa sancta ecclesia que est in montanis licet in magna reverentia haberetur ab antiquis propter sanctum Keyuium qui ibi duxit vitam hermitam , nunc tamen ita deserta et desolata per quadraginta fere annos quod de ecclesia facta est spelunca latronum fovea furum ita quod plura homicidia committentur in illa valle quam in alio loco Hibernie propter desertum et vastam solitudinem .

I5. For this view see M.V.Ronan 'Union of the dioceses of Glendalough and Dublin ' in J.R.S.A.I. vol. 60 (1930), pp. 56-62 .

From 1216 the unification of the lands of the diocese of Glendalough with those of the archbishopric of Dublin was a fait accompli. Pope Innocent's grant was confirmed by Honorius III in October 1216 and there was no further mention of a bishop of Glendalough in the thirteenth century¹⁶. Glendalough did continue to form a separate archdeaconry from that of Dublin and from the early part of the thirteenth century the archdeacon of Glendalough frequently appears witnessing the acts of the Dublin archbishops in the company of the archdeacon of Dublin¹⁷.

16. Pont.Hib. I no. 102 pp. 186-7, no. 103 pp. 187-8.

17. See for ex. Al.Reg. pp. 61, 68, 70, 77.

APPENDIX NUMBER 2.

The Archbishops of Dublin and the deanery of Penkrige , Staffordshire
in the thirteenth century .

From the early thirteenth century up until the Reformation , the archbishops of Dublin also held the deanery of the Royal Free Chapel of Penkrige in Staffordshire . According to Archbishop Alen , the chapel at Penkrige was founded by King Eadred (946-55), and although this conflicts with the traditional belief that it was founded by King Edgar , Alen's statement has been accepted by recent historians of Penkrige .^{1.}

It is not clear when the chapel was transformed into a college with a dean and canons . Domesday Book records the existence of a religious community at Penkrige but does not describe the clerks as prebendary canons .^{2.} The first mention of a prebend at Penkrige occurs in 1182, when the chapel was back in the king's hand having been temporarily granted away to the bishop of Coventry and Lichfield^{3.} The first dean of Penkrige of whom anything is known was Elias of Bristol who was appointed to the deanery by King John and held it until 1226 , during the period when Penkrige first became associated with the archbishops of Dublin .^{4.}

1. Al.Reg. p. 310 . The register contains a number of documents relating to Penkrige which McNeill has collected in a separate section , incorporating Alen's notes which have been accepted as 'reliable' by D.Styles in 'The early history of Penkrige Church', in Collections for a history of Staffordshire (S.C.H.) (1950-1) pp. 3-52 ; & 'The College of St.Michael, Penkrige', in V.C.H. Stafford vol.3 (1970), pp. 298-303 .

2. Domesday Book (R.C.) pp. 246-7 .

3. The Pipe Roll for 1182 mentions a prebend of Penkrige . Pub.Pipe Roll.Soc. vol 32 (1911), p.98 . An inspeximus of King Stephen's grant of the churches of Penkrige and Stafford to the bishop of Coventry and Lichfield can be found in Cal.Chart.Rolls 1341-7 p.308.

4. S.C.H. vol.3, p. 40 ; vol.4, p. 222.

This first association came in the episcopacy of Henry of London through a grant of the lands of the manor of Penkrige . In 1212 Hugh Hose , Lord of Penkrige was taken into the king's custody accused of misconduct ⁵. He was desseised of lands which he held in Ireland in 1215 and it seems probable that this was as a result of some involvement with the de Lacy revolt of 1210 ⁶. In 1215 Hugh granted his manor of Penkrige, with some land at Onne and the fair of Penkrige, to Henry Archbishop of Dublin ⁷. Henry , having been archdeacon of Stafford and holder of the prebend of Mayfield in Staffordshire as well as dean of St. Mary's ⁸, Shrewsbury had close ties and numerous connections with this area . This was recognized by the king in September 1215 when along with confirming Hugh's grant of the manor , he himself granted to Henry and his non-Irish successors the advowson of the church of Penkrige and its appurtenances for ever . ⁹.

