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The Politics and Society of County Waterford
in the Thirteenth and Fourteenth Centuries.

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Ph.D. Degree Awarded

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THE POLITICS AND SOCIETY OF COUNTY WATERFORD IN THE
THIRTEENTH AND FOURTEENTH CENTURIES.

CIARAN PARKER

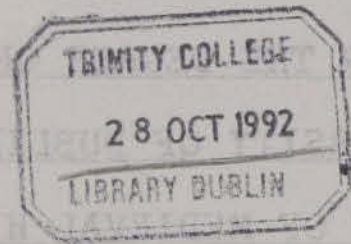
SUBMITTED FOR THE DEGREE OF PH. D.,

UNIVERSITY OF DUBLIN

DEPARTMENT OF MEDIEVAL HISTORY

JUNE, 1992

THE POLITICS AND SOCIETY OF COUNTY WATERFORD IN THE
THIRTEENTH AND FOURTEENTH CENTURIES.

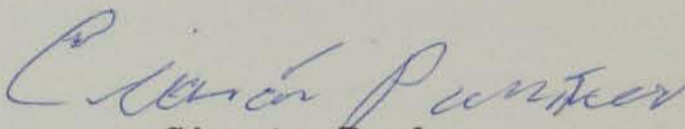


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SUMMARY

This thesis examines the distribution of political power within county Waterford and its impact on local society. The politically dominant grouping was the baronage which included those who belonged to the political and territorial elite of the lordship, such as the Desmond Geraldines, and the les Poers whose influence was confined to the south-east. The baronage relied for its influence on their extended lineages which embraced close relatives and leaders of cadet branches as well as those whose relationship was less precise though no less important. The structure of a lineage and its impact on a locality was exemplified by that of the les Poers. It relied for its effectiveness on a leader who had the strength to discipline and the ability to reward and protect.

The position of the baronage was not weakened by absenteeism, although some members maintained links with the English baronage. The gentry were in a weaker position in social and political terms and were unable to pose a challenge to the strength of the baronage, and through their involvement in baronial retinues they helped to consolidate it. However, the personnel of the baronage was marked by instability in the fourteenth century, as the influence of the les Poers declined. Their role in local politics was taken over by the les Botillers, earls of Ormond. The relationship between both groups was shown in the office of sheriff, which was dominated by the baronage and their

relatives, and where gentry involvement was usually due to strong connections with the former.

In addition, the baronage also utilised the support of the Irish. Waterford was unusual in that it did not border on the land of war and was therefore immune to violent attacks. Far from posing a military threat, the Irish and the descendants of the Ostmen of east Waterford provided both the baronage and gentry with manorial officials, churchmen for their manors and most importantly, soldiers. The les Poers established links with many local Irish families, though more powerful magnates were able to draw support from much further afield. The organisation of baronial retinues in Waterford was less formal than its English counterparts, and only a handful of indentures survive.

Violent intimidation was another element in the preservation of baronial power. Waterford contained many elements who were involved in ordinary apolitical crime, but who were recruited into the retinues of the baronage. The containment of crime was frustrated by the protection afforded to criminals by baronial patrons and the strength of familial ties between criminals and jurors. It was also hampered by the unsuitability of local officials such as the sheriffs and custodes pacis.

ACKNOWLEDGEMENTS

I wish to dedicate this thesis to the memory of my dear sister Anita who died shortly before its submission. It is true to say that without her, it would never have been completed. She was a continual source of encouragement at all times, and especially when difficulties of all sorts appeared insurmountable. She was also a deep source of technical assistance in the preparation and printing of the thesis. This is as much her work as mine, and it is an inestimable sorrow to me that she did not live to see it completed. I will never be able to repay her help.

Thanks are also due to my thesis supervisor, Professor James Lydon for his advice and comments. I must also thank Dr Katharine Simms for her placing at my disposal her immense knowledge of medieval Irish History, especially in the area of the Uí Bhríain of Thomond. Dr Phil Connolly has been both a good friend and a guide through the rich materials of the National archives preserved in the Four Courts.

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I also wish to thank the staff of the Berkeley Library, Trinity College. The staff of the Research Area were always able to produce seldom-used volumes when my own explorations

had proved fruitless. The staff at the Reception Desk in the Berkeley Library have been the custodians of the key to the cubicle wherein I have worked for nearly nine years and all of them have become very good friends. I must also thank the staff of the National Archives, the Royal Irish Academy and the National Library's Reading room for their endless help, patience and courtesy.

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P.R.O.

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P.R.O.I. Dep. Keeper's Rep.

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The modern form of place-names has been used where this is known. This course is followed even when a medieval name was used with a degree of consistency. For example, Affane was referred to in medieval sources as 'Atmethan or 'Athmethan'. The only exception is where the place-name is used as part of a title. I have therefore referred to the barony

and barons of Donoil, in preference to Dunhill. Not only would reference to the 'barons of Dunhill' be anachronistic, but the preference for the medieval form has been shown demonstrated by historians. However, the medieval form I use differs from that employed by Professor Otway-Ruthven.¹

Although no standard orthography existed in the medieval period, the form 'Donoil' was the most commonly used variant. However, when the latter is referred to simply as a location, independent of the title, I have used the modern form. As the latter references are rare, confusion is unlikely to occur.

The various branches of the les Poers are referred to as 'les Poers of Fenoagh', 'les Poers of Kilmeadan' etc. Apart from individual members of these groupings, such as Nicholas le Poer of Kilmeadan, these locational elements were not used in medieval sources, and are employed as a point of reference and distinction for the reader. I have used the most commonly occurring forms of personal surnames. Thus le Poer and 'les Poers' are used throughout, as is 'le Botiller'. The use of 'Christopher' has been adopted because no spelling of the surname was used with any frequency in medieval sources.

French versions of surnames are used instead of Latinised forms, except in the quotation of primary Latin sources. For example, William de Rupella is referred to as William de la Rochelle, and the surnames d'Exeter and St.

1. A. J. Otway-Ruthven, Medieval Ireland, pp. 228, 243.

Aubin are used in preference to 'de Exonia' and 'de Sancto Albino'. The 'ei' element has been used instead of 'ey' in those names of geographical or linguistic origin, such as 'Waleis', 'Engleis' etc. Names containing the element 'au' have been spelled with a single 'a', as in 'Mandeville' and 'Grant' instead of 'Maundeville' and 'Graunt'.

Irish personal names present special problems. When dealing with prominent Irish families I have given the Irish form. Yet it is sometimes difficult to discover the exact Irish forms of some Waterford Irish families, especially when they appear solely in official sources whose scribes had difficulty transcribing names with which they were unfamiliar. I have quoted the form used in such sources, followed by a suggestion as to their original Irish names. Such suggestions can be given with greater ease when dealing with personal names rather than surnames. For example, I have referred to 'Murahoth (Murchadh?) Mackermican'. The surname does not exist in any Irish source, and the possibilities are too varied to allow even a tentative suggestion. One exception to the use of Irish surnames and personal names is that which is employed with regard to Ostmen. A standard, English version of names, such as MacGillemorry or MacSitric, is used.

A note on the citation of sources.

Where a source or series of sources, is cited on a regular basis throughout the thesis, an abbreviation is used. Other sources that are not cited on such a regular basis throughout the body of the thesis, but which are cited on

more than one occasion in a particular chapter, are given their full citation in the first reference, along with an abbreviated form which will be used in subsequent references.

Maps and tables.

As the individual maps in the thesis have no page number, that given in the table of contents refers to the number of the preceding page of text. The page numbers given for tables, though, are those on which they are found in the thesis.

INTRODUCTION

This thesis was prompted by a desire to describe the structures and distribution of power within a locality. In county Waterford there were various socio-political groupings, the baronage, the gentry and the 'lineages' who were the relatives of both groups (although the baronial lineages were far more extensive and powerful), but who were less homogeneous in their social background. These were all drawn from the descendants of settlers who had been established in the late twelfth and early thirteenth century. However it is important not to forget the contribution that was made to local society by the descendants of those who had belonged to the status quo ante; namely, the Irish and the Ostmen. All of these groupings were politically active as they served as administrators and leaders of military campaigns; the baronage at both regional level and in the lordship as a whole, the gentry, within the county, and the sub-gentry and Irish at the level of the cantred. This division mirrored the geographical diversity of landed interests. The picture was complicated by the baronage which maintained a physical presence in the locality through the ever-spreading tentacles of the extended lineage. The relationships between all these social groupings was a complex system of interdependence, as can best be seen through an examination of the web of alliances that surrounded magnates as a means of protection and expansion of their political interests. County Waterford was also subject to violence and disorder

which was gradually absorbed into the political process.

This thesis therefore covers in the first four chapters the various socio-political groupings while the last three chapters looks at the implications on the locality of these groups, in terms of the construction, maintenance and reorganisation of political alliances, the administration of the locality and the prevalence of disorder. It was the interaction of these various political and social groupings within an administratively defined locality that constituted the society of the county.

Any study that aims to examine the distribution of power must examine the relationships between groupings and families at as local a level as possible, though bearing in mind the links between one locality and another. A county provides a good arena for such investigations; the non-baronial element in society held most of its lands there and the various shifts in local politics were reflected in the personnel of local administration. Late medieval Waterford contained a number of additional advantages for such a study. There was not only one magnate family whose influence can be charted but three, thus causing a more complex political situation and it is possible to examine the relationship between magnates and their conflicts within a local context. Waterford was also situated in a transitional zone between the fertile lands of south Leinster that were reasonably accessible from Dublin, and the more distant regions of Cork, Limerick and Kerry. It contained many of the characteristics of the latter, such as influential magnates and

extended political lineages. It was, however, more accessible to central administration, and a substantial amount of source material of an administrative nature relating to Waterford existed.

The bulk of primary source material for Waterford was of an administrative origin. Entries concerning Waterford figure prominently on the Irish patent and close rolls as well as those of the English Chancery. Fortunately, two sheriff's accounts from Waterford, the first for 1231-2¹ and the second from 1262,² were calendared before their destruction. These are particularly valuable as they come from the early to mid thirteenth century - a period when some of our other sources are meagre. The other Calendars of pipe rolls such as those of the Irish Public Record office and sir William Betham, do not give equivalent details but are an important source for observing the activities of the sheriffs of the late thirteenth and fourteenth centuries.³

The lands granted to Thomas fitz Anthony which eventually devolved to the Desmond Geraldines were so vast territorially that the inquisitions that have survived, such as that of 1262, the inquisitions post mortem of July 1298 and January 1299 preserved a depth of information about the

1. Appendix G., pp. 459-63.

2. E. Curtis, 'Sheriffs' accounts', pp. 4-9.

3. Catalogue of Pipe rolls in the 35 - 39th, 42nd - 45th, 47th and 53rd - 54th Reports of the Deputy Keeper of the Public Records of Ireland (Dublin, 1869; N.L.I. Mss. 760-1; R.I.A. Ms. 12 D 10.

landholding status of a large proportion of the county.⁴ This richness of sources from inquisitions is balanced by a relative dearth of inquisitions from elsewhere in Waterford.

Other fiscal sources such as the Irish memoranda rolls and the Irish record commissioners' extensive calendars, though sometimes marred by inaccuracies of transcription, as well as the later repertories of J. F. Ferguson, reveal the demands made upon the local administrative officials and their frequent lack of adequate returns.⁵ The receipt rolls of the Irish exchequer, apart from the usual evidence of payments by sheriffs, also contain the lists of those who received pardons for participation in the earl of Desmond's rebellion.

The Calendared versions of the Irish justiciary rolls as well as the unpublished Irish Public Record Office calendars from the second decade of the fourteenth century, are the single most valuable source for social and political structures in Waterford.⁶ The linkages between the layers of the baronage and gentry are exposed in their local setting. Despite the details that they provide, they often are tantalizingly silent on the deeper motives underlying the crimi-

4. Curtis, 'Sheriffs' accounts', pp. 2-4; P.R.O. E.101/233/6. H. Sweetman (ed.), Cal. Doc. Ire., IV, pp. 259-60, 261-63.

5. P.R.O.I. R.C. 8, 43 vols; Ferguson MSS, vols I - V, XIV - XVII; Ex. 2; R.I.A. Ms. 12 D 8, 11-4. See J. F. Lydon, 'Survey of the Memoranda rolls of the Irish Exchequer' in Analecta Hibernica 23 (1966), pp. 51-134.

6. Calendar of the Justiciary Rolls, Ireland, I (1295-1303) and II (1305-7) edited by J. Mills (Dublin, 1905-14); III (1308-1314), edited by M. C. Griffiths (Dublin, 1956). P.R.O.I. KB 2.

nal activities recorded. Unfortunately, the Calendars cover only a short period of slightly over two decades (1295-1318), yet this was an important and significant period for the localisation of local administration and the related growth of political lineages.

The Calendars of Irish plea rolls compiled by sir William Betham contain frequent references to amercements levied on Waterford landholders, though the very laconic nature of Betham's transcripts that were prompted by his genealogical interests, leaves the reader equally frustrated and enlightened.⁷

The various inquisitions into the dealings of Maurice fitz Thomas deal less with Waterford than with other parts of Munster, though they do allow some insights into the former's activities in Dungarvan. Their most important assets, though, are the detailed lists of the accomplices of Desmond, while the lists of jurors give the identities of those who were hostile to him.⁸

These administrative sources are most abundant for the late thirteenth century and most of the fourteenth. In the last two decades of the fourteenth century, the references to Waterford decline; sheriffs' proffers become rarer and as a result the shrieval succession becomes unclear. The Irish patent and close rolls, though, lighten the darkness to some extent as they contain some records of the personnel of

7. P.R.O.I. M. 2646-50, 2652-3; Genealogical Office Ms. 190-2.

8. G. O. Sayles (ed.), 'Legal proceedings against the First Earl of Desmond' in Analecta Hibernica, 23 (1966), pp. 3-47.

the custodes pacis. As a consequence of this thinning of administrative sources, those of a non-administrative nature became important. The largest of these are the collections of deeds of the Earls of Ormond.⁹ While these are primarily concerned with the earls' interests in Kilkenny and Tipperary, they also enjoyed political primacy in Waterford in the last half of the fourteenth century which was due to the acquisition of the lands of Eustace le Poer in the county. It is not surprising that the collection of Ormond deeds includes documents related to the les Botillers themselves, as well as to their closest retainers in Waterford, such as the les Poers of Ballydurne and Kilmeadan. A second source of family documents are the Mandeville deeds.¹⁰ Though less extensive than the Ormond deeds, they are probably more valuable in that they give an insight into the activities of a gentry family and the intimate political relationship between them and the earls of Desmond.

Chronicles contain little direct evidence for events in Waterford, though what they do provide is invariably interesting and important as it is usually not likely to be found in any administrative source. Friar Clyn for example, has left an account of the fighting between fitz Thomas and Arnold le Poer as well as occasional references to events in

9. Calendar of Ormond Deeds, edited by E. Curtis (Dublin, Irish MSS Commission, 1932-43), Vols I - III.

10. K. W. Nicholls (ed.), 'Abstracts of Mandeville deeds' in Analecta Hibernica, 32 (1985), pp. 3-26.

the Waterford area.¹¹ Jacob Grace, though rarely departing from the subject matter and content of what Clyn had to say on events in Waterford, contains the only reference to the devastation caused by Walter le Poer's rebellion in 1301.¹² A very fragmentary set of annals, perhaps originating from south Tipperary in the early fifteenth century, contain the most detailed account of the short reign of the fourth earl, and the only reference to fighting between the soldiers of Richard II and the men of the third earl.¹³ Naturally the Irish annals are largely silent on events in Waterford after the arrival of the English, though the Annals of Inisfallen give some information on events there in the first forty years after the arrival of the English.

The only other piece of narrative material relating to Waterford is the description of the attack on Waterford city by the les Poers and O'Driscolls in September 1368.¹⁴ Only one letter from the area survives, namely the account written by sir Richard le Waleis to an unknown Waterford landholder, relating his harassment by the first earl of Desmond and his friends.¹⁵

Lastly, some material is also gained from ecclesiastical

11. Butler (ed.), Clyn, Annals, pp. 19-20.

12. *Ibid.*, Grace, Annals, p. 46.

13. K. W. Nicholls (ed.), 'Late Medieval Irish Annals: Two fragments' in Peritia, 2 (1983), pp. 87-102.

14. Cal. Carew Mss., IV, p. 470-1.

15. P.R.O.I. M. 2649, pp. 14-9; Genealogical Office of Ireland, Ms. 191, pp. 204-6.

sources, though it is often of an indirect nature as few foundation charters or other charters confirming grants have survived. Additionally, a source that provided much detail about the personnel of individual parishes, namely the Annates or first fruits, have not survived for the fourteenth century. However, compilations of documents by religious houses outside the area, such as the chartulary of St Mary's Dublin, contain occasional charters whose witness lists are important.¹⁶

Little of this material has been used to provide a synthetic account of county Waterford and its society and on the whole Waterford has received uneven treatment at the hands of historians. The first person to write on the history of Waterford was Charles Smith in the 1746.¹⁷ However, his work did not set out to be a history, but a descriptive account of both the county and city that blended historical information with social, economical and statistical observation. His historical comments, which were not confined to the medieval period, were not detailed and were rarely accompanied by citations of the sources used. Further study had to await the foundation of an antiquarian society in the area.