The grant appears to refer only to the advowson of the church but in 1226 when Elias of Bristol died and King Henry appointed a new Dean ¹⁰, Walter de Kirkeham , there was an immediate protest from Dublin . The appointment was quickly cancelled and the king wrote to the canons of Penkrige stating that having examined King John's charter it appeared that the deanery as well as the advowson had been granted to the Archbishop of Dublin and he therefore quitclaimed the deanery to Henry of London . ¹¹.

5. Book of Fees. I. p. 143 .

6. Rot.Lit.Claus. I , p. 223 . In 1210 Hugh had appeared before the king as a messenger of Hugh de Lacy . C.D.I.I., p.60 .

7. Rot.Chart. I. pt.I. p. 218b . The grant was very likely made under pressure from King John .

8. See above pp. 30-7 .

9. 'Concessimus dicto Archiepiscopo Dublinensi et successoribus suis qui non fuerint hibernienses' Rot. Chart. I. pt.I. p. 218b . The copy of the grant in Alen's register omits the non-Irish Clause.

10. Pat.Rolls 1225-32 p.56 , 97 .

11. Ibid. p. 97 . It is significant here that the grant makes no reference to Henry's successors . De.Kirkeham, who resigned the deanery at the king's request, was granted the nearby deanery of St. Mary's Shrewsbury which the archbishop of Dublin himself resigned in 1226 . Pat.Rolls, 1225-32 p: 96 .

On Henry of London's death in 1228 the crown again appointed a new dean , Richard de Sancto Johanne , chaplain of Hubert de Burgh , informing the canons that the deanery was in his hand because of the vacancy in Dublin ¹². However , on the election of Luke de Roches to the see of Dublin in 1228 and his acceptance by the pope in 1230 the king had to once again admit that he was in the wrong . Richard de Sancto Johanne resigned and the canons of Penkrige were instructed to recognise the new archbishop of Dublin as their dean . ¹³.

Henry III showed a definite unwillingness to relinquish his rights in relation to Penkrige. In 1253 , two years before Luke's death he granted to William of Kilkenny , archdeacon of Coventry , the power to collate to the prebends of Penkrige whenever the next vacancy of Dublin should occur ¹⁴. Worse still , in September 1256 he granted to his chaplain Henry of Salisbury ' whatever pertains to the king's collations of prebendaries of that church or in all other things pertaining to the deanery ' ¹⁵. Again however the king had to give way , probably in the face of protest from Fulk of Sandford, the new archbishop . In March 1257 he restored the deanery to Fulk to be held 'as Luke his predecessor held it , saving to the king and his heirs his right when he wishes to plead therein ' . ¹⁶.

To strengthen his own position and possibly to prevent another assertion of the king's rights when the see of Dublin next became vacant , Archbishop Fulk in June 1257 obtained a papal bull from Alexander IV confirming the original 1215 grant of King John of the

12. Pat.Rolls , 1225-32 p. 227 .

13. The king wrote that once again he had consulted the charter of King John and found that the archbishops of Dublin had been granted the deanery . Pat.Rolls 1225-32 , p. 334 .

14. C.P.R.1247-58 p. 218 . This William of Kilkenny had previous connections with the Archbishop of Dublin, having been Luke's proctor at the papal curia in 1229 ; therefore it is possible that this grant was made with the archbishop's approval . For the connection between them see above p. 317

15. C.P.R.1247-58 p.499 .

16. ibid. p. 547

17.
advowson of Penkrige. In November 1259, again at the request of the archbishop, the pope issued a bull which united the deanery of Penkrige with the see of Dublin in perpetuity and asserted that no-one except the archbishop and his successors should be instituted there as dean. According to the bull Fulk had asked for the deanery to be united to the church of Dublin because the office had no revenues and consisted solely of the power to confer the prebends. 19.

The effectiveness of Fulk's actions was proved during the long vacancy in the see of Dublin which followed his death in 1271, when the position of the archbishops in relation to Penkrige was not in any way eroded. The king did grant the power of collation to the prebends to Master William de la Corner who was the nominee of Holy Trinity to the archbishopric but the next Archbishop, John Darlington was certainly recognised as dean of Penkrige from the time of his provision by the pope in 1279. 20.

17. Pont.Hib. 2. no.440. pp.259-60.

18. ibid. no. 471 pp.294-5quod nullus in eo de cetero instituatur decanus sed et ac successores tui decanatus ibidem fungamini per omnia et in omnibus dignitareThe text of the bull in Crede Mihi f83 calls the church 'St.Mary of Penkrige', but has St.Michael written over in a later hand. St. Mary was the original designation of the church but it was changed to St.Michael during the thirteenth century. A seal fragment of the church dated to c.1250 bears the winged figure of St.Michael. See Styles. Early History. p. 15 .

19. Pont.Hib. 2. no.471. p.294 . This assertion of Fulk's appears to be correct. There was no dean's prebend mentioned in the list of prebends in Pope Nicholas' 1291 taxation. Taxatio Papae Nicholai (Record Comm.), p. 242b. Henry of London did of course receive the manor of Penkrige along with the deanery in 1215 but he granted two thirds of this manor to his nephew Andrew Blund. Placita de Quo Warranto, 713, 714. In a presentment of the Liberty of Penkrige in 1293 the jurors found that the Archbishop of Dublin as dean held one third of the manor of Penkrige. Flea Rolls of Edward I. S.H.C. 6. p.259 . This land was mortgaged by Archbishop Fulk in 1256 for the sum of 100 marks sterling. Crede Mihi. f86b.

20. C.F.R.1266-72. p.601 . William was also granted collations in Dublin with the stipulation that together with Penkrige they were not to exceed 100 marks in value .

During Darlington's episcopacy a conflict broke out between the canons of Penkrige and John Pecham the archbishop of Canterbury over the exempt status of the college and its prebends . Pecham was on a metropolitan visitation of the diocese of Coventry and Lichfield in 1280 and he attempted to visit numerous royal free chapels, including Penkrige, which claimed general exemption from episcopal and provincial visitation . In April 1280 Pecham wrote to John Darlington as dean of Penkrige and asked to meet him to discuss the chapel's claim ^{21.} It is not known if this meeting took place but the canons of Penkrige appealed to Rome against the archbishop, which angered Pecham considerably ^{22.} In November he excommunicated the canons of Penkrige but he was careful to exclude the archbishop of Dublin from this sentence , explaining in a letter of February 1281 that only those who actually resisted his jurisdiction were involved ^{23.} There is no further evidence of the appeal of Penkrige to Rome and Pecham appears to have discontinued his claims after the agreement which was worked out in 1281 between the royal free chapels in Staffordshire and the bishop of Coventry and Lichfield ^{24.} .

The final attempt by the crown to assert rights in relation to the deanery and advowson of Penkrige was made in 1293 during the episcopacy of John of Sandford . In this year the archbishop was vouched by the crown to warrant for the advowson of the chapel of Penkrige . John asked for an inspection of the chancellor's roll for 1215 which would show his title ^{25.} and when the charter was produced the archbishop's claim was allowed . The dean and chapter were also asked in the same year , by what warrant they claimed to hold franchises in Penkrige . Their claim that they held the franchises from 'time out of mind' appears to have been accepted by the crown . ^{26.}

21. C. Trice Martin , ed. Registrum Epistolarum Johannis Peckham , Archiepiscopi Cantuariensis (R.S. 1882-5) vol.I. pp. 112-3

22. ibid. p. 392

23. ibid. pp. 179-80 , 392 .

24. See D. Styles 'The early history of the king's chapels in Staffordshire ' in Trans. of the Birmingham Archaeological Society. vol. 60 (1935) pp. 88-91 .

25. Flea Rolls. S.C.H. 6. pp. 242 , 289.

26. ibid.

John of Sandford's successor William of Hothum was recognised as dean of Penkrige immediately after his appointment in 1296^{27.} and two years later the king granted him 'for his unrewarded service' a messuage, a virgate and a mill in Penkrige^{28.} From the end of the thirteenth century therefore the crown appears to have finally relinquished its claims over Penkrige and in the next century devoted its energies to attempts to stop papal provisions to prebends during vacancies in the Dublin See.^{29.}

During the thirteenth century each Dublin Archbishop from Henry of London on showed himself to be willing to defend his rights in Staffordshire to a deanery which appears to have had no revenues. Of course it was the advowson of the prebends which they were in effect defending as no medieval prelate would be prepared to let a valuable source of patronage slip away without a struggle. The 1291 taxation lists eight prebends in Penkrige; Coppenhall, Stretton and Shareshill were valued at £10, Dunstan at £5.6s.8d., Penkrige at £4, Congreve at £2. 13s. 4d., Longridge at £2 and a prebend in the vicarage of Coppenhall was valued at 13s.4d..