The foundation of the Waterford and South East Ireland Archaeological society in 1893 provided a forum for the dissemination of local studies as well as a journal for

16. Chart. St. Mary's, Dublin, II, p. 191.

17. C. Smith, The antient and present state of the County and City of Waterford (Dublin, 1746).

their publication. As in all such local reviews, the subjects of research spread from the Iron age to the Nineteenth century, but many of those that dealt specifically with medieval Waterford were descriptive accounts of archaeological artifacts and buildings. There were some articles on Waterford families such as the Sherlocks and the Wyses, but these were not accounts confined to the medieval period.¹⁸ that embraced the antiquarian failing of attempting to find a continuity between the deeds of deceased members of the family and the preeminence of some of those who were still alive. It was also surprising that no work appeared on prominent Waterford families of the medieval period, such as the les Poers, Christophers or Stapiltons.

The pages of the Waterford Antiquarian journal were frequently filled by articles by the most notable Waterford antiquarian of this century, Canon Patrick Power who made an outstanding contribution to the study of place-names in Waterford. Like so many local historians, Canon Power was eclectic in his research interests, and medieval Waterford was but one area of his research.

In 1915 the antiquarian society ceased publication of its journal, leaving no forum for the publication of local historical material. This was not remedied until January 1976 when the Old Waterford Society issued the first explor-

18. See P. A. Higgins, 'Ancient and illustrious Waterford families - the Wyses of the manor of st. John' in Journal of the Waterford and South-East of Ireland Archaeological Society, 7 (1903), pp. 199-206' and 'Distinguished Waterford families - Sherlock' in Ibid., 9 (1906), pp. 120-8.

atory issue of its journal Decies. It has since published articles on a wide range of matters relating to Waterford, but it also helped to stimulate interest in the medieval period through its series of articles entitled 'Medieval Waterford' that relied not only on local antiquarians, but on the most preeminent professional historians. These included the brief but valuable survey of county Waterford by Dr Adrian Empey,¹⁹ as well as substantial contributions to the history of Waterford city by Professor James Lydon²⁰ and Eamon Mac Eneany.²¹

Waterford has also figured patchily among the writings of established academic historians. The doyen of regional historians, G. H. Orpen, did not expand his interests in local historical developments in Connacht and Munster to Waterford. The city and occasionally the county have warranted passing, though nonetheless erudite observations in the writings of A. J. Otway-Ruthven,²² while Edmund Curtis included a brief survey of the history of Waterford city and its experiences at the hands of the les Poers in

19. C. A. Empey, 'County Waterford in the Thirteenth century' in Decies, 13 (1979), pp. 6-16.

20. J. F. Lydon, 'Waterford in the Later Middle Ages' in Ibid., 12 (1979), pp. 5-15.

21. E. MacEneany, 'Waterford and New Ross trade competition c. 1300' in Ibid., pp. 16-24 and 'The Government of the Municipality of Waterford in the thirteenth Century' in Ibid., 15 (1980), pp. 17-27.

22. See, for example, A. J. Otway-Ruthven, A History of Medieval Ireland, pp. 265, 282.

the second edition of his Medieval Ireland.²³ Dr Robin Frame has been sensitive to the extent that developments in Waterford contributed to events in the lordship, especially during Maurice fitz Thomas' second rebellion.²⁴

The interests of all of these historians have been directed towards the lordship as a whole, rather than towards the locality of Waterford. The last twenty years has witnessed a number of excellent local studies in the Irish lordship, including Dr Empey's study of the Butler lordship of Kilkenny and Tipperary.²⁵ Helen Walton's study of the development of English power in Connacht in the thirteenth and early fourteenth centuries,²⁶ and most recently, Dr Brendan Smith's incisive investigation of the dynamics of the county of Uriel.²⁷ It is only right that Waterford should be the focus of a similar study.

The frame of this study is the county of Waterford. The city of Waterford has been left out though never ignored, as it was a separate administrative entity with its own officers. The inhabitants of the city and county were two

23. E. Curtis, Medieval Ireland, second edition, (London, 1938), p. 415.

24. See, for example, R. F. Frame, 'The Justiciarship of Ralph Ufford: Warfare and Politics in fourteenth-century Ireland' in Studia Hibernica, 13 (1973), pp. 27, 30, and English Lordship, pp. 230-1.

25. C. A. Empey, 'The Butler Lordship: 1185-1534' (unpublished Ph.D. thesis, University of Dublin, 1972).

26. H. Walton, 'The English in Connacht: 1171-1332' (unpublished Ph.D. thesis, University of Dublin, 1980).

27. B. Smith, 'The English in Uriel, 1171-1329' (unpublished Ph.D. thesis, University of Dublin, 1990).

different groups and it is only in the fifteenth century that the names of landholders in the county are found among the inhabitants of the city.²⁸ The political dynamics of the city were also different, as many of the most influential citizens owed their position to their involvement in trade or other commercial activities. Yet the city and its inhabitants cannot be ignored, for in the last half of the fourteenth century, a number of Waterford citizens acted in an administrative capacity within the county. The county, therefore, had an artificial quality - it took its name from the one place that remained outside the ordinary jurisdiction of its officers.

The medieval county of Waterford was roughly equivalent to the modern,²⁹ except for a small area to the south and west of the river Bride that was in the medieval county of Cork. For example, the placenames of Coolbeggan (parish of Templemichael, barony of Coshmore and Coshbride) and Kylcogan (parish of Kilcockan, same barony) were included in a list of amercements made by a justice itinerant in county Cork in 1304,³⁰ while a case involving lands in Ryncro (modern Rincrew, parish of Templemichael, barony of Coshmore and Coshbride) in 1297 was listed as taking place in county

28. In 1427 Walter le Poer and Thomas Whitefeld held small parcels of land of the Cathedral of Holy Trinity in Waterford city. (N. B. White (ed.), Irish Monastic and Episcopal Deeds: 1200-1600 (Dublin, Irish NSS Commission, 1936, pp. 106-7.)

29. See Map 1.

30. L. O Búachalla, 'An early fourteenth century placename list from Anglo-Norman Cork' in Dinnseanchas, II (1966), p. 45.

County Waterford c. 1300.

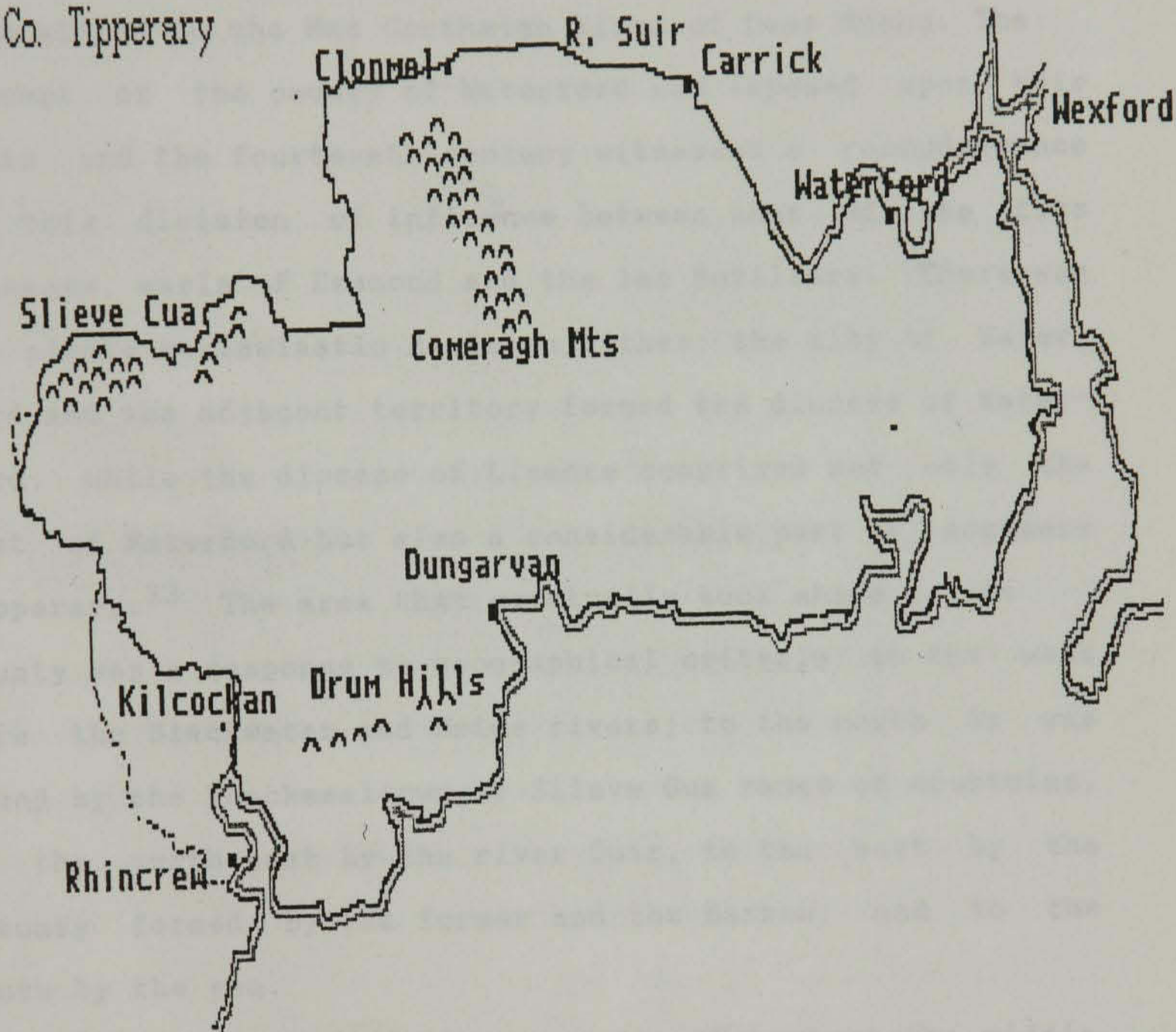
Map. 1.

— Medieval boundaries.

..... Modern boundary

Kilkenny.

Co. Tipperary



Cork.³¹ The county was not based on any existing political entity: In the twelfth century the area was divided between the Déise of the West and the Uí Faeláin.³² There was also the lands surrounding Waterford city that were under the control of the Ostmen rulers there. The former were allies of Diarmaid Mac Murchadha, king of Leinster while the latter were allied to the Mac Carthaigh kings of Deas Múmhú. The concept of the county of Waterford was imposed upon this basis and the fourteenth century witnessed a recrudescence of this division of influence between that of the fitz Thomases, earls of Desmond and the les Botillers. There was no single ecclesiastic division either; the city of Waterford and the adjacent territory formed the diocese of Waterford, while the diocese of Lismore comprised not only the rest of Waterford but also a considerable part of southern Tipperary.³³ The area that eventually took shape as the county was a response to geographical criteria; to the west were the Blackwater and Bride rivers; to the north it was bound by the Knockmealdown or Slieve Gua range of mountains, to the north east by the river Suir, to the east by the estuary formed by the former and the Barrow; and to the south by the sea.

The county retained its integrity throughout the middle

31. Cal. Justic. Rolls, Ire., I, p. 383.

32. See Chapter 4, pp. 133-4.

33. For the boundaries of the dioceses of Waterford and Lismore see, for example, the Irish Ordinance survey map contained in A. J. Gwynn and R. N. Hadcock (eds.), Medieval Religious Houses: Ireland (London, 1970).

ages; at no time was any territory separated to form a palatine liberty. However the county's cohesiveness was never total; the western part of the county, based on Dungarvan, had its own administrative focus. While the county court met in Waterford, the county jail was in Dungarvan. The latter was also the caput of the Honour of Dungarvan. Dr Peter Coss has isolated the existence of such Honours as an alternative and competitive force within localities that undermined the growth of a sense of community.³⁴ The Honour of Dungarvan remained a feature of the political landscape of Waterford throughout the thirteenth and fourteenth centuries, and whereas its early history had been in royal hands the fourteenth century witnessed its greater identification with the Desmond Geraldines.³⁵

Despite the lack of cohesiveness and the historical precedents for a division of political influence, the county developed some sense of community, though this was seldom an expression of autonomy in the face of seignorial pressures. For example, in February 1393 a sheriff was chosen by the unanimous consent of the community of the county. The previous sheriff had been effectively driven from his lands, and stated that he had no power in the county, while the sheriff that was chosen was the son of the powerful earl of

34. P. R. Coss, 'Bastard feudalism revised', in Past and Present, 125 (1989), pp. 43, 45.

35. See Appendix C., especially pp. 398-406.

Desmond. 36

It is hoped that this study will contribute not only to the history of Waterford but also to the understanding of local society in the medieval lordship. However, the value of such studies is never static but grows in correspondence to the production of similar studies. It is only when comparisons are made between counties are made that the real value of local studies will be established.

The position of the lords was not static, but rather to a recognition of their position, which was a reflection of their status after the initial period of subordination in the fourteenth century. In fact, this political shift, with the exception of the successive lords of Waterford, who retained recognition of their status. The Geraldines of Waterford, the earls of Tyrone in 1316, the de Balfours who created the earldom of Desmond in 1328 and the de Burghs who had to wait until 1333.

Their land-holding and incomes were extensive, not being confined to one county, indeed this dispersal of land interests throughout the lordship was a characteristic feature of the Irish baronage. Their incomes were also high, and although not as high as equivalents in England, were far in excess of any other secular lord, apart from the king. An adequate assessment of the level of wealth enjoyed

36. Graves (ed.), King's Council in Ireland, 16 Richard II, p. 155.

CHAPTER 1.THE BARONAGE

Within the Lordship of Ireland there existed an élite who held lands in many different areas and whose primacy was reflected in political terms. There were also those whose landholding was not as extensive and this was reflected in turn by a dominance at regional and local level only. Both of these élites, both national and regional made up the baronage of the lordship.

The personnel of the Irish baronage owed their position to a recognition of their preeminence; some held the title of baron which was a reflection of their landholding status after the initial process of subinfeudation yet until the fourteenth century, few of this political élite, with the exception of the successive earls of Ulster, held a titular recognition of their status. The Geraldines of Kildare only became the earls of Kildare in 1316, the le Botillers were granted the earldom of Ormond in 1328 and the Desmond Geraldines had to wait until 1329.¹

Their land-holding and incomes were extensive, not being confined to one county; indeed this dispersal of landed interests throughout the lordship was a prerequisite for inclusion among the Irish baronage. Their incomes were also high, and although not as high as equivalents in England, were far in excess of any other secular lord, apart from the king. No adequate assessment of the level of wealth enjoyed

1. A. J. Otway-Ruthven, A History of Medieval Ireland, pp. 174-5.

by the earls of Desmond or Ormond can be adequately established; John fitz Thomas had agreed to pay 250 marks for the custody of the lands of Desmond and Decies in 1259 but this was halved when the custodies were regranted to Thomas fitz Maurice in 1292.² In 1299 the total of issues from these lands was assessed at £595 3s 2 1/4d,³ and even though his son added considerably to the Desmond estates he could not compare, at a financial level, with important English magnates such as Thomas de Lancaster whose lands and offices may have been worth over £11,000⁴ or Gilbert de Clare whose income probably exceeded £6,000.⁵ Therefore, in English terms, the most powerful Irish magnates would only belong to the lower levels. However, English magnates were not short-sighted in this regard for in 1350, Ralph, earl of Stafford, paid Maurice fitz Thomas £1000 for the marriage of his daughter to Maurice fitz Maurice, the future earl.⁶ Relative financial standing was clearly not a barrier to the mutual recognition of status. While the manorial revenue of the great Irish magnates may have been smaller than their English counterparts, if only because the latter held more lands, it cannot be said that the sway of the earls of

2. R.P.H., p. 2, no. 17.

3. P.R.O. E.101/233/6; H. Sweetman (ed.), Cal. Doc. Ire., IV, no. 551, p. 258.

4. J. R. Maddicott, Thomas of Lancaster (Oxford, 1971), pp. 22-3.

5. G. A. Holmes, The Estates of the Higher Nobility in fourteenth-century England (Cambridge, 1957), p. 36.

6. Quoted in M. H. Keen, English Society in the Later Middle Ages (London, 1990), pp. 179-80.

Desmond or Ormond was any less than those of Thomas of Lancaster or Henry Percy. Indeed, it was probably greater.