27. C.P.R.1292-1300 p. 225 .

28. ibid. p. 336

29. See Styles Early History pp. 26-36 . Before restoring the deanery to Archbishop Richard de Feringes in 1300 Edward I. asked that Richard renounce certain words prejudicial to the royal dignity which the pope had inserted in his letters of appointment without the archbishop's knowledge or consent . Richard publicly excused himself and was immediately restored to the deanery . C.P.R.1292-1301 p.518 . With regard to the advowson the crown did exercise its right to collate to prebends in Penkrige which had remained vacant for more than six months . This happened in 1337 . C.P.R.1334-8 p.554 . By 1362 the period allowed was reduced to 40 days and the king collated one of his clerks to the prebend of Coppenhall which had been vacant for more than 40 days . C.P.R.1261-4 . pp.180-1 .

30. Taxatio Papae Nicholai . p. 242b . Alen's register contains another valuation of the prebends of Penkrige , which lists a Deans's prebend valued at 40s. and which differs from the 1291 list in almost every single item . Alen's Reg. p. 311 . As all the prebends except two are assessed at a lower value than in 1291 , Styles thinks it may be a valuation made for the taxation of Norwich of 1254 . Styles ,Early Hist. pp. 24-5 .

Unfortunately the names of the canons appointed by the Dublin archbishops are rarely mentioned in the surviving records . It would be interesting to see if clerks of the archbishop's household in Dublin were rewarded with prebends in Staffordshire for their services . There is one mention in 1283 of a Robert Fitz Roger , canon of Dublin , holding a prebend in Penkrige ^{31.} In Dublin in the 1220s a Master Robert of Penkrige appears as a witness to charters in the company of canons from St.Patrick's but there is no reference to his holding a prebend in Dublin . ^{32.}

With the exception of Henry of London who must have spent a good deal of his early career in Staffordshire there is little evidence that the Archbishops of Dublin ever visited Penkrige. In 1257 Archbishop Fulk was in Lichfield attending the burial of Bishop Weseham and it is likely that he visited or stayed at Penkrige ^{33.} . Non residence meant the appointment of an official to carry out the functions of the deanery and also to exercise the dean's peculiar jurisdiction . In 1288 Stephen of Codnor 'vice regent' of Archbishop John of Sandford was at Penkrige dealing ^{34.} with the contumacy of Sir Richard de Loges a parishioner of the dean .

Apart from the complaints in the mid-fourteenth century that the archbishop was allowing prebends to remain vacant there is no evidence to suggest that the Dublin archbishops were failing in their duties towards the chapel . Officials would have been appointed to carry out the dean's spiritual and temporal functions and were no doubt supported to some extent by the lands of the manor of

31. This canon was John of Darlington's agent and was involved in the collection of papal revenues , see W.E.Lunt 'The financial relations of the papacy with England , (1939) p. 658 .

32. Reg.Hosp. St.John. pp. 48 , 344 .

33. H. Wharton. Anglia Sacra , sive Collectio. 2. vols. (1691). I. p. 440.

34. C.D.I. 1285-92. pp. 193-4 .

Penkrige . The archbishops supported the canons , albeit from a distance in their disputes with the bishops of Coventry and Lichfield and in the mid-thirteenth century with Archbishop Pecham of Canterbury. However most importantly they firmly resisted the attempts of King Henry III to lessen their claim to Penkrige and ensured that the title of dean remained annexed to the see of Dublin so that Archbishop John Alen in 1529 was able to style himselfdecanus natus de capelle beati Michaelis de Pencriche in Anglia .

APPENDIX NO. 3 .

THE ARCHBISHOP'S OFFICIAL IN THE THIRTEENTH CENTURY .

' The official was necessarily a man who had enjoyed the best legal training and had considerable experience in ecclesiastical courts before his appointment . The title is found in English dioceses as early as the middle of the twelfth century and by the early years of the thirteenth century they are found everywhere ' . (Cheney , English Bishops' Chanceries , p. 21) .