The breadth of their land-holding was a reflection of their ability to play an active role in military conquest, both in its initial and subsequent stages, and their competence in consolidating their gains. As the opportunities for conquest receded in the fourteenth century, some members of the baronage also demonstrated an adroitness at turning the misfortunes of others to their territorial advantage. All branches of the Irish Geraldines claimed descent from Lord Maurice fitz Gerald and his sons, who was among the first wave of settlers, as was Robert le Poer.⁷ The Butlers of Ormond were descendants of Theobald Walter, who, while not among the first échelon of settlers, was still able to carve out an extensive base of lands in Ossory on which his descendants were able to build their political power.⁸ This power was manifested in a powerful position in national politics, especially among the ranks of the chief governors. Maurice fitz Gerald, for example, was chief governor for nearly two decades (1231-47).⁹ Allied to this was a strong position at the head of military campaigns, as emphasised by Maurice fitz Gerald's involvement in the 'conquest' of

7. See the Genealogical table in R. F. Frame, Colonial Ireland, 1169-1369 (Dublin, 1981), p. 25.

8. See C. A. Empey, 'The Butler Lordship, 1171-1515' (unpublished Ph.D. thesis, University of Dublin, 1972), especially Chapter 2.

9. See table 1; Richardson and Sayles, Administration of Ireland, p. 77.

Connacht¹⁰ and military operations in Ulster.¹¹ Thomas fitz Maurice of Desmond had played an important role in the expansion of English lordship in south-west Munster in the early years of the thirteenth century,¹² but the Desmond Geraldine lands were augmented through their acquisition of almost all of the fitz Anthony inheritance. Similarly, Walter de Burgh maintained the military tradition of his father and grandfather, but his greatest achievement was to gain the earldom of Ulster, which had been in royal hands since the death of Gilbert de Lacy.¹³ In the thirteenth century, as their political position was cemented, so too was their familial presence, and parallel lineages developed alongside the barons to embrace all social elements.¹⁴

A further feature of their preeminence was the position they held with regard to parliaments. The attendance of the baronage at parliament developed out of their duty to provide their lord with counsel and advice. In Ireland, this nearly always meant attendance on the chief governor or his locum tenens. The only important magnates from the Waterford area who attended the parliament of 1297 was sir Eustace le Poer who was elected for Kilkenny.¹⁵ However, Waterford

10. Orpen, Normans, III, Chapter 28.

11. Ibid., p. 266-7.

12. Ibid., pp. 131-4.

13. Ibid., p. 262.

14. See Chapter 3, especially pp. 92-3.

15. Berry, Statutes, John - Henry V, pp. 196-7.

elements were very much in evidence in the parliament of 1310.¹⁶ The baron of Donoil, sir Eustace le Poer and his nephew Arnold le Poer were summoned, along with sir John fitz Robert le Poer, Arnold's brother and a future seneschal of the liberty of Kilkenny,¹⁷ and John 'le Whyte' le Poer, head of the Moiset branch of the les Poers. Apart from the les Poers, Jordan d'Exeter and sir Reginald Russel, husband of the widow of Thomas fitz Maurice, were also summoned. Fourteen years later, Maurice fitz Thomas and sir Arnold and sir John le Poer of Donoil attended.¹⁸ In 1378 Gerald fitz Maurice, the earl of Desmond, Jordan d'Exeter and Nicholas le Poer of Kilmeadan were summoned,¹⁹ while in 1380, the earl of Desmond and Nicholas le Poer were the only Waterford landholders to receive summonses.²⁰

The Geraldines, les Poers and Butlers were the three most prominent magnates having lands within County Waterford. They were not the only magnates to hold lands there, yet an important differentiation should be made between those members of the baronage who participated in local politics, either directly or through local allies, and those who, though holding lands, rarely made any contribution to the locality and concentrated their attentions elsewhere.

16. Berry, Statutes, John - Henry V, pp. 258-60.

17. See Appendix B. I, p. 380, and B. II, p. 386.

18. Berry, Statutes, John - Henry V, pp. 306-9.

19. R.P.H., p. 104, no. 75.

20. Ibid., p. 108, no. 66.

At the highest level of the baronage were the Geraldines. Both of the most important segments held lands in Waterford from the early thirteenth century. The 'Kildare' Geraldines, that is, those descended from Maurice fitz Gerald, held the parcel of Seskinred as well as lands in AGLISH and Clashmore in west Waterford throughout the thirteenth century,²¹ as well as lands that were held of the Honour of Dungarvan.²² The Kildare interest eventually devolved upon Maurice fitz Maurice, a younger son of Maurice fitz Gerald and his brother John. In 1301 Maurice's widow Emelina experienced difficulty in gaining her dower from some of her tenants, pointing to a long period of absence from the area.²³ The Desmond Geraldines inherited their lands through the marriage of John fitz Thomas to Margery, daughter of Thomas fitz Anthony. This proved to be the larger of the Geraldine interests in the county, and the geographical proximity of their other holdings, in Limerick and Kerry, ensured that they were to play a much larger and more active role than the 'Kildare' Geraldines. John fitz Thomas, though never justiciar, continued the militaristic tradition of his ancestors, leading the ill-fated army against the Irish of Desmond in 1261.²⁴ His grandson, Thomas

21. In 1217 Maurice fitz Gerald of Kildare held 'the lands of Gallos' which had been held by his father (Rot. Litt. Claus., I, p. 232,) while in 1271, John fitz Maurice held the manor of Seskinred (N.L.I. Ms. 760. p. 9); P.R.O.I. Dep. Keeper's Rep. no. 37, p. 45.

22. Curtis, 'Sheriffs' accounts', p. 2.

23. P.R.O.I. R.C. 7/7. p. 472.

24. Orpen, Normans, III, p. 141.

fitz Maurice, acted as deputy chief governor in 1295, while his son and grandson were chief governors.²⁵ However, both branches had to wait until the fourteenth century for titular recognition. It was not until 1316 that John fitz Thomas of Kildare was made an earl, and 1329 in the case of Maurice fitz Thomas of Desmond. The first earl of Desmond, always alert to the pursuit of every possible claim to land in the area, asserted that the grant of custody of the county made in 1259 included all royal lands in the county at that time, including the manor of Kilmeadan.²⁶

The les Botillers of Ormond also belonged to the higher levels of the Irish baronage, but as Dr Empey has pointed out, they did not play a very active role upon the Irish political stage until the fourteenth century.²⁷ They did not hold any land in their own right in Waterford in the thirteenth century, apart from those in the hands of their collateral branches in Dunmore and Dysert.²⁸ It was not until the fourteenth century that their interests, both territorial and political grew in the county. Edmund le

25. See table 1, p. 29.

26. An inquisition of 1282 into the lands held by John fitz Thomas listed the manor of Kilmeadan while also mentioning that the manor had subsequently been granted to Robert D'Ufford. (Cal. Inq. P.M., II, p. 253.) In 1327 Maurice fitz Thomas brought a suit against John fitz Benedict le Poer of Kilmeadan, seeking the manor's restoration. (P.R.O.I. R.C. 8/15, p. 157.)

27. C. A. Empey, 'The Butler Lordship, 1185-1534' (unpublished Ph.D. thesis, University of Dublin, 1972), pp. 24-5.

28. For the collateral branches of the les Botillers, as well as the growth of the main branch's landed interest in the county see Chapter 3, p. 62.

Botiller acquired the manor of Carrick that had been held by Odo de Grandison in 1315.²⁹ It was also at this time that the connections of the Botillers with Waterford city commenced. In October, 1327, the custody of the prise of wines in Waterford was granted to James le Botiller,³⁰ while in 1328 following the creation of the earldom of Ormond, the king granted him £10 from the annual farm of the city of Waterford,³¹ while James, the second earl acquired the extensive lands of Eustace le Poer in north east Waterford following the latter's death.³²

The le Poers, barons of Donoil, on the other hand, held a title which was much older. The les Poers were the descendants of a minor baronial family in Somerset, probably of Picard origin.³³ They could trace their political pedigree back to the 1170s, though their involvement in military matters was the target of Geraldine criticism.³⁴ It is unclear when they first were entitled to the use of the dignity of 'baron of Donoil'. From the time of William I the term was annexed to any large fee held of the king in return

29. For the acquisition and previous history of the manor of Carrick see C. A. Empey, 'The manor of Carrick' in Journal of the Butler Society, 2, no. 2 (1982), pp. 206-7.

30. C.F.R., 1327-1337, p. 67.

31. Cal. Chart. Rolls, 1327-1341, p. 94.

32. See Chapter 3, 123 and Chapter 5, pp. 210-1.

33. T. D. Tremlett and N. Blakiston (eds.), Charters of Strogursey Abbey (Somerset Record Society, 61, 1949), p. 13, n. 13; For a discussion of their ethnic background see Chapter 4, p. 81, n. 2.

34. See below, p. 26, n. 46.

for military service.³⁵ The process of the creation of Irish baronies can be seen in the subinfeudation of Meath when Hugh de Lacy gave 'terres et honours' to his barons.³⁶ By the early thirteenth century it had come to be associated with multiple knights' fees held in chief of the king, one of which served as the caput of the barony.³⁷ Dunhill thus became the preeminent manor, giving its name to the barony. The les Poers were also responsible for more than one knight's fee. The list of the servitium debitum for Waterford, which probably dated from the second quarter of the thirteenth century listed John le Poer as being responsible for four knights' fees, the largest single amount for the county.³⁸ However, le Poer was not referred to by name as baron; the first reference to it came in the Sheriff's account for County Waterford of 1262-3.³⁹ It is probable that the concentration of fees surrounding Dunhill dated from the earliest phase of subinfeudation of Waterford.

The territory of the les Poers of Donoil dominated the central areas of county Waterford, while the les Poers of

35. W. Lynch, A View of the Legal Institutions etc. established in Ireland during the reign of King Henry the Second (London, 1830), pp. 112-3.

36. G. H. Orpen (ed.), The Song of Dermot and the Earl (Oxford, 1892), p. 230, lines 3160-61.

37. Pollock and Maitland, A History of English Law, I, pp. 259-60, 279-80. They also point out the similarity that existed between a barony and an honour.

38. Cal. Carew Mss., IV, p. 232. For the dating of the servitium debitum see Chapter 2, pp. 71-2.

39. Curtis, 'Sheriffs' accounts', p. 9.

Grannagh and other branches such as those of Ballydurne and Kilmeadan were extensive in the north-east, to the east of the Comeragh mountains.⁴⁰ Yet the family was not confined territorially to county Waterford, for they held or acquired interests throughout the lordship with the exception of Ulster and Kerry. Outside Waterford and southern Kilkenny, their landholdings, though extensive, were spread too thinly and lacked cohesiveness.⁴¹

The les Poers never became as coherent a group as the Geraldines, and the baron of Donoil, though powerful in Waterford, never had the same position as either the earls of Desmond or Kildare. Eustace le Poer was also closely associated with Richard de Burgh in his first Scottish campaign;⁴² John fitz Peter le Poer and Arnold le Poer were important magnates who participated in the military operations against Edward Bruce,⁴³ and in February 1319 John fitz Peter le Poer was appointed seneschal of Kilkenny.⁴⁴ Various members of the les Poers, especially the baron of Donoil, sir Arnold le Poer, sir John fitz Robert le Poer and sir Roger le Poer held administrative posts and custodies in

40. See Chapter 3, pp. 96-7.

41. See Appendix B, II, especially p. 383.

42. See Chapter 5, p. 195.

43. J. R. S. Phillips, 'Documents on the early stages of the Bruce Invasion in Ireland, 1315-1316' in *R.I.A. Proc.*, 79 C (1979), especially p. 251.

44. *R.P.H.*, p. 24, no. 89.

many parts of Ireland.⁴⁵ However, none of them ever held the post of justiciar nor were they ever members of the royal council.

The les Poers had never been particularly adept fighters, even in the early stages of domination by the English and the expansion of their influence that allowed other members of the baronage to lay the framework for the future preeminence. Indeed, Giraldus Cambrensis, hardly an unbiased witness, described Robert le Poer as one of those who lacked both nobility and courage and who 'iacuisse toro, tenuisse puellam, threiciam digittis increpuisse liram'.⁴⁶ This vitriol against le Poer was probably due to le Poer's identification with the new Henrician administrators who arrived in Ireland and who displaced the Geraldines from preeminence.⁴⁷ This is in itself important, for it shows the extent to which the ancestors of the les Poers were not involved primarily in conquest and military expeditions. While it is extremely unlikely that a collective memory of their military pedestrianism persisted in the following centuries, it is noteworthy that command of an important military campaign was never entrusted to them.⁴⁸

45. For the landholding of the les Poers outside Waterford and their administrative involvement see Appendix B. II, pp. 383-95.

46. Giraldus, Expugnatio, pp. 190-1.

47. See Ibid., p. 236, n. 262.

48. Arnold le Poer had led a force against the Roches or Rupenses of The Rower in southern Kilkenny in 1324 yet this was a very localised command. (R.P.H., p. 31, no. 57; Butler (ed.), Clyn. Annals, pp. 16-17.)

There was also a weakness of leadership. The les Poers, instead of being led by one, dominant, undisputed figure had two sources of leadership which were initially complementary. However, within the space of one year, 1329, both Arnold and John fitz Peter le Poer died and their heirs were not able to hold their lineage together, let alone seek any similar position to that of their fathers.⁴⁹ It was therefore the first quarter of the fourteenth century that witnessed the high-point of their fortunes, and not the second, as argued by Dr Frame.⁵⁰

Furthermore, the problems of leadership were compounded in the mid-fourteenth century by the fact that the les Poers were not united in their political aims and allegiances. The third important branch of the les Poers, namely that of Moiset, did not consider the les Poers of Grannagh or Donoil to have a role in the pursuit of their interests. For example, George le Poer was the only member of the les Poers of Moiset to have participated with Eustace in the earl of Desmond's rebellion.⁵¹ On the other hand his nephew, Peter fitz Roger le Poer, did not suffer from forfeitures after the earl of Desmond's rebellion, nor was his name, or that of his father, ever mentioned in connection with the earl.

49. See Chapter 3, pp. 121-2.

50. Frame, English Lordship, p. 18.

51. In 1346 he suffered forfeiture of the manor of Roscarlan in Wexford that he had acquired through his marriage to Matilda de Londres. (Brooks, Knights' fees, pp. 103-5.) George's role was probably a minor one, for this was the only manor lost by him and his name was not mentioned in any of the depositions against the earl of Desmond.

The les Poers, therefore, despite their geographical distribution throughout the lordship were a family that lacked political cohesiveness.

When the les Poers are placed in perspective it is clear that, though they belonged to the baronage, they were not in the same bracket as the Geraldines or Butlers. Dr Frame asserts that 'after the Burghs, Geraldines, Butlers and Berminghams the le Poers were ... the most significant of the great families'.⁵² Yet this is to mistake the multifarious representations of the family throughout the surviving sources as a reflection of a coherent, tightly-knit family. All of the five prominent families named by Dr Frame produced a chief governor or deputy justiciar (see table 1.), while the les Poers never attained such a position.

While the les Poers of Donoil and Grannagh were powerful in Waterford and Kilkenny, they were not able to extend their position beyond this south-eastern region. Their dominance was regional rather than national, and even here, their position was dependent on the support they received from the various branches of the le Poer lineage. The true test of a powerful baronial family was their ability to dominate at both local and national level. The les Poers were never able to do the latter, and their ability to do the former necessitated reliance on other, more powerful magnates in both England and Ireland. They were related to

52. Frame, *English Lordship*, p. 18. This assessment of the les Poers importance in magnate circles is based on their persistent occurrence in writs of summons and letters of credence.

Table 1.

Prominent Irish magnate families and the office of chief governor.

Desmond Geraldines.

Thomas fitz Maurice (acting justiciar)	1295
Maurice fitz Thomas Justiciar	1355-56.
Gerald fitz Maurice.	" 1367-69.

Geraldines of Kildare

Maurice fitz Gerald	"	1232-45
Maurice fitz Maurice	"	1272-3
Thomas fitz John (Deputy Justiciar)	Justiciar	1320-1, 1321, 1327-8.
Maurice fitz Thomas (deputy Justiciar)	Justiciar	1355, 1356
	(Deputy Justiciar	1357
	"	1360-61
	Justiciar	1361
	Keeper	1372
	Justiciar	1376

Les Botillers.

Edmund le Botiller (Deputy Justiciar	1304-05.
Keeper and acting Justiciar	1312-14.
Justiciar	1314-7, 1318
James le Botiller	1359-60. 1364-5. 1376-79

Des Burghs

Richard de Burgh	1228-31.
Richard de Burgh (Deputy Justiciar.	1299-1300.
William de Burgh (Deputy Justiciar	1308-9.

Des Berminghams

John de Bermingham,	1321-3.
Walter de Bermingham	1346-7; 1348-9.

H. G. Richardson and G. O. Sayles, The Administration of Ireland, 1172-1377 (Dublin, Irish Mss Commission, 1963), pp. 77-91.

Richard de Burgh.⁵³ They were also apparently associated with the Despensers in England.⁵⁴ While the year 1329 was a dark one for the les Poers, the year 1326 certainly foreshadowed their decline as it witnessed both the death of their most important Irish ally and the execution of their English allies respectively. Though numerous and powerful at a local and even regional level, they were not able to stand on their own collective feet. They were therefore always in dependent on larger magnates; firstly, in an indirect way of the earl of Ulster, and after his demise, in a much more direct way of both the Desmond Geraldines and Butlers of Ormond.

The Geraldines, Poers and Butlers were not the only members of the baronage who held lands in county Waterford. The acquisition of landed interests by families from outside the area was greatly facilitated by the descent of the interest granted to fitz Anthony to his five daughters. Thomas fitz Anthony must have held the custody of Decies and Desmond at his death despite the forfeiture and disgrace he had suffered in 1223 or received a posthumous rehabilitation and regrant to his heirs. He had no male heir as his son Hamo, predeceased him,⁵⁵ and the interest in these lands

53. In 1290, Richard de Burgh described sir Robert le Poer as 'soen cosyn'. (Cole, Documents illustrative of the History of England, p. 71.)

54. See J. F. Lydon, 'The impact of the Bruce Invasion' in New History of Ireland, II, p. 299.

55. Brooks, Knights' fees, p. 46.

descended to his five daughters.⁵⁶ It was through marriage to one of these, Margaret, that the Geraldines of Desmond acquired a foothold in Waterford. Their stake became the largest of all those in Waterford. It was stated in 1278 that John fitz Thomas acquired the shares of three of the other co-parceners when they forfeited their lands as a result of their involvement with earl Richard Marshal in 1234,⁵⁷ but whatever forfeitures occurred were temporary and the advantage that accrued to John fitz Thomas was therefore not total.

One of the daughters, Isabella, was married to Geoffrey de Norragh. He was a knight of earl Richard Marshal and fought alongside him at the Curragh. While he forfeited his lands as a result,⁵⁸ some of them were redelivered to him as early as January 1235.⁵⁹ As late as 1305 his descendant, Geoffrey de Norragh, was pursuing his rights to lands in Waterford against rival claims.⁶⁰ A cadet branch was established which looked after the main family's interests and resided on their lands which was headed in the early fourteenth century by John de Norragh.⁶¹

56. Reports of Commissioners respecting the Public Records of Ireland, 1 (Dublin, 1810), p. 334; Brooks, Knights' fees, pp. 46-7.

57. Cal. Inq. P.M., II, p. 160, no. 281.

58. Orpen, Normans, III, p. 71.

59. C.P.R., 1232-1247, p. 88.

60. P.R.O.I. R.C. 7/10, p. 544-5.

61. John de Norragh appeared as a juror in county Waterford on numerous occasions, especially in 1311. (Cal. Justic. Rolls, Ire., III, pp. 181, 183, 189, 240.)

Another daughter, Desiderata, married Stephen le Ercedekne of the important Kilkenny family of that name. He too was a tenant of Richard Marshal though no direct evidence of his participation in the earl's revolt exists.⁶² In November, 1237, the Irish justiciar, Maurice fitz Gerald was told not to levy the debts that Stephen le Ercedekne had inherited from Thomas fitz Anthony if his lands were still in the king's hands.⁶³ In 1243 le Ercedekne was granted terms for paying these debts, implying that whatever forfeitures were made had been reversed.⁶⁴ Certainly, in 1317, his descendants were co-parceners in the lands of Thomastown in Kilkenny that had descended to them from Thomas fitz Anthony.⁶⁵ In the later thirteenth century, John le Ercedekne exchanged his lands in Waterford with the widow of Thomas le Ercedekne. John's widow, however, was interested enough in the Waterford lands to dispute this version of events in 1300.⁶⁶ In the same year, Silvester le Ercedekne, the custos of the le Ercedekne heir, was summoned to a plea of dower, not in county Kilkenny, but in county Waterford, testifying to the family's continued residence there.⁶⁷

William de Dene died alongside John fitz Thomas at the

62. Brooks, Knights' fees, pp. 176-7.

63. C.C.R., 1237-1242, p. 5.

64. Ibid., 1242-1247, p. 14.

65. Brooks, Knights' fees, p. 254-5.

66. P.R.O.I. R.C. 7/8, pp. 194-5.

67. P.R.O.I. R.C. 7/7, p. 113.

battle of Callan in 1261.⁶⁸ He had acquired an interest in extensive lands in west Waterford, including a share in the manor of Stradbally, probably through marriage to the grand-daughter of Thomas fitz Anthony.⁶⁹ St. John Brooks believed that his interests sprung from a marriage with Eva, daughter of Gerald de Rupe and Helena, daughter of fitz Anthony,⁷⁰ yet this is far from conclusive. Eva was not the sole heir of Gerald de Rupe as Eva fitz Anthony was not his first wife and a minor branch of his descendants maintained an interest in the lands of Decies.⁷¹ De Dene also held the custody of the lands and heiress of William de Cantilupe, who was married to a fifth fitz Anthony heiress, Dionisia.⁷² The descendants of William de Dene had died out in the male line before 1360 and the interest passed to a Kilkenny landholder, Philip Furlong.⁷³ Some, if not all of these lands were subsequently sold by Philip Furlong's son, Alan, to Nicholas le Poer of Kilmeadan in 1381.⁷⁴ Before their eventual demise, they were never resident in Water-

68. Orpen, Normans, III, p. 142.

69. Cal. Justic. Rolls, Ire., I, pp. 402-3.

70. Brooks, Knights' fees, pp. 47-8.

71. For example, Godebert de Rupe acted as the chief sergeant of Waterford in the early years of the fourteenth century. (Cal. Justic. Rolls, Ire., I, p. 454.)

72. Curtis, 'Sheriffs' accounts', p. 6.

73. John son of Fulk de Dene died without male issue. His daughter Ismania was married to Philip Furlong. (N.L.I. Ms. 761, p. 180.)

74. R.P.H., p. 111, no. 62.

ford, nor did they establish a cadet branch in the area, preferring seemingly, the relative safety of their extensive Kilkenny holdings for their lands in England.⁷⁵

These families acquired a landed interest in Waterford through their inheritance of a portion of the fitz Anthony interest. Another family, though not dependent on family ties with Fitz Anthony for their lands in Waterford, were nevertheless the indirect beneficiaries of his generosity. The d'Exeters inherited their portion of the Decies lands through the marriage of Jordan d'Exeter II to Ismania, a granddaughter of John Devereux, one of Fitz Anthony's feoffees.⁷⁶ These lands, along with others in county Kilkenny, were subsequently granted to Jordan d'Exeter III.⁷⁷ Although these holdings formed part of the king's lands of Decies, the most important of them, the manor of Affane, was always held directly of the king, and not as a mesne tenements of the Honour of Dungarvan.⁷⁸ Their level of involvement in local society was never great; apart from a brief term as sheriff in 1301 none ever held local office.⁷⁹ Yet

75. See below, p. 44.

76. For the history of the Devereux in Waterford see Brooks, Knights' fees, pp. 216-20. Brooks' argument that Devereux was married to an unidentified daughter of fitz Anthony is only conjecture.

77. Ibid., pp. 221-6.

78. In 1299 Jordan d'Exeter claimed that he held the manor of 'Atmethan' (Affane) of the king in chief. (P.R.O. E.101/233/6.)

79. In Michaelmas 1301, the Irish receipt roll recorded that Jordan d'Exeter, sheriff, had paid rent from the manor of Affane. (P.R.O. E.101/233/16.) No other reference to Jordan d'Exeter as sheriff, either in the receipt rolls or the pipe rolls, has survived.

such disregard for local politics did not mean complete neglect of their manor. Jordan d'Exeter pursued Philip Christopher for many years in the late 1290s to recover his debts.⁸⁰ Both father and son regularly paid the farm due on their lands in Decies to the king.⁸¹ The latter's son, Jordan d'Exeter III, occasionally visited his manor of Affane although on one occasion he encountered an unfriendly reception from the tenants, who refused to feed his horses.⁸² A cadet branch was established before the beginning of the fifteenth century, for in 1421 Bernard Dexceter was named as the collector of a levy in county Waterford for James, earl of Ormond, but even this minor branch of the family failed to make any impact at local level.⁸³

A family that was much more important in the history of the lordship, the de Burghs, also held lands in Waterford, though these had been acquired independently of Thomas fitz Anthony. The de Burghs were among the most extensive landholders in the lordship in the thirteenth and early fourteenth centuries and Richard de Burgh had held the Honour of

80. P.R.O.I. R.C. 7/6, pp. 65, 273, 362-3. 504-5; R.C. 7/7, pp. 90-1, 183.)

81. The rent of Affane was paid by Jordan d'Exeter I between Michaelmas 1291 and the same term 1293. (P.R.O. E.101/231/28, E.101/232/5, 232/37.) and by his son in Michaelmas term 1307 and 1309. (E.101/235/5, E.101/235/19.)

82. Cal. Justic. Rolls, Ire., III, p. 179.

83. H. G. Richardson and G. O. Sayles (eds.), Parliaments and Councils of Medieval Ireland (Dublin, Irish MSS Commission, 1947), pp. 136, 159.

Dungarvan for a brief period in the late 1220s.⁸⁴ Walter de Burgh had exchanged his lands in Munster for the earldom of Ulster,⁸⁵ but there remained numerous cadet branches and lineages of the de Burghs in Tipperary.⁸⁶ Within Waterford, William de Burgh held the parcels of Gortclone and Ring within the manor of Dungarvan in 1262, but it is unclear whether he was Walter de Burgh's brother.⁸⁷ In 1310 William Liath de Burgh was granted the manor of Affane which had been held by Stephen d'Exeter.⁸⁸ Other lands were held by earl Richard de Burgh of Ulster himself. In 1323 he granted to his daughter Katherine and her husband Maurice fitz Thomas, lands in county Waterford and Tipperary which he had acquired from sir John fitz Warin and William de la Felde.⁸⁹ Like the d'Exeters,⁸⁹ a cadet branch of the de Burghs had established itself in County Waterford and Tipperary, for in 1346 Edmund fitz Richard de Burgh was granted power to bring to the peace those of his surname in counties Waterford and Tipperary who were trouble-makers.⁹⁰ They were unlikely to make an impact on local society bearing in mind

84. See Appendix C. I, p. 400.

85. Orpen, Normans, III, p. 262.

86. In 1313 the bishop of Killaloe was accused of sheltering Nicholas de Burgh. (Cal. Justic. Rolls, Ire., III, p. 303.) In 1338, members of the de Burgh lineage still held lands in Tipperary. (Cal. Inq. P.M., VIII, pp. 119, 120.)

87. Curtis, 'Sheriffs' accounts', p. 2.

88. P.R.O.I. Ex. 2/3, p. 550.

89. Cal. Carew Mss, IV, p. 363.

90. R.P.H., p. 51, no. 38.

the enmity between the De Burghs and the Desmond Geraldines, though this did not prevent sir Richard fitz Edmund de Burgh's association with the earl of Desmond during the latter's rebellion of 1345.⁹¹

There were other families who belonged to the baronage but whose influence and primacy was much more localised than the les Poers. These included the Freignes of Kilkenny. In the second half of the thirteenth century, the Freignes held the manor of Mocollop in the far west of Waterford. This had probably been acquired by Geoffrey de la Freigne from the inheritance of his wife, the heiress of Walter Purcell.⁹² The family also held the manor of Moyle in county Cork, and therefore Mocollop, due to its proximity to county Cork was possibly a member of it. At least one of his tenants, Baldwin fitz Philip Hodinet, refused to do suit at his court at Mocollop and De la Freigne responded by seizing his crops.⁹³ Odo de la Freigne also held a parcel of land at Coulmougath, also in west Waterford which was also inherited from his father.⁹⁴ As with the above-mentioned families, a small cadet branch existed in west Waterford; in 1300 one of the custodes pacis for the cantred of Tarmun was John de

91. See Chapter 5, p. 214.

92. Brooks, Knights' fees, p. 184.

93. P.R.O.I. R.C. 7/11, pp. 34-5.

94. In 1307, Odo de la Freigne claimed in a suit of novel disseisin that he held dominium there. (Cal. Justic. Rolls, Ire., II, p. 363.)

Freine.⁹⁵ The Freignes expanded their landed holding in eastern Waterford in the second half of the fourteenth century by acquiring the manor of Ballyglan which had been forfeited by William le Grant for his participation in the first earl of Desmond's rebellion.⁹⁶

Two families that belonged to the minor rung of the baronage and whose lands were concentrated in Cork held lands in Waterford. The Rupenses or Roches had acquired a landed interest in Waterford through Gerald de Rupe's marriage to one of Fitz Anthony's heiresses,⁹⁷ and in the later fourteenth century a separate branch had been established at Modeligo in west Waterford.⁹⁸ Their namesakes of the Rower had established a presence on the opposite side of the Suir which they used to their particular criminal advantage.⁹⁹

Another important Cork family, the Barrenses or Barries, held land in the far west of county Waterford.¹⁰⁰ Although their land-holding was marginal, one member of the family, Adam de Barry, was sheriff of the county in the late

95. P.R.O.I. Dep. Keeper's Rep. no. 39, p. 64; N.L.I. Ms. 761, p. 233.

96. Butler (ed.), Clyn, Annals, p. 33; Fulk de la Freigne was granted the manor in August 1346 in compensation for a grant of 20 librates of land and an annual fee of £40 given to him by Ralph Ufford. (R.P.H., p. 53, no. 105.)

97. P.R.O.I. R.C. 7/7, pp. 53-4.

98. In February 1381 John Roche of Modeligo was granted a pardon for numerous seditions. (R.P.H., p. 111, no. 71.)

99. See Chapter 7, pp. 316, 328.

100. P.R.O.I. R.C. 8/23, p. 833.

1340s.¹⁰¹ The lands held by the above-named families were only a small part of their overall holdings. However, they usually were accompanied by the growth of a cadet branch who remained on the lands and who took a minor part in local office-holding.

A factor that allowed the baronage to gain and maintain their status as a political élite was a similar position in terms of landholding. In the thirteenth century, the proportion changed from one generation to the next, as possession of the Honour of Dungarvan oscillated between royal hands and those of the Geraldines of Desmond. The largest concentration of baronial land in Waterford was the central area of the county which was dominated by members of the various branches of the les Poers who held the manors of Dunhill, Ballydermot and Fenoagh. Yet they held no lands in the extreme eastern part of the county where no one landholder was dominant. In the western part of the county, the position of the baronage was stronger; the manor of Affane was held by the d'Exeters who belonged to the lower levels of the baronage in the later thirteenth century. There were also the heirs of the fitz Anthony interest, but their interests were usually served by a cadet branch. Thus the proportion of lands held by the baronage, in proportion to that held by members of sub-baronial category or gentry, royal lands and ecclesiastical lands was significant, but it was not the majority of all lands. However, once the Honour

101. See Appendix A., p. 368.

of Dungarvan devolved into permanent Geraldine control, the extent of the baronage's land-holding expanded to include almost all of the west of the county, excluding church lands and the manor of Affane.¹⁰²

The territorial extent of the baronage was further emphasised by their continual presence in Ireland. Waterford was not as afflicted by the problem of absenteeism to the extent of other counties such as Cork.¹⁰³ One reason why Waterford escaped absenteeism was precisely because the land-holding élite was effectively dominated by families that remained in Ireland and who had a stake in the politics of the lordship at both national and regional levels. As noted above, the de Burghs had dispensed with their landed interests in Munster by 1323,¹⁰⁴ but the beneficiary was Maurice fitz Thomas of Desmond, whose absence from Munster was usually involuntary. Similarly the Bigods, De Clares or Despensers did not have lands in Waterford. Therefore, a list of Irish absentees, such as that drawn up by Dr Frame, does not include any absentee with lands in Waterford.¹⁰⁵

However, absenteeism, both involuntary and voluntary, did occur, though not over an extended time-scale. Sir

102. For the extent of the Honour of Dungarvan see Appendix C. 1, map 1, p. 398.

103. See S. Harbison, 'The absentee problem in Waterford and east Cork during William of Windsor's administration, 1369-1376' in *Decies*, 23 (1983), pp. 4-16. Despite its title, Mrs Harbison does not mention the few absentees in county Waterford.