DATE.	NAME	SOURCE
c. 1205	Richard of Norwich	<u>Reg.St.Thomas</u> p.338 .
c. 1206	John le Weske	<u>Reg.Nov.</u> p. 267 .
c. 1210	I. Elias de la Muta	<u>Reg.Hosp.St.John</u> no. 410 .
c. 1225	2. M.Philip de Bray	<u>Ch.St.Mary's</u> I no. 16 .
c. 1240	M.William de Trewell	<u>Al.Reg.</u> p. 76 .
c. 1259	3. M.William de Hattingel	<u>C.P.R.I258-66</u> p.92 .
c. 1267	4. M.Thomas de Chaddesworth	<u>Al.Reg.</u> p. 130 .
c. 1277	John de Ardstoll	<u>Al.Reg.</u> p. 147 .
c. 1281	Richard de Evesham	<u>Ch.St.Mary's</u> I pp.432-6 .

1. Prebendary of St.Patrick's and parson of the church of Finglas ,
Al.Reg. pp. 49 , 283 .

2. When Henry of London was archdeacon of Stafford he admitted his 'well beloved clerk M.Philip de Bray'to the church of Arley in Staffordshire , Magnum Registrum Album - the register of Lichfield cathedral , ed. H.E.Savage (S.C.H. 1924) nos. 308 , 311 . He must have accompanied Henry of London to Dublin and in 1219 became the first precentor of St.Patrick's , Dignitas Decani , p. 4.

3. Chancellor of St.Patrick's Al.Reg. p. 131 .

4. Clerk of Archbishop Fulk de Sandford , dean of St.Patrick's , chancellor and deputy treasurer of the Irish exchequer and custodian of the temporalities of Dublin 1272-9 , see above pp. 150 , 154 , 185 .

THE ARCHBISHOP'S OFFICIAL IN THE THIRTEENTH CENTURY (cont.)

DATE	NAME	SOURCE
c.I282	William Vale	<u>Cal.Lib.Alb.</u> p. 32 .
c.I284	John de Loncombe	<u>C.C.C.D.</u> no. I36 .
c.I297	Adam de Furneys	<u>C.J.R.</u> I295-I303 p.II7 .

APPENDIX NO. 4 .

The composition of the suffragan episcopacy .

a) The diocese of Ferns .

Ailbe O'Molloy (c. 1186-1223) . Cistercian abbot of Baltinglass , appointed to Ferns , according to Ware when Giraldus Cambrensis refused the see in 1186 (Works I p. 440) . Present at the coronation of Richard I in 1189 (Hovenden Chronicle 3 p. 8) . Attended the 4 th. Lateran Council (Pont.Hib. I no. 114 pp. 199-200) . Attempt to transfer him to the diocese of Killaloe c.1217 (Rot.Lit. Pat. p. 197).Involved in a long dispute with William Marshall over lands in Ferns (Pat.Rolls. 1216-25 pp. 148-9 , 173-4) .

John de St.John (1223-53).Elected in July 1223 through the influence of the king and the archbishop of Dublin (Pat.Rolls 1216-25 p.268 , Rot.Lit.Claus. p.543) . Held the treasurership of Limerick until his appointment to Ferns (Pat.Rolls 1216-25 p.372) . Appointed treasurer of Ireland in 1217 (Rot.Lit.Claus. p.305) . Released from office by the king in 1228 who stated that John had long and laudably served him (Pat.Rolls 1225-32 pp.186-7) .

Geoffrey de St.John (1254-8).Brother and clerk of John elected in March 1254 (C.P.R. 1247-58 p. 248) . Collated to the church of St. Nicholas of Carrickfergus by Archbishop Henry of London in 1224 (Pat.Rolls 1216-25 p.470) . Succeeded his brother as treasurer of Limerick (ibid. p. 572) . Was given a dispensation by Archbishop Luke to hold additional benefices including the precentorship of Ferns (C.P.L. I. p.325).Appointed escheator of Ireland in 1250 (C.P.R.1247-58 p. 73) .