104. See above, p. 36, n. 89.

105. Frame, *English Lordship*, p. 56.

Thomas fitz Maurice, father of the first earl of Desmond, was absent from Ireland between 1282 and 1287,¹⁰⁶ and again between 1290 and 1292.¹⁰⁷ His widow Margery and her second husband sir Reginald Russel were granted royal licence to absent themselves in England for one year from January 1302,¹⁰⁸ while in September 1306 they were granted royal licence for another year's absence in England and the right to appoint attorneys in their place.¹⁰⁹ At some time before 1312, they both left Ireland again, probably in response to the abortive abduction of Margaret by Stephen le Poer.¹¹⁰ In June 1312 Margaret and Reginald's lands were forfeited, not only because of their absence but also because all of the issues of their lands were still being transferred to them in England.¹¹¹ Reginald returned to Ireland before 1323 when he was noted as chief sergeant of Cork. As this office had been acquired, like the Honour of Dungarvan, through his marriage, it would appear that they had regained seisin of their lands.¹¹² However, both his son and nephew, with the help of their extended families, remained in possession of

106. C.C.R., 1281-1292, pp, 108, 155, 214.

107. Ibid., pp. 378, 430.

108. C.P.R., 1302-1307, p. 249. They named Alexander de Bikenore, future archbishop of Dublin, and John fitz Warin, a Waterford land-holder, as their attorneys.

109. P.R.O.I. R.C. 7/11, p. 225.

110. See Appendix E., p. 446.

111. P.R.O.I. R.C. 8/6, p. 311.

112. P.R.O.I. Dep. Keeper's Rep. no. 42, p. 61.

the lands throughout the fourteenth century.¹¹³

The other prominent absentee of the fourteenth century was sir Nicholas de Bekenesfield. He was a member of the retinue of Lionel, duke of Clarence and it was this link that led to his appointment in September 1361 as the escheator of Ireland.¹¹⁴ He had been granted the marriage of Ismania, heiress of the deceased baron of Donoil before February 1362, when he received seisin of the baron's manors in Waterford and Limerick,¹¹⁵ as well as the title, lands and debts of his father-in-law.¹¹⁶ He was removed from the escheatry in 1363, and seems to have left Ireland with his wife.¹¹⁷ In July 1368, he was among a list of prominent Irish absentees ordered to return to defend their lands against the ravages of the Irish or risk forfeiture.¹¹⁸ While he had held onto the lands in Donoil, he had apparently lost his title, for he was summoned merely as Nicholas de Bekenesfield. No record survives of de Bekenesfield's reaction, or lack of it, and his lands were probably included in the forfeiture of absentees' lands made by William of Wind-

113. See Chapter 5, pp. 202-3.

114. P.R.O.I. R.C. 8/28, p. 21.

115. N.L.I. Ms. 761, p. 198.

116. P.R.O.I. R.C. 8/28, p. 277.

117. For a brief discussion of his career as escheator see P. M. Connolly, 'Lionel of Clarence in Ireland, 1361-1366' (unpublished Ph.D. thesis, University of Dublin, 1978.) p. 188.) Dr Connolly does not mention his marriage to Ismania le Poer or his grant of the barony of Donoil.

118. Rymer, Foedera, III, no. 2, p. 848.

sor in March 1369.¹¹⁹ In 1375 John fitz Eustace fitz John le Poer, a second cousin of the deceased baron,¹²⁰ was referred to as baron of Donoil.¹²¹ and it is probable that the les Poers of Donoil had been eventually reinstated following de Bekenesfield's lack of enthusiasm for his Irish lands.¹²² William Lynch quoted a copy of a curious charter that had been enrolled in the Irish chancery in the early seventeenth century, in which Edward III granted to John le Poer of Kilmeadan wreck of the sea between Stradbally and Credan as the baron of Donoil had previously held it.¹²³ Lynch gave its date as 1340 at which time there was no John le Poer of Kilmeadan,¹²⁴ and John le Poer of Donoil was still a minor, not receiving livery of his lands until March 1344.¹²⁵ The inclusion of John le Poer of Kilmeadan may have

119. H. G. Richardson and G. O. Sayles (eds.), Parliaments and Councils of Medieval Ireland (Dublin, Irish MSS Commission, 1947), p. 27; Mrs Harbison does not record any action by de Bekenesfield in response to the Guildford ordinances. (S. Harbison, 'William of Windsor in Ireland, 1369-1376' (unpublished M.Litt. thesis, University of Dublin, 1977.))

120. See Appendix B. I, p. 378.

121. N.L.I. Ms. 761, p. 227.

122. In November 1375, the sheriff of Waterford was ordered to distrain Lawrence de Shrewsbury to render an account of John le Poer's lands, which it was stated, had been in the king's hands since January 1362. (P.R.O.I. R.C. 8/32, pp. 407-8.) It is probable that the les Poers were reinstated at this time.

123. W. Lynch, A View of the Legal Institutions, etc. established in Ireland during the reign of Henry the Second (London, 1830), p. 214.

124. John le Poer of Kilmeadan was killed fighting the Desmond Geraldines in 1327. (Butler, (ed.), Clyn. Annals, p. 19) and he had no son of that name. (Appendix B. I, p. 380.)

125. R.P.H., p. 46, no. 117.

been part of an attempt by his descendants, the barons of Curraghmore, to consolidate their supremacy among the les Poers in seventeenth century Waterford. It is therefore possible that the original fourteenth century document formed part of the restoration of John fitz Eustace le Poer to the barony of Donoil.

A third person who may be viewed as an absentee was sir Thomas de Roos. He held an interest in the vast de Clare lands of east Cork through his father's marriage to Margaret de Baddlesmere, but he may also have been entitled to more lands through the dower lands of his own wife, for he had married Beatrice, the widow of the short-lived Maurice fitz Maurice of Desmond.¹²⁶ The actual lands in question were never identified, even though she had received her dower after her husband's death in 1358.¹²⁷ As has been mentioned, the de Denes held sizable lands in Waterford.¹²⁸ In 1320 Thomas de Dene was granted licence to go to England.¹²⁹ However, he attended the parliament of 1324 indicating that his absence was not total.¹³⁰

126. De Roos's connections with Cork have been outlined by Mrs Harbison ('Absentee Problem', pp. 8-9). However, she does not mention any lands held by de Roos in Waterford, nor does she allude to his marriage to the earl of Desmond's widow.

127. R.P.H., p. 69, no. 55.) In the interval between Maurice fitz Maurice's death and their delivery to Beatrice, these lands had been placed in the custody of her father, the earl of Stafford, probably pending Beatrice's coming-of-age. (Ibid., p. 69, p. 54.)

128. See above, pp. 33-4.

129. R.P.H., p. 27, no. 50.

130. Berry, Statutes, John - Henry V, pp. 306-7.

Only one absentee, Nicholas de Bekenesfield fell into the traditional concept of absentees as demonstrated by his disdain for his Irish lands. All of these families, with the exception of the de Denes, had not held their lands for generations, and indeed they had only acquired their interests in the third quarter of the fourteenth century. They were recent grantees and recent absentees. County Waterford was thereby saved the dangers and perils of extended absences, but it did suffer from the capriciousness of official policy towards the problems. While the lordship exhibited a more belligerent attitude towards absentees as witnessed by the parliamentary legislation of 1297,¹³¹ and the proclamation that accompanied Lionel of Clarence's appointment in July 1361,¹³² Waterford was still the victim of short-sighted grants to favourites.

Another factor that mitigated against the growth of large absentee holdings, either by absentees in England or in Ireland, was the acquisitiveness of local political lineages. Gaps in the landholding structure were quickly filled so that the disappearance of one family was soon replaced as a local family on the ascendant took over the land concerned. A number of families who through death and dispossession were replaced by English and Irish allies of successive earls of Desmond.¹³³ In 1381, when Alan Furlong,

131. Berry, Statutes, John - Henry V, pp. 198-9.

132. A. J. Otway-Ruthven, A History of Medieval Ireland, p. 285.

133. See Chapter 3, pp. 99-100; Chapter 4, pp. 146-7.

the heir to the Dene inheritance wished to dispense with his Waterford holdings, he found a willing buyer in the les Poers of Kilmeadan, and the only obstacle he faced was from an administration that was concerned about such a large and unauthorised alienation.¹³⁴

In addition to the baronage, of both national and regional importance there existed a transitional zone between baronage and gentry made up of those who belonged to both sections depending on the selective use of criteria. In England, there were the bannerets, or those knights who were entitled to carry a square banner. Dr Saul considers that they belonged to the gentry rather than the baronage.¹³⁵ In Ireland, the term was used with reference to any military tenant in chief, so that even unambiguous members of the baronage such as sir Arnold and baron John le Poer were referred to as bannerets by John de Hothum in 1315.¹³⁶

The title dominus was occasionally used in official sources to refer to certain individuals who were not magnates or members of the baronage, including two members of the les Poers. In 1314, 'lord John fitz Robert le Poer' was mentioned in a rental of the barony of Overk in county

134. P.R.O.I. Lodge Mss. I, p. 42-3. An inquisition held by the escheator's deputy, William Lumbard found that the sale was not contrary to the king's interests.

135. N. Saul, Knights and Esquires, The Gloucestershire Gentry in the Fourteenth Century (Oxford, 1981), pp. 7, 8-10.

136. J. R. S. Phillips, 'Documents on the early stages of the Bruce Invasion in Ireland, 1315-1316' in R.I.A. Proc., 79 C (1979), p. 251.

Kilkenny.¹³⁷ He was the head of a collateral branch of the family, closely related to sir Arnold le Poer, who had been sheriff of Connacht in the late 1290s.¹³⁸ In 1355 Nicholas le Poer of Kilmeadan was also termed 'dominus',¹³⁹ while in 1310 'lord' John le Botiller made recognisance that he owed money to Alexander de Bicknor.¹⁴⁰ However, all of these people belonged to magnate lineages, and so rather than seeing their position solely as that of a petty nobility, they must be seen as belonging to the level of lineages just below the magnates.¹⁴¹

Another title that was sometimes used was 'master'. Thus in 1317 a number of malefactors were accused of stealing the sheep of master John de Stapilton.¹⁴² There was nothing to suggest that John de Stapilton had any links with the church or that the title implied his holding of a master's degree. His position, and that of his family, was difficult to assign according to a simple baronage/gentry division. A feature that set the baronage and the gentry apart was that the former had lands in many parts of the lordship, while the members of the gentry were heavily dependent on lands in

137. Cal. Carew Mss., IV, p. 353.

138. See Appendix B. II, p. 395.

139. N.L.I. Ms. 761, p. 174.

140. R.P.H., p. 15, no. 236.

141. See Chapter 3, p. 91.

142. P.R.O.I. KB 2/7, p. 89; He was also referred to as 'master' John de Stapilton in a plea of land in the same year. (P.R.O.I. R.C. 7/12, p. 343.)

one county. The Stapiltons held lands in Tipperary and Connacht, to which were added extensive lands in county Waterford.¹⁴³ However, they never received any title. In 1358, Richard le Waleis, who had held the large manor of Kilmanaghan until driven out by the first earl of Desmond, was termed magister, although the lands of his family were not as widely dispersed.¹⁴⁴

They shared a number of features with the higher baronage; they held lands of the king in chief, and they were also entrusted with the custody of the lands of other nobles during minorities. Thus 'lord' John fitz Robert le Poer was entrusted with the custody of the d'Exeters' manor of Affane after Stephen d'Exeter's death in 1316.¹⁴⁵ He was also entrusted with the custody of the manors of John le Botiller in Tipperary in 1320.¹⁴⁶ However, Nicholas le Poer held little lands in chief and owed much of his importance to his position as a close ally of the earls of Ormond.¹⁴⁷

Their heterogeneity, therefore, defies a simplistic assignment to either baronage or gentry. The most that can be said was that they belonged to a transitional zone between baronage and gentry. Indeed, this zone could act as a

143. See Chapter 2, p. 56.

144. R.P.H., p. 74, no. 84.

145. N.L.I. Ms. 760, p. 341; He had also been granted the custody again at some time before Trinity term 1347 when he rendered an account of the manor's issues. (P.R.O. E.101/241/14.)

146. R.P.H., p. 27, no. 71.

147. See Chapter 5, pp. 210-1.

transmission channel to the baronage. 'Lord' Nicholas le Poer received individual writs of summons to two parliaments in the 1370s, indicating that he had been accepted as a member of the baronage.¹⁴⁸ Yet for those who never were summoned to parliament or who never received marks of ennoblement, it must be said that they were not members of the baronage.

The baronage, far from being a homogeneous and static group contained two separate categories, one that formed the political and territorial élite of the lordship and the other whose preeminence was confined to regional politics. In Waterford, the baronage also suffered a complete reorganisation as a result of the decline and subsequent eclipse of the les Poers as a political force, thus leaving the county under the influence of the two most powerful magnate families of the late medieval lordship. The baronage was thus reorganised in Waterford to the benefit of its more important members.

148. *R.P.H.*, p. 104, no. 77; p. 108, no. 68.

CHAPTER 2. THE GENTRY OF THE COUNTY

The term 'gentry' is one that can be defined both generally and specifically. For contemporaries the notion of the gentry as a socio-political group was unknown; for Geoffrey Chaucer 'genterye' was a quality that was still associated with the 'gentillesse' which was expected, but so often did not occur among the knightly class.¹ In the fifteenth century a new social category was emerging, namely that of gentleman. The Statute of Additions of 1413 ordained that everyone was to have his grade of society placed in each and every writ. The Gentleman was subsequently slotted into an economic gradation that embraced those who had £10 annual income, in juxtaposition to the accepted norm of £40 for a knight and £20 for an esquire, a gentleman had to have £10 landed income.² By this time the gentry had acquired a new preeminence over many areas of political life especially in the national parliament to add to their importance in local administration and justice.³

Despite this fairly specific use of the term in the later middle ages, historians have never felt confined by such technical considerations in its employment and have

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1. Geoffrey Chaucer, Canterbury Tales, Ed. F. R. Robinson (Oxford, 1957), The Wife's tale, lines 290-306.
 2. D. A. L. Morgan, 'The Individual style of the English Gentleman' in M. Jones (ed.) Gentry and Lesser Nobility in Later Medieval Europe (Gloucester, 1986), p. 16.
 3. See M. H. Keen, England in the Later Middle Ages (London, 1973), pp. 326-49; R. Storey, The End of the House of Lancaster, Second edition (Gloucester, 1986), pp. 11-12.

sought to extend its applicability beyond a narrow social and chronological base. For example, Professor James Holt talked about the 'gentry' of the northern counties in the early thirteenth century.⁴ This usage tends to be negative in that it defines the gentry in terms of what it was not. Professor Scott Waugh has spoken of the gentry as 'that economically diverse class of landholders lying between the free peasantry and the magnates'.⁵ This broad definition of the gentry is certainly more applicable to Ireland and Waterford in particular: in the more outlying parts of the lordship, even the non-noble knightly elements of local society had to compete with the baronage and their relatives, and there was little opportunity for the growth of a non-knightly class of gentlemen whose affluence was based on trade or legal proficiency. However, too broad a concept does not do justice to the gentry on several fronts. Firstly, there were numerous levels within the gentry, as Waugh recognises, while the gentry of Waterford was not a such a clearly-defined social and political grouping as there were those at either ends of the spectrum whose membership of the gentry was questionable.

By the time the term becomes applicable in England, the gentry was of declining relevance in Ireland both in its specific and broader terms. The Irish 'Gentleman' of the

4. J. C. Holt, The Northerners: A study in the reign of King John (Oxford, 1961), p. 40.

5. S. Waugh, 'The Profits of Violence: The Minor Gentry in the Rebellion of 1321-22 in Gloucestershire and Herefordshire' in Speculum, 53 (1952), pp. 944.

fifteenth century included such people as Christopher Plunkett, 'gentleman' and Robert Cruise 'gentleman' who were accused in 1456, with many other 'gentlemen', of numerous murders and oppressions in counties Dublin and Meath.⁶ Taking the gentry in its broader context to embrace not only 'gentlemen' but also knights and esquires, the differences between England and many parts of Ireland are also evident.

As noted above, the last quarter of the fourteenth century marked the advent of a new era for the English gentry in which they consolidated their pivotal position at a national level, especially in parliament. Yet this was also the period in which 'bastard feudalism' reached its apogee. The English gentry was prepared to use its important position with regard to the baronage at both local and national level to advance its power, not by establishing itself as a competitor, but by making itself an indispensable partner.⁷ This cannot be said of many parts of the Irish lordship, especially Waterford; the upward curve of the English gentry's growth of influence, first at local, then more and more at national level, was not evident there, where the gentry, though never strong, had to become more and more dependent on the baronage for their political survival. Structural differences of a political and social nature certainly played their part in exposing these differences. The baronage were in a stronger position at national,

6. Berry, Statutes, Henry VI, pp. 440-1.

7. K. B. McFarlane, 'Bastard Feudalism' in Bulletin of the Institute of Historical Research, 20 (1943-45), pp. 161-80.

but especially local level and they were also able to rely on extensive familial relationships that provided a ready-made reservoir of support. The gentry of county Waterford were not without local power as in the later thirteenth and first half of the fourteenth century they were represented in the local administrative framework,⁸ yet even at this time they were being manipulated by powerful magnates, such as the earls of Ormond and Desmond, and they were unable to achieve the balance of interests that characterised the English gentry. Additionally, their position was never absolute; they always had to share local power and prestige with the baronage and, most importantly, with their lineages, so that by 1400 they had been supplanted by the various lineages in control of the higher levels of local office-holding.

In spite of the anachronism of the term 'gentry', as well as the relative differences in political influence between Ireland and England, no other term adequately conveys the essence of such non-baronial, though important elements of local society. The gentry of Waterford then can be defined as a non-baronial grouping embracing both knights and esquires whose landed interests were concentrated in the county itself and who had an important role in local administration, though not a commanding one.

To define the gentry as 'non-baronial' is to describe them in negative social and political terms. However, their

8. See Chapter 6, pp. 257-8, 262.

lack of ennoblement was an important factor in setting them apart from the lower baronage who possessed some titular recognition or who received parliamentary summons. Professor Bruce McFarlane attributed the greater definition of the gentry to a process of stratification within the baronage from the late thirteenth century onwards, whereby the gentry was separated from a 'higher' nobility that identified itself with the parliamentary peerage.⁹ However, there is no evidence that the sub-baronial sector or gentry in Ireland ever belonged to a broader-based baronage; those who formed the élite in the Irish lordship could usually trace their position to the preeminence of their ancestors in the initial phases of military conquest and settlement unlike the ancestors of those who became the gentry, whose activities in the late twelfth century were frequently obscure. This is not to say that they were absent from the early phases of conquest but their role was probably auxiliary. It is true that the fourteenth century marked a clearer legal recognition of the place of the baronage in Irish society with the creation of the earldoms of the early decades of that century. Yet this parting of the ways was a reflection of this differences between the two groupings that were clear before the magnates acquired separate titles.

A potential problem arises when defining the gentry simply as those who were not barons. There were many members of baronial families, such as younger brothers and heads of

9. K. B. McFarlane, The Nobility of Later Medieval England (Oxford, 1978), especially pp. 274-5.

collateral branches within the wider lineage, who bore many similarities to the gentry, because of their limited land-holding, lack of title and involvement in local office-holding and they have been described elsewhere as the 'gentry' element within the broader lineage structure.¹⁰ However, they owed their position in society to a two-way linkage between the prestige of their connections with the leaders of the lineage, and the physical presence of the parentela. These must therefore be excluded from the 'pure' gentry and they shall be examined in a separate chapter.

Another factor that defined the gentry and at the same time set them apart from the baronage, was the size and distribution of their landed interests. These did not allow the gentry to become a landed territorial élite, though, for they had to share the landed resources of the county with the king, the church and the baronage. It is difficult to impose a monetary threshold that divided the gentry either from the baronage or the ordinary free tenants as no detailed extents of the lands of the group have survived. Yet the evidence from the values given in the escheators' accounts bear out their relative poverty compared to the magnates. For example, the issues from Nicholas Aylward's lands, including the rent of tenants, amounted, to just over £9 9s per annum in the late 1290s while the lands of sir Robert de Stapilton in Waterford were worth at the same time

10. See Chapter 3, p. 91.

just over £25 per annum.¹¹ None of these figures compared with the £595 that Thomas fitz Maurice received from his lands, even allowing for undervaluation and inaccurate declarations by jurors.¹²

The lands of the gentry were consequently much more confined to county Waterford, even though there were exceptions. The Stapiltons occupied a transitional zone between baronage and gentry within Waterford.¹³ Apart from their lands in Waterford, they were also landholders in Connacht¹⁴ and Tipperary.¹⁵ The de Stapiltons were however latecomers into the Waterford land-holding framework as it was not until 1281 that Robert de Stapilton received a grant of lands in Waterford.¹⁶ Some other families who held lands near the borders of county Waterford were also landholders in neighbouring counties: The Grants for example, were landholders in both counties Waterford¹⁷ and Kilkenny;¹⁸ the de Marreises of Aglish in west Waterford held some lands of

11. P.R.O.I. Dep. Keeper's Rep, no. 38, p. 70; The figures that I have given include the widow's dower which is not included in the figures given in the escheator's accounts.

12. See Chapter 1, p. 17.

13. See *Ibid.*, pp. 47-8.

14. C.P.R., 1272-81, p. 384.

15. N. B. White, Red Book of Ormond, pp. 71,74; Cal. Inq. P.M., VIII, pp. 117, 118. no. 184; C. A. Empey, 'The Cantreds of Medieval Tipperary' in North Munster Antiquarian Journal, 13 (1970), p. 26.

16. C.F.R., 1272-1307, p. 167.

17. P.R.O.I. M. 2646, p. 101; R.P.H., p. 53, no. 105.

18. C.P.R., 1272-1281, p. 353.

the manor of Inchiquin.¹⁹ The Fitz Davids, possible relatives of the barons of Overk, were tenants of lands on the other side of the Suir in Kilkenny;²⁰ the Whitteys held unspecified lands in Wexford and it was to these that they were to relocate their family in the later fourteenth century;²¹ the Aylwards of Faithlegg held some land near Thurles of the les Botillers,²² while another branch of the family held lands in Olethan in eastern Cork.²³ All of the above-named held lands either on or near to the borders of county Waterford. One exception was sir Philip Christopher who held small amounts of rents in county Tipperary.²⁴ Other families such as the Russels, de Bruses, Bruns and Gascoins held no landed interests outside the county. On the whole, the gentry of county Waterford presents the picture of a social group whose lands were concentrated in one area.

The localisation of landed resources was transferred into a participation in local office-holding. The gentry of Waterford, like many of their English and Irish counterparts, played an important part in local society and in the personnel of local office-holding from the beginning of the

19. Cal. Inq. P.M., II, p. 430.

20. Cal. Carew Mss., IV, p. 367.

21. P.R.O.I. Dep. Keeper's Rep. no. 42, p. 45.

22. Ibid., no. 38, p. 79.

23. P.R.O.I. M. 2648, pp. 125-6.

24. P.R.O.I. R.C. 7/7, p. 90.

thirteenth century.²⁵ Indeed it has been argued that the English baronage effectively gave up local government involvement in the last half of the thirteenth century to the gentry, so that they could devote their energies to national politics.²⁶ No such willingness to abdicate local administrative influence to the non-baronial sector occurred in Waterford. Some magnates, such as the Geraldines of Desmond, eagerly maintained their hereditary positions as chief sergeants of the southern counties, in addition to acting directly, on occasions, as sheriffs of these counties. Both John fitz Thomas of Desmond and his great-grandson were entitled to act as sheriffs by the terms of the grants of Decies and Desmond made to them,²⁷ while baron John fitz Peter le Poer of Donoil and his grandson were also sheriffs.²⁸ As a result, the gentry was never granted a clean sweep of local offices. An examination of the background of the sheriffs of Waterford reveals that the gentry of the county provided only nineteen of the sixty-five sheriffs between 1250 and 1400 seven though a further ten sheriffs could be classified as gentry from outside Water-

25. See, for example, K. Naughton, The Gentry of Bedfordshire in the thirteenth and fourteenth centuries (Leicester, 1976), Chapters 5 and 6; N. Saul, Knights and esquires: The Gloucestershire Gentry in the Fourteenth Century (Oxford, 1981), especially pp. 11, 17-19.

26. R. F. Treharne, 'The Knight in the period of reform and rebellion, 1258-1267' in Bulletin of the Institute of Historical Research, 21 (1946-8), pp. 1-12.

27. Appendix C. II, Document B, pp. 423-6; C.F.R., 1327-1337, p. 153.

28. Appendix A., pp. 365-6, 368.

ford.²⁹

The gentry were not confined to the office of sheriff in their local administrative activity. As has been noted elsewhere, one of the most important, short-term commissions was custody of an escheat during a minority. This was usually confined to the custody of lands that had belonged to a person of similar status and members of the higher gentry thus became custodians of the lands of their confreres during a minority or forfeiture.³⁰ For example, the lands of William de Carew, while he was still a minor, were granted to sir Reginald Brun.³¹ In 1381 the lands of Matthew de Brus were entrusted, during a minority, to Reymund Aylward, a prominent member of the Aylwards of Resk and a neighbour of the Bruses.³²

There was one other area where this process went further; the Knights Templars held two manors in Waterford, Kilbarry and Crookhaven, both in the far east of the county. The order was suppressed in Ireland in 1308 and their lands were passed, temporarily, into the keeping of members of the local gentry. The lands of Kilbarry were entrusted to William le Botiller, Geoffrey le Poer of Ballydurne and Stephen

29. See Chapter 6, table 1, p. 262.

30. A similar phenomenon occurred among members of the baronage. See Chapter 3, p. 96.

31. P.R.O.I. R.C. 7/8, p. 101.

32. R.P.H., p. 119, no. 26.

Franceis,³³ while those of Crookhaven were given to sir Robert Aylward and sir John le Grant.³⁴ While the keepers of these lands rendered their accounts of the issues of the manors in the years immediately after the suppression,³⁵ this became less frequent. For example, the last account rendered by Stephen Franceis was in Michaelmas 1314.³⁶ However, no attempt was made to remove the lands from their custodians until the mid 1330s and even then its effectiveness was uncertain.³⁷ It is noteworthy that the gentry were not the only recipients of the Templars' lands and that they had to contend with the competition of members of baronial lineages such as William le Botiller and John fitz Geoffrey le Poer.

Partly as a result of the competition posed by the latter grouping, the names of those members of the gentry who were sheriffs, custodes pacis or keepers of escheats provide only a segment of the overall grouping. There were some of a knightly estate who resided in Waterford for most of the thirteenth and fourteenth centuries, and who, as tenants in chief were also bound to attend the county court, but who nevertheless played only a minor role in local

33. G. Mac Niocaill (ed.), 'Some documents relating to the suppression of the Templars in Ireland' in Analecta Hibernica, 24 (1967), p. 207.

34. Ibid., p. 209.

35. Ibid., p. 222.

36. P.R.O. E.101/237/1.

37. See below, p. 77.

office-holding. For example, the de Brus held of the king the manor of Crossmagouryn at Coole near Crookhaven;³⁸ they did not produce a sheriff, coroner or custos pacis in the thirteenth or fourteenth century, though John de Brus was named among the electors of Peter fitz Roger le Poer in 1355, demonstrating his attendance at the county court,³⁹ and in 1358 his relative, Richard de Brus was named as a collector of a levy for fighting the Irish.⁴⁰ Similarly, the Grants were in possession of the manor of Ballyglan near Waterford city.⁴¹ In 1311, John fitz William le Grant was murdered by an armed gang that attacked his manor, no doubt as a result of a feud with baron John le Poer of Donoil.⁴² His son William, although granted livery of his lands soon afterwards,⁴³ was subsequently engaged in unspecified trespasses and felonies against the peace, probably in pursuit of the quarrel that had led to his father's death.⁴⁴ William participated alongside Eustace le Poer in the first earl of Desmond's revolt in 1345, and shared the same gallows with

38. P.R.O.I. Dep. Keeper's Rep. no. 39, pp. 23, 28; Rep. no. 42, p. 221.

39. R.P.H., p. 56, no. 80.

40. Ibid., p. 72, no. 15.

41. Ibid., p. 53, no. 105.

42. Cal. Justic. Rolls, Ire., III, p. 261. For the links between some of the murderers and baron John le Poer see Chapter 7, p. 295.

43. N.L.I. Ms. 760, p. 297.

44. Cal. Justic. Rolls, Ire., III, p. 251.

him in Castleisland.⁴⁵ Despite such a deep involvement in local politics, the family never provided a sheriff, even though the above-named John fitz William le Grant was among the first custodes pacis in the county.⁴⁶

Many of the above-mentioned members of the gentry were tenants in chief of the king, and this in turn demanded attendance at the county court. Yet in Waterford, though, the exact nature of tenure and lordship especially in the west of the county was fluid and in other areas a matter of doubt and contention. First, there was the position of the tenants of the Honour of Dungarvan. The earliest tenants, prior to the grant to Thomas fitz Anthony, were presumably tenants in chief, but subsequently became mesne tenants.⁴⁷ After fitz Anthony's death, they regained their position vis-à-vis the king. This oscillation of lordship continued when the Honour was granted to John fitz Thomas of Desmond. After his death, though, the Honour reverted back to the king's hands as an escheat and remained so until 1284 when it was handed back to Thomas fitz Maurice.⁴⁸ In the fourteenth century the tenants had to contend with being tenants both of the Geraldines and subsequent earls of Desmond and tenants of the king and the problems that ensued. Sir Wil-

45. Butler (ed.), Clyn. Annals, p. 32.

46. P.R.O.I. Dep. Keeper's Rep. no. 39, p. 66; N.L.I. Ms. 760, p. 232.

47. For the problems encountered by the Benedictine monks of Tewkesbury who had been enfeoffed before the grant to fitz Anthony see Appendix C. I, pp. 398, 400.

48. C.C.R., 1279-1288, p. 265.

William le Waleis was granted the theodum of Glenahiry by Thomas fitz Anthony, and although all fitz Anthony's alienations were reversed, le Waleis succeeded in gaining a royal regrant of the lands concerned, though only after some hesitation.⁴⁹ However, William le Waleis subsequently exchanged lords once more when the Honour of Dungarvan was granted to John fitz Thomas, and the land was accounted for along with the other members of the Honour.⁵⁰ Their position as tenants of the subsequent holder of the Honour, the earls of Desmond, and his standing as a large land-holder, inevitably led to conflict, and in the late 1330s Richard le Waleis was driven from his lands by Maurice fitz Thomas,⁵¹ although he may have regained his lands after the defeat of the earl's rebellion.⁵² A further example concerned Maurice Russel who acquired the manor of Maynhow from the king in June 1280,⁵³ but in 1299 he was listed among the tenants of

49. In February 1230 the king stated an intention to do nothing regarding le Waleis' petition for confirmation (C.C.R., 1227-1231, p. 449) but in August 1231 the King confirmed fitz Anthony's grant to le Waleis in return for a fine of 60 marks. (Ibid., 1231-1234, p. 61.)

50. The heirs of William le Waleis owed 10 marks for 'Glynnocher with 11 townlands in the same tuath' ('in eodem theodo'). (Curtis, 'Sheriffs' accounts', p. 2.)

51. See Chapter 5, pp. 235-6.

52. In 1346 and 1347 the manor of Kilmanaghan was in the custody of Thomas fitz Gilbert le Waleis and was considered as separate from the Desmond lands in Waterford. (P.R.O. E.101/241/14, E.101/241/17.)

53. Cal. Chart. Rolls, 1257-1300, p. 225.

Thomas fitz Maurice in Dungarvan.⁵⁴

A similar cause for confusion occurred throughout the western and northern parts of the county. The diocese of Lismore held substantial manors throughout the county, especially in the vicinity of Lismore itself and the vill of Affane.⁵⁵ During the incumbency of bishop Griffin Christopher (1223-1246),⁵⁶ large-scale alienations of church lands took place to families living on or adjacent to the episcopal manors, as well as to his own relatives. The alienations were not confined to the regranting of vacant church lands that would still be held of the bishop, but were full-scale alienations. The exact tenorial nature of these holdings is unclear, but as there was no other individual to claim lordship they were apparently held of the king. At the end of the century, successive bishops attempted to recover the lordship of these lands for the church, claiming that the alienations had been unilaterally made by bishop Christopher without the assent of his chapter. There followed lengthy law-suits involving sir Philip Christopher,⁵⁷ Hamo

54. P.R.O. E.101/233/6; H. Sweetman (ed.), Cal. Doc. Ire., IV, no. 551, p. 262.

55. Apart from these manors, the bishop also held manors at Aglish, Clashmore, Kilmolash, Ardmore, Mothel and numerous lands in southern Tipperary (P.R.O.I. Dep. Keeper's Rep. no. 36, p. 60.)

56. New History of Ireland, IX, p. 303.

57. P.R.O.I. R.C. 7/5, pp. 32, 76; In Michaelmas term 1297 bishop Richard Corre regained seisin of the lands of Adsale that were in dispute. (Ibid., p. 229.)

Gascoin,⁵⁸ Geoffrey fitz David⁵⁹ and Robert de Marreis.⁶⁰ Although the bishops were generally successful in their suits, the repossession of their claims was tempered by the general legal environment of Edward I's reign against transferring land into the church's mortmain.⁶¹

Status as a tenant in chief could not, therefore, be taken for granted. As the king's power declined and the strength of local magnates filled the vacuum, individuals who were creatures of these magnates, regardless of whether they were tenants in chief, rose in prominence. The most important of these were the de Mandevilles who held no lands of the king that would have allowed them to attend the county court, but they were much more powerful than either the aforementioned de Bruses or Grants.