Hugh de Lamport (1258-82) . Treasurer of Ferns , elected and received royal consent in July 1258 (C.P.R. 1247-58 p. 641) .

Richard de Northampton (1282-1304) . Dean of Ferns , unanimously elected by the chapter in July 1282 (C.P.R. 1281-92 pp.30,34,38) . Acted as a justice itinerant and a justice of the common bench (Rich.Sayles .Admin.Irl. pp. 140,141, 149) .Involved in a dispute with the Dublin chapters in 1294 over the administration of the archdiocese sede vacante (C.C.C.D. no. 154) . According to Hore , had been a clerk to Robert Burnell the English chancellor and bishop of Bath and Wells and on this account enjoyed a pension (Hore , History of Wexford , 6 p. 188) .

b) The diocese of Kildare .

Cornelius Mac Faelain (c. 1206-23) Letters of protection were issued in 1206 for Cornelius Bishop of Kildare (Rot.Lit.Pat. p.68) According to Ware he was rector of Cloncurry before his appointment to the see (Works I p.384) .

Ralph of Bristol (1223-32) Approved for the diocese of Kildare by Archbishop Henry of London in 1223 (Pat.Rolls 1216-25 p. 368) . Appointed by the same archbishop as first treasurer of St.Patrick's Dublin (Dignitas Decani p. 4) .Involved in a dispute with William Marshall the younger in 1225-6 over the advowson of the church of St. Bridget of Kildare (Rot.Lit.Claus. p. 147) . According to Ware he granted a 14 day indulgence to the abbey of Glastonbury (Works I p.385) .

John of Taunton (1233-58) A canon of Kildare and a prebendary of ST. Patrick's Dublin (Al.Reg. pp. 47,61) he was one of those sent from Kildare to obtain the licence which resulted in his own election (C.D.I. I. no. 1994) .

Simon of Kilkenny (1258-72) . Royal consent to the election of Simon a canon of Kildare was given in October 1258 (C.P.R. 1247-58 p. 642, 654) .

Nicholas de Cusake (1279-99) Provided to the see of Kildare in 1279 by Pope Nicholas III after the chapter had disagreed and elected two persons (C.D.I. 2 nos. 1643 , 1772) He was a Franciscan friar and according to Ware a native of Meath (Works I p.385) .

c) The diocese of Leighlin .

John (1198-1201) . Former abbot of Monasterevin , he was elected by the clergy of Leighlin and confirmed by the archbishop of Cashel during Archbishop Cumin's exile from Dublin (Pont.Hib. no. 34 pp.96-8)

Herlewin (c.1204-17) In 1204 Herlewin , bishop of Leighlin received confirmation of his possessions and a general protection from Pope Innocent III (Pont.Hib. I no. 61 p.129) According to the annals of St.Mary's he was a Cistercian and a great benefactor of Dunbrody Abbey where he was buried in 1217 (Ch.St.Mary's 2 p.280) .

Richard (c.1217-28) In 1228 the chapter of Leighlin elected a successor to their bishop Richard who died in that year (Cl.Rolls 1227-31 p.24-5) .

William (1228-52) . In 1228 the king reproved the chapter of Leighlin for proceeding to an election without obtaining the royal licence ; however he gave his consent to their chosen bishop , William former archdeacon of Leighlin (Cl.Rolls 1227-31, pp.124-5). In 1235 the king informed the justiciar that he had special confidence in William's prudence and discretion and he was to be admitted to the king's council in Ireland (C.D.I. I. no. 2258) .

Thomas (1252-75) . The prior of the abbey of Greatconnel , he was elected by the chapter of Leighlin in 1252 (C.P.R. 1247-58 pp. 135, 150) .In March 1253 he was issued with royal letters of protection for five years (C.P.R. 1247-58 p. 181) .

Nicholas Chever (I275-I309) . The king assented to the election of Nicholas the archdeacon of Leighlin in November I275 (C.P.R. I272-8I p.II4) . According to Ware he was a Franciscan friar (Works I p.457) . As the metropolitan see was vacant the chapters applied to Rome for confirmation and the bishop of Clonfert and two eminent Franciscans were instructed to consecrate him (Theiner p. II7) .

d) The diocese of Ossory .