An extension of attendance at the county court was the attendance of the gentry at parliament. Unfortunately it is difficult to chart the extent, let alone the membership, of Waterford representation. The account of the 1297 parliament

58. P.R.O.I. R.C. 7/6., p. 362; R.C. 7/7, p. 36; It was claimed in 1300 that the lands sought by bishop Corre had originally been granted to Geoffrey de Norragh, fitz Anthony's son in law.

59. The claims against fitz David for lands in Gortkeral were the earliest surviving claims of bishop Corre, being made in 1290. (P.R.O.I. R.C. 7/2, pp. 250, 487). The outcome of his plea has not survived..

60. P.R.O.I. R.C. 7/6, p. 342; R.C. 7/8, p. 160; R.C. 7/9, pp. 261-2.

61. In 1297 an inquisition took place in Lismore to examine whether the lands sought by bishop Corre really were the right of the church, even though the common bench had already adjudicated in his favour. (P.R.O.I. R.C. 7/5, p. 106.) In Michaelmas term 1302 when the bishop recovered seisin from Robert de Marreis, the statute of mortmain was mentioned as the reason for holding an inquisition. (R.C. 7/9, pp. 261-2.)

does not mention the representatives elected for Waterford, even though those selected for Kilkenny, sir Walter de la Haye and Eustace le Poer, had strong Waterford connections:⁶² De la Haye was a former sheriff of the county who held the manor of Kilmeadan,⁶³ while Eustace le Poer was the head of the les Poers of Grannagh and Kells. However, the legislation of the 1310 parliament includes a very long list of all those who were summoned, including eight from county Waterford.⁶⁴ Naturally, the baron of Donoil and his relative, John le Poer of Moiset were summoned, alongside the two d'Exeters, Jordan senior and junior. The non-baronial members included sir Philip Christopher and sir Richard le Waleis, sir Richard de Valle, a former sheriff, and Thomas fitz Warin, a tenant of the Honour of Dungarvan.⁶⁵ Reginald Russel was also summoned, but it would seem that it was not in his own right, but as the husband of Thomas fitz Maurice's widow.⁶⁶ Sir Richard le Waleis also attended the 1324 parliament.⁶⁷ In 1378, sir Richard Whittey received a summons to parliament, though the family had by this time shifted its attention towards its Wexford holdings at the

62. Berry, Statutes, John - Henry V, pp. 196-7.

63. See Chapter 6, pp. 244-5, 258; Appendix A., p. 365.

64. Berry, Statutes, John - Henry V, pp. 258-60.

65. Curtis, 'Sheriffs' accounts', p. 2. His father, Robert fitz Warin, was sheriff of Waterford in the early 1260s. (Appendix A., p. 364.)

66. See Appendix E., p. 443.

67. Berry, Statutes, John - Henry V, pp. 308-9.

expense of those in Waterford.⁶⁸

The gentry can be thus discerned through their involvement in local government and attendance at the county court. A further area of involvement was in the various military expeditions in both the lordship and abroad, alongside members of the baronage. Knowledge of such participation is due to the summonses directed to some tenants-in-chief, such as those of 1302 to the king's Scottish campaign. It is only in the early years of the fourteenth century that a coherent list of such summonses exists, although this can be supplemented by individual appointments of attorney.

Such summonses varied considerably in their scope. Very detailed lists of those summoned in 1302 have survived. They were not directed, however, towards all tenants in chief. While Philip Christopher and Richard Wittey were summoned in 1302, other tenants in chief, such as Matthew de Brus were not.⁶⁹ It will be remembered that the Bruses were a gentry family that was not particularly active in local politics, although another similar family was involved in military activity nearer to home; William fitz John le Grant served against the Scots in 1316, though in whose company is uncertain.⁷⁰ In 1322, sir Richard le Waleis, John de la Rokelle, Walter de Valle and Thomas de Dene were summoned to the king's Scottish campaign of that year, along

68. R.P.H., p. 105, no. 175.

69. Rymer, Foedera, I, no. 2, p. 938.

70. P.R.O.I. KB. 2/7, p. 76.

with Baron John le Poer of Donoil.⁷¹ In 1335, summonses were directed to David Christopher, William le Grant and Richard Whittey.⁷² However, there is little evidence to show their response to these summonses.

Such involvement was only relevant while such summonses to military campaigns were made. External military involvement by members of the Waterford baronage continued throughout the fourteenth century; Eustace le Poer served in France in 1340 and 1342,⁷³ while sir Nicholas le Poer served with the earl of Ormond in the Leinster mountains in the late 1350s. It is impossible to gauge the extent to which they were accompanied by members of the gentry. Some other members of the gentry, such as sir Walter de Mandeville and sir David Russel were to be found fighting the king's forces, rather than as part of them, as demonstrated during the first earl of Desmond's revolt of 1345, and it was in his company that he joined military campaigns, such as those in northern France in 1346.⁷⁴

The internal strata of the gentry; Knights, esquires and valleti

The gentry was not a narrowly-based social grouping, but one that embraced several gradations between the baronage and ordinary freeholders. The two categories most readily

71. F. Palgrave (ed.), Parliamentary Writs, II, no. 2, p. 562.

72. Rymer, Foedera, II, no. 2, p. 906.

73. Frame, English Lordship, pp. 231-2, 260.

74. See Chapter 5, pp. 200, 202.

discernible were the knights and esquires, but as has been noted, there existed a small number of individuals who belonged to a transitional zone between baronage and gentry,

Twelfth-century ideas of knighthood in England were still dominated by the idea of the miles or mounted soldier of sometimes uncertain social origins and even more indeterminate social position. The land that was held by the knight was the knight's fee, though as no standardisation of the property qualifications necessary for knighthood had been made, the size and profitability of each fee varied considerably.⁷⁵

The later twelfth and thirteenth centuries marked a period of transition in England with regard to knighthood especially at local level.⁷⁶ While the earliest knights were mounted warriors, some of quite humble background, the greater specialisation of warfare and the concomitant rise in the costs of weaponry were making knighthood a more expensive business.⁷⁷ In the thirteenth century knighthood in England became an economic category as much as a political class, based on those who could afford to provide the more expensive level of weaponry. A dichotomy therefore developed, between the miles strenuus or fighting

75. F. M. Stenton, Anglo-Saxon England, third edition, (Oxford, 1971), p. 637.

76. See, for example P. R. Coss, Lordship, Knighthood and Locality: A study in English society c. 1180 - c. 1280 (Cambridge, 1991), pp. 210-257.

77. See S. Harvey, 'The Knight and the Knight's fee in England' in Past and Present, 49 (1970), especially pp. 31-43.

knight, who was prepared to fulfill the military obligations of knighthood, and the vavasour, who was content to pay scutage in return for being left in charge of his manor and participating in local politics.⁷⁸

The arrival of the English in Ireland coincided with this revolution in knighthood though the position of the miles strenuus was bound to remain much greater than the vavasour because of the almost continuous existence of a military threat. In the late twelfth century, the financial value of the English knight's fee was achieving greater definition, no standard value had been attained.⁷⁹ it is unrealistic to assume that this led to a spontaneous standardisation of the knight's fee in Ireland in the immediate aftermath of the arrival of the English. Professor Otway-Ruthven has exposed the extent to which the size of fee varied from ten carucates in the vicinity of Dublin to nearer thirty carucates in more isolated areas, yet it is unclear, though, how much this reflected the later demand that a knight should have £40 annual income from his lands and the consequent differences that would emerge relative to varying qualities of land and depth of cultivation and settlement.⁸⁰

The development of knighthood and the knight's fee in

78. K. Naughton, The Gentry of Bedfordshire in the thirteenth and fourteenth Centuries (Leicester, 1976), especially p. 12.

79. F. M. Stenton, The First Century of English Feudalism, second edition, (Oxford, 1961), pp. 164-8.

80. A. J. Otway-Ruthven, A History of Medieval Ireland, p. 107.

Waterford is difficult to gauge. Waterford was particularly weak in knights' fees. The details of the process of subinfeudation have not left any imprint on surviving sources, and it is difficult to perceive the nature of the fees created in terms of service. The Wyse family who held a small manor in chief of the king near Waterford, had been granted their lands in return for providing a mailed footman to defend the city of Waterford.⁸¹ Such fees may have been subsequently transformed into the fractions of knights' fees found in Waterford. The lists of the servitium debitum bear out this picture of low knightly organisation. Waterford only accounted for nine knights' fees, placing the county one step above the county of Ulster in terms of military obligations.⁸² These were unevenly distributed among twelve holders, and varied from the four knights' fees of the baron of Donoil, to the one twelfth of a knights' fees owed by John fitz Maurice.⁸³ It is impossible to date this list with any accuracy for it was used as the basis for scutage but without any reference to the changing conditions of the county. Richard Beleht or Belet, for example, lost his lands in Waterford because of his support for Richard Marshal at

81. Quoted in W. Lynch, A View of the Legal Institutions established in Ireland During the reign of Henry the Second (London, 1830), p. 107.

82. Cal. Carew Mss, IV, p. 232. Ulster accounted for three knights' fees. (Ibid., p. 234.)

83. N.L.I. Ms. 761, p. 65.

the time of the battle of the Curragh.⁸⁴ So too did a number of the heirs of Thomas fitz Anthony who died in 1229, though they were never named individually.⁸⁵ It also listed Thomas fitz Maurice, who could only have been the Thomas fitz Maurice who died in 1213.⁸⁶ According to Professor Otway-Ruthven, scutage was first entered on the pipe roll of a.r. 22 Henry III (1237-8),⁸⁷ yet the internal evidence suggests that it referred to the tenurial situation between 1229 and 1234. It remained in use as the basis for the levying of scutage for the next century at least, for it was referred to as late as 1334 in connection with sums outstanding from the army of Tullow.⁸⁸

The list of the county's servitium debitum bore no resemblance to the actual knightly class of the late thirteenth and fourteenth centuries. Indeed they belonged to two separate mentalities of knighthood. The new form of knighthood was based on a wealth qualification. In Ireland the qualification that was demanded was £40. Yet an individual could have the requisite financial qualification and yet not be a knight for this still required the act of knighting, which could occur in various ways. A lord could still dub

84. Robert Whitley was granted seisin of Beleht's lands in August 1236. (C.C.R., 1234-1237, p. 306.)

85. See Chapter 1, pp. 30-34.

86. Orpen, Normans, III, p. 116.

87. A. J. Otway-Ruthven, 'Royal Service in Ireland' in R.S.A.I., Jn., 98 (1968), p. 38.

88. P.R.O.I. Dep. Keeper's Rep. no. 44, p. 225.

his son a knight, even though this necessitated a licence from the king, as in the case of Peter fitz John le Poer in 1325.⁸⁹ The most important magnates often ignored this by raising those of his retinue to the knightly rank. Such creations could occur at important moments such as the hand-over of power to an heir. John fitz Thomas of Kildare made three knights in Adare in 1312 just before the lands of the Desmond Geraldines in Limerick and Kerry passed back into the hands of Maurice fitz Thomas, the future first earl of Desmond, while in the same year the marriage of the said Maurice to Katherine de Burgh, daughter of the earl of Ulster, was the occasion of another knight-making.⁹⁰ In 1339 Maurice fitz Thomas made fourteen knights at a ceremony at Rathmeckan.⁹¹

The occasion and location might be far removed from the area where both parties held their lands. A military campaign led by the king reinforced the military concept of knighthood and provided an opportunity for its conferment as in 1303 when Philip Christopher was knighted in Scotland.⁹² It was not clear who made him a knight, but as he had been summoned in person, it would seem to have been the king

89. R.P.H., p. 32, no. 98.

90. Butler (ed.), Clvn, Annals, p. 11.

91. Ibid., p. 29.

92. The account of wages paid to Philip Christopher was divided into two parts; the first for the period from July 1st to September 21st, on which day 'idem Philipum factum fuit miles'. (P.R.O. E.101/10/16.)

himself.⁹³ Walter de Mandeville was probably knighted by Maurice fitz Thomas; he did not hold any lands in chief of the king in Waterford even though he was specifically referred to as a chivaler when his lands were restored to him in May 1350.⁹⁴

Below the knightly class of gentry stood a group known by different names. In Ireland as in England they could be referred to as 'men-at-arms' or armigeri who were not knights.⁹⁵ In May 1335, the writs of summons to the Scottish campaign were directed to miles and armigeri.⁹⁶ Among the knights were members of the baronage, such as Maurice fitz Thomas, earl of Desmond and Eustace le Poer. There were also members of the 'gentry' elements of the lineages, such as sir John fitz Robert le Poer, George le Poer and numerous de Burghs. Among the armigeri were the heirs of three men who had been knights - David Christopher, son of sir Philip Christopher, William le Grant, son of sir John le Grant, and Richard, son of sir Richard Whittey.

The term scutifer or esquire was specifically mentioned on at least one occasion; Philip Christopher was accompanied in Scotland by four men-at-arms and two scutifers.⁹⁷ In

93. See above, p. 67, n. 69.

94. C.P.R., 1348-1350, p. 508.

95. N. Saul, Knights and Esquires, The Gloucestershire Gentry in the Fourteenth Century (Oxford, 1981), (Hereafter cited as 'Saul, Knights and esquires'), p. 12.

96. Rymer, Foedera, II, no. 2, pp. 906-7.

97. P.R.O. E.101/10/16.

England, although it had once meant merely a shield-carrier, it had come to refer to those who were of knightly estate or who could support knighthood but who had not yet been dubbed.⁹⁸ Valleti was also to be found in Ireland; in 1278, Robert le Poer was referred to as the Valletus of Geoffrey de Geneville,⁹⁹ while in 1308 Geoffrey Christopher, valletus of Philip Christopher, was accused of forcibly entering the exchequer in Dublin.¹⁰⁰ An analogy can be made with the English valletus who, in the early fourteenth century, was an individual who, like the scutifer, was of knightly estate but who had not yet assumed knighthood. Dr Saul prefers to see the valleti as being below the knightly rank altogether and to back up his view he quoted a list of valleti who accompanied sir Maurice de Berkeley to Scotland in 1301 including one Reginald Brun, none of whom ever became knights in Gloucestershire.¹⁰¹ He was almost certainly the same as the Reginald Brun who was active in local administrative circles in Ireland at this period, some of which he may have owed to the patronage of Reginald Russel and Margaret de Berkeley, both of whom had Gloucestershire connections.¹⁰² This exception among the Gloucester valetti also

98. Saul, Knights and esquires, p. 13-14.

99. P.R.O. E.101/230/8.

100. P.R.O.I. Ex. 2/2, p. 14, no. 515.

101. Saul, Knights and esquires, p. 14.

102. For Reginald's links with Margaret de Berkeley see Chapter 5, pp. 201-2 and for his administrative posts in Waterford, see Chapter 6, pp. 271, 276.

disproved Dr Saul's argument, for Reginald Brun became a knight before 1308.¹⁰³ Similarly, while Robert le Poer was 3 never named as a knight, his son, sir John fitz Robert, was summoned as a miles in 1335.¹⁰⁴ However, Geoffrey Christopher, while being an important member of a lineage, was never named as a knight.¹⁰⁵

The 'non-knightly' gentry held a number of things in common with the knights; they participated at many levels of local administration including the shrievalty; five sheriffs out of the nineteen members of the gentry who held the post were not knights.¹⁰⁶ Some of them also held lands of the king although their lands were less extensive than those of the knights. Generally they comprised only one manor held in chief, though some held additional lands of other lords. An example was the fitz Davids; they held the small manor of Artpokan in chief,¹⁰⁷ as well as parcels of the manor of Overk on the opposite side of the Suir in Kilkenny of the Fitz Miles.¹⁰⁸ Geoffrey fitz William fitz David and his son

103. In July 1308, Reginald Brun knight, was one of the pledges for William fitz Philip, the sheriff of Limerick, to render his account. (Cal. Justic. Ire., iii, p. 48.)

104. Rymer, Foedera, II, no. 2, p. 906.

105. See Chapter 3, pp. 103, 116.

106. See Chapter 6, pp. 257-8.

107. In 1362, Geoffrey fitz William fitz David alienated three carucates of the manor to his son, Adam fitz Geoffrey, without royal licence. (N.L.I. Ms. 761, p. 190.)

108. Cal. Carew Mss., IV, p. 367.

Adam were both sheriffs of the county.¹⁰⁹ The Gascoins were also never referred to as knights, but yet they played an active role in local administration,¹¹⁰ though this was probably due to their relations with the Geraldines of Desmond.¹¹¹ When occasion arose such minor gentry could augment their holdings; Stephen Franceis had gained custody of part of Templars' manor of Crook.¹¹² In 1334 the sheriff of Waterford was ordered to seize these lands because the former had not rendered his account for the lands and goods of the Templars.¹¹³ It seems that an attempt had been made to transfer the custody of these lands into ownership.

The differences between the various levels of gentry are often difficult to distinguish from purely economic or social criteria. It is not adequate to rely merely on the number of manors held by an individual, for these varied in size and quality of land. Both branches of the Aylwards held between them six manors, but these were very small.¹¹⁴ The difference between a knight and esquire is easier to assess, as a knight usually had his title appended to his

109. See Appendix A., pp. 367, 371.

110. See Chapter 6, pp. 277, 288; Appendix A., pp. 367, 374.

111. See Chapter 5, pp. 203-4.

112. See above, p. 59-60, n. 33.

113. P.R.O.I. R.C. 8/19, pp. 462-3.

114. The branch headed by sir Robert Aylward held the manors of Cross, Brennagh and Ballyaghan, (P.R.O.I. Dep. Keeper's Rep. no. 42, p. 45,) while the other branch, headed by sir Nicholas and Peter Aylward, held the manors of Reske, Ballytruckle and Faithlegg. (Ibid. no. 38, pp. 78-9.)

name in most official sources. Yet some potential problems for this application exist. The appellations 'knight' and 'esquire' were used interchangeably. Philip Christopher became a knight during the Scottish campaign of 1302-3,¹¹⁵ yet in 1307 he was still termed 'Philip Christopher, esquire'.¹¹⁶ The fact that sir Arnold le Poer, one of the most important local magnates was also termed 'esquire' on the same occasion as Philip Christopher demonstrates the ignorance of the writers of medieval sources concerning the true state of members of both nobility and gentry.

The possibility of the evasion of knighthood must be considered. The extent to which legislation regarding knightly distraint was necessary or applied has yet to be established in Ireland. A statute of the 1297 parliament that mirrored the Statutes of Winchester of 1285, demanded that all those with lands worth £20 per annum should guard their lands and provide a caparisoned horse, yet there was no reference to such people becoming knights.¹¹⁷ There possibly existed as in England, a hidden class of potential knights who had sufficient resources for knighthood but who chose to avoid its attendant burdens. However, it is impossible to find such reluctance towards knighthood in Waterford. Although the evidence is completely negative, it is significant that no instance has survived from the later medieval

115. See above, p. 73, n. 92.

116. N.L.I. Ms. 760, p. 277.

117. Berry, Statutes, John - Henry V., pp. 200-1.

period of an individual being amerced for not becoming a knight. The gentry included people like Philip Christopher who were prepared to use all avenues, including criminal activity, to consolidate their social position and this would have included a readiness to assume knighthood. There was also a willingness, at least in the early fourteenth century, to participate in military campaigns. In this respect at least, segments of the gentry of fourteenth century Waterford appear to have been more sympathetic to the physical aspects of knighthood than their social equivalents in England of the fourteenth or fifteenth centuries.¹¹⁸ It can be assumed, therefore, that those who were not called knights were not attempting to evade knighthood.

The Gentry and the Baronage

The relative strengths of the baronage and gentry, such as their landholding strengths, cannot be assessed with great accuracy, yet some comparisons can be made. The Desmond Geraldines were the largest landholders in county Waterford, yet their primacy did not initially distort the picture. The lands in question had been in royal hands for most of the thirteenth century.¹¹⁹ There were those who held

118. See, for example, Saul, Knights and esquires, pp. 42-47. However, his argument that reluctance to assume knighthood on the part of the Gloucestershire gentry was due to an unwillingness to undertake local office-holding is not applicable in county Waterford where the shrievalty was not closed to non-knights.

119. See Appendix C. I, pp. 398-402.

of the king in chief in the manor of Dungarvan but who subsequently became tenants of the Geraldines.¹²⁰ However, no evidence of opposition to the growth of Geraldine power occurred and at least one family that subsequently suffered at the hands of the first earl of Desmond, namely the Walenses, had been associates of the earl's father, Thomas fitz Maurice.¹²¹

Direct confrontation only occurred where there was a conflict or confusion of lordship. The Walenses had held the largest single fee in the Honour of Dungarvan.¹²² However, they could look back to the confirmation of their lands made by King Henry III as evidence for the lands' independence of the holders of that Honour. Once a strong magnate decided to enforce his claim, not solely through recourse to legal methods but through physical ejection, the scope for such conflicts of lordship narrowed. Indeed the experience of sir Richard le Waleis in 1338 or sir Philip Byford in Tipperary demonstrated the inability of members of the gentry, no matter how influential, to resist the aggrandisements of magnates.¹²³

The lands of the les Poers were concentrated in the central section of the county, to the exclusion of other families, while les Botillers of Ormond held little land

120. See above, p. 62.

121. See Chapter 5. pp. 206-7.

122. See Appendix C. II, p. 408.

123. See Chapter 5. pp. 235-6.

within the county until the fourteenth century.¹²⁴ The area where gentry families predominated was in the east of the county near Waterford city. Apart from the le Botiller manor of Dunmore and the templar lands of the Crook, this was made up entirely of small manors held of the king in chief. The de Bruses, Flemings and fitz Davids were holders of a manor apiece,¹²⁵ while the Aylwards held six very small manors though their relative strength was dissipated in the late thirteenth century by the growth of two separate branches of the family.¹²⁶ Some gentry families were to be found in the west of the county, especially the Christophers of Ballykerogue, the Russels of Moyhowe and the Gascoins. These families were also surrounded by extended families of varying sizes which gave them a greater input into local politics than their holdings might have allowed. However, their tenurial position was less secure. The Christophers and Gascoins were both the recipients of lands alienated from the bishopric of Lismore,¹²⁷ while the Russels were tenants of the Desmond Geraldines.¹²⁸

A picture thus emerges of the relative weakness of the gentry in landed terms. It was therefore not unusual that

124. See Chapter 1, pp. 22-3.

125. The de Bruses held the manor of Coulmacsawery in capite; For the manor of the Flemings see P.R.O.I. Dep. Keeper's Rep. no. 37, p. 42; Ibid. no. 38, p. 78.

126. See above, p. 77, n. 114.

127. See above, pp. 64-5.

128. P.R.O. E.101/233/6.

they were in a weaker position in terms of political power vis-à-vis the magnates and their lineages.

The changing gentry.

The gentry, no more than any other social grouping, did not remain a static entity made up of the same families. It is impossible to describe the establishment and subsequent growth of individual gentry families. This is largely due to the lack of charters and narrative sources that would permit a study of subinfeudation. The Aylwards, for example, had been granted the lands around Resk and Faithlegg in Waterford in the early 1170s.¹²⁹ The Christophers, though their earliest activity was in Wexford in the early 1180s were also well established by the beginning of the thirteenth century.¹³⁰ The landed resources had not been saturated by settlers, for Thomas fitz Anthony was able to make numerous alienations from the demesne lands in Dungarvan.¹³¹ Considerable landed resources were still held by Irish chieftains until the middle of the century, but from 1253 onwards these were granted to David Russel and William de Welond, among

129. In 1172 the lands of Faithlegg were granted to 'Alward juvenis', who was described as the king's merchant. (W. Lynch, A View of the Legal Institutions etc. established in Ireland During the reign of Henry the Second (London, 1830), p. 107.)

130. Roger fitz Christopher granted lands to the priory of St Nicholas at Exeter in the early 1180's (E. St. J. Brooks, 'Unpublished Charters relating to Ireland, 1177-82, from the archives of the city of Exeter' in R.I.A. Proc., 43 C (1935-7), pp. 358-9, no. 39) and he also witnessed a similar grant of David de Rupe in 1181. (Ibid., p. 317, no. 1.)

131. Rot. Litt. Claus., II, p. 195.

others, on the condition of higher rents being paid to the crown for them.¹³²

It is possible to see some people being intruded into the Waterford gentry, the most important being the De Stapiltons. Their landed interests had been concentrated in county Tipperary before being granted lands in Waterford in 1282.¹³³ Both he and his eventual heir, John de Stapilton, played active roles in local administration.¹³⁴ However, John's son Edmund, did not play a prominent role in Waterford and preferred to reside on his Tipperary lands.¹³⁵ No member of the Stapiltons were mentioned in the Desmond indictments, for example. The processes of extinction in the male line working to the advantage of relatives by marriage occurred in Waterford as elsewhere. For example, William de Londres died without a male heir and his lands subsequently devolved to his son-in-law, William le Botiller.¹³⁶

On the whole it may be stated that the gentry had enjoyed a strong position in Waterford throughout the thirteenth century. The les Botillers of Ormond had not established themselves territorially while two of the Desmond Geraldines died before they had enjoyed an opportunity to

132. See Chapter 4, p. 137.

133. See above, p. 56.

134. Appendix A., pp. 365, 367.

135. In 1355 Edmund de Stapilton was a juror in a case in the palatine court of the liberty of Tipperary at Clonmel. (Cal. Orm. Deeds, II, pp. 50-1, no. 49.)

136. P.R.O.I. R.C. 7/2, p. 113.

impose their will on the gentry. The latter had to deal however, with the les Poers and their lineages. Such magnate influences were largely held in check by newcomers intruded into the social framework, such as Robert de Stapilton, or the presence of ambitious sheriffs such as Walter de la Haye; when Robert le Poer pursued a campaign of intimidation against sir John Aylward in 1284, he was imprisoned by de la Haye.¹³⁷ However, as magnates began to feel less threatened by such agents of royal authority as de la Haye, and indeed assumed the office of sheriff themselves, the gentry became increasingly subsumed by the growing conflicts between them. The extent to which individual members of the gentry achieved influence in the locality was dependent on their proximity in political terms to the baronage. There was thus no opportunity for the maintenance of a 'gentry spirit'. Even in the fourteenth century they had to compete with the powers of the various lineages at work in Waterford, both for positions of local importance, as well as with allies of the magnates from outside Waterford for their lands. These were introduced in order to buttress baronial power and influence, and to make up for any shortfall in gentry support.

An example of the 'new gentry' of county Waterford was sir Walter de Mandeville, a relative of the de Mandevilles of Ulster. He first appeared in Waterford in 1323 when he witnessed, along with numerous Waterford and Tipperary

137. Cal. Justic. Rolls, Ire., II, pp. 219-20.

landholders, a quitclaim by Richard de Burgh to Maurice fitz Thomas and his wife, Katherine, de Burgh's daughter.¹³⁸ This signalled the beginning of a relationship with the earls of Desmond that was to see Walter de Mandeville and his son Thomas share in both the victories and defeat of the former, and in which such loyalty was rewarded by lands vacated by opponents of the earl.¹³⁹ De Mandeville and his heirs were in a much more powerful and influential position in the late fourteenth century than many of the long-established gentry families of Waterford.

Naturally, the disturbed conditions of the fourteenth century led to some evacuations. In 1393 Roger Franceis complained that his lands had been wasted by constant warfare in the area and that he was forced to reside with his mother in Wexford.¹⁴⁰ Other less dramatic departures occurred; in 1355, Richard Whittey, son of a former sheriff, received seisin of his lands in Waterford,¹⁴¹ though by 1375 he had become a custos pacis in Wexford indicating that he too had relocated in that county.¹⁴² Both these families held lands in the east of the county, and the fact that both possessed lands in Wexford certainly facilitated such relocation. Another site of relocation was Waterford city. In

138. Cal. Carew Mss., IV, p. 363.

139. See Chapter 5, pp. 211-12, 236.

140. Graves (ed.), King's Council in Ireland, 16 Richard II, p. 98-9.

141. R.P.H., p. 58, no. 4.

142. Ibid., p. 93, no. 128.

August 1393 Thomas Whitefeld, the descendant of a minor gentry family, quitclaimed to James, earl of Ormond, all his rights in the manor of Ballykillenan in county Waterford.¹⁴³

Another area of exile that was more convenient to west Waterford was the port of Youghal. In 1478, William Walsh, a descendant of the Walenses who held the manor of Kilmanaghan, was described as a merchant of Youghal.¹⁴⁴ There were other families such as the Fitz Warins, de Bendeilles and de Bycamptons, who disappeared without trace from available sources in the later half of the century, but who probably remained in possession of their lands.

The relative importance of the gentry in local government in the fourteenth century gave way in the fifteenth century to the dominance of the most important sections of the le Poers. Political power was exercised much more directly by the magnates themselves or their families. A comprehensive list of fifteenth century sheriffs cannot be compiled because of the infrequency with which they came into contact with central government, but those names that do appear belonged exclusively to one or other faction of the le Poers.¹⁴⁵ Similarly, the lack of detailed sources for Waterford after 1400 does not allow an examination of the position of the gentry with regard to other official positions such as the coronership or the extent to which they

143. Cal. Orm. Deeds, II, p. 222, no. 307.

144. Morrissey, Statutes, Edward IV, II, pp. 634-5.

145. See Appendix A., pp. 371-2.

were still able to acquire the custody of escheats.

The gentry's political power in fourteenth century Waterford was in decline. However, the fourteenth century was marked by a number of apparently favourable phenomena. Some had been able to augment their landed holdings at the expense of the Knights Templars.¹⁴⁶ However, among those who received custodies of these lands was John fitz Geoffrey le Poer of Ballydurne and sir William fitz Richard le Botiller of Dysert. Just as they had to compete with the 'gentry' elements of the lineages for local office, so too in the competition for whatever surplus lands that were available. The gentry was also augmented by new families such as the de Mandevilles. Unfortunately the role played by the Desmond Geraldines in the introduction of the de Mandevilles to Waterford, but once they had become established, they proved to be some of former's most loyal and consistent allies. There was no analogy in Waterford to the augmentation of the county gentry by successful commercial or professional elements, as occurred in early fourteenth century Warwickshire for example.¹⁴⁷ Instead, the only alternative to leaving Waterford was to come to terms, as far as possible, with the power of either the earl of Desmond or Ormond.

146. See above, pp. 59-60.

147. See P. R. Coss, Lordship, Knighthood and Locality: A Study in English Society c. 1180 - 1280 (Cambridge, 1991), p. 298.

The sub-gentry

Just as there was a transition zone between the gentry and baronage, so there was also one between the gentry and the freeholders. The term 'sub-gentry' perhaps is too strong, insofar as it implies a separateness from the latter, but they were too insignificant politically or economically to be entitled to belong to even the lowest rungs of the gentry ladder. The 'sub-gentry' was a category of freeholders who performed minor administrative tasks but whose landed interests were too insignificant to belong to the gentry. They were similar in some respects to the English 'franklins' though they were far from equivalent.¹⁴⁸ However, in Gloucestershire, such minor people were occasionally able to hold the office of sheriff, whereas in Waterford they were confined to the lower local administrative stratum.¹⁴⁹

Among this category must be included individuals such as William fitz Nicholas. He was a cantred sergeant and coroner in Waterford,¹⁵⁰ and along with his brother, John, was responsible for the money collected for building a bridge in Dungarvan in the early 1330s.¹⁵¹ Another person who was

148. N. Denholm Young, The County Gentry in the fourteenth Century, p. 16, 23-29. The biggest difference was that the sub-gentry of County Waterford never increased their political power, nor did they develop into a 'yeoman' class.

149. Saul, Knights and esquires, pp. 19-20.

150. P.R.O.I. Ex. 2/1, p. 167.

151. P.R.O.I. Dep. Keeper's Rep. no. 44, p. 25.

not recorded as holding lands in chief or holding any higher position was Adam Brun, a coroner in 1289.¹⁵² Naturally, these were the people who were responsible for the collections of subsidies. Among those elected to collect a subsidy to fight the Irish in 1358 was Richard Went.¹⁵³ Went's namesake, presumably his father, had been a juror in the county in 1311 and 1312,¹⁵⁴ but apart from this he left no other trace of his activity. Similarly, Henry Corbri who was also named as a collector, came from a family that had previously been a member of local juries.¹⁵⁵ Others, however, were even more obscure in their origins, such as Geoffrey Lunt or Thomas Fonce who were chosen to find 20 archers in the county in 1381.¹⁵⁶

It is sometimes difficult to find the location of their lands or the amount involved. As far as can be ascertained, their lands were not extensive. For example, Geoffrey Brun, a sub-sheriff and clerk of Robert de Stapilton,¹⁵⁷ seems to have only held a half carucate at Moyrud in the manor of Dungarvan.¹⁵⁸ Similarly, William fitz Nicholas held an unspecified amount of land in Ballygagin in west

152. P.R.O. E.101/231/6.

153. R.P.H., p. 72, no. 156; P.R.O.I. R.C. 8/27, p. 429.

154. Cal. Justic. Rolls, Ire., III, pp. 176-81, 248, 250, 261.

155. Ibid., p. 182; In 1309, John Corbri was involved in a case of novel diseisin with Reymund de Carreu. (Ibid., p. 137.)

156. R.P.H., p. 113, no. 169.

157. Cole, Documents illustrative of the History of England, p. 81.

158. P.R.O. E.101/233/6.

Waterford.¹⁵⁹ It is also difficult to speak of them as a well-defined socio-political class outside the gentry but rather, as yet another transitional zone.

The lineage was at the heart of the political control of Waterford. Not only did it control the local level of political activity but it also provided