Hugh Le Rous (Rufus) (c.I202-I8) A canon regular of the Augustinian priory of Bodmin in Cornwall , who was sent to the priory of Kells in Ossory where he became the first prior and in I202 bishop of Ossory (Ir. mon.deeds I200-I600 pp.3II-I2 , Ware Works I p. 403) . In April I207 royal letters of protection were issued to him (Rot.Lit. Pat. p. 7I) .

Peter Mauveisin (I2I8-20 , I222-3I) . A canon of St.Patrick's Dublin elected by the chapter of Ossory in December I2I8 (Pat.Rolls I2I6-25 pp. I8I-2) Removed from office in June I2I9 by the papal legate at the request of William Marshall who claimed he was of illegitimate birth . The archbishop of Dublin was then required to examine the election (Font.Hib. I no. I42 ,p. 227) . In August I220 the king instructed the justiciar to take the temporalities of Ossory into his hand (Rot.Lit.Claus. p. 428) . The see was still vacant in March I22I when the king provided a clerk to a prebend in Kilkenny (Pat.Rolls I2I6-25 p. 285) . Peter then regained the see and held it until his death in I23I (Cl.Rolls I227-3I p. 482) .

Walter de Brackeley (I232-44) Clerk of the king's wardrobe and dean of the secular college of St. Michael in Tattenhall , Walter , who also held a prebend in Kilkenny, was elected to the see on the resignation of William of Kilkenny in I232 (Pat.Rolls I226-32 p. 473) . He was exiled from his see for a long period due to a dispute with Archbishop Luke (See above pp. 308-22) .

Geoffrey de Turville (1244-51) Archdeacon of Dublin and treasurer of Ireland , he was elected in 1244 and speedily consecrated by the archbishop of Dublin who did not wait for the royal confirmation (C¹ Rolls 1242-7 p. 198) . According to Ware he died in London in 1250 and was buried in the church of the Inner Temple which he had endowed (Works I p. 405) . See above pp. 224-6 .

Hugh de Mapilton (1251-9). Succeeded Geoffrey de Turville as archdeacon of Dublin and then as bishop of Ossory and treasurer of Ireland (C.P.R. 1247-58 , pp. 92,94 , 96 , 99) . He was also a seneschal of Archbishop Luke (See above pp. 227 , 276) .

Geoffrey de St.Leger (1260-87). The king confirmed the election of Geoffrey , the treasurer of Ossory in July 1260 and restored the temporalities in August (C.P.R. 1258-66 pp. 80 , 92) . In July 1284 he was given protection for three years (C.P.R. 1281-92 p. 126) . Clyn records that he acquired the manor of Seirkeiran by combat in 1284 (Annals p. 10) .

Roger of Wexford (1287-9) . Royal consent was given to the election of Roger , dean of Ossory in June 1287 (C.D.I. 3 no. 326) . In 1278 the king confiscated his temporalities claiming that he had gone abroad without licence (C.D.I. 2 no. 1419) .

Michael of Exeter (1289-1302) . In September 1289 the dean and chapter of Ossory notified the king of the death of Roger and the election of their dean Michael to the see (C.D.I. 3 no. 521) . In 1292 he was empowered by the king to negotiate with the Irish who were despoiling his church (C.P.R. 1292-1301 p. 481) . In October of the same year he was admitted into the king's council (C.D.I. 3 no. 153) .

SUFFRAGAN BISHOPS OF DUBLIN. C.1180 — C.1300.

Diocese | No. of Bishops | Members of diocesan chapter | Royal administrators | Held prebends in Dublin | Members of Held prebends etc. | Connections with Abp. | Signatures or dates in chart. | Papal presentations. | No information

FERNS. 5 3 4 1 1 2 0

KILDARE. 5 3 1 2 1 0 1

Leighlin. 6 2 1 0 4 0 0 1

Ossory. 8 5 4 3 1 2 0

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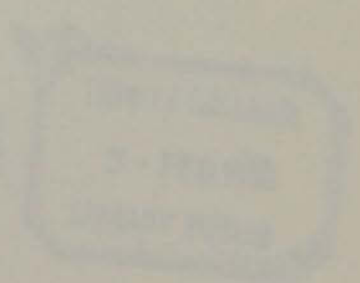
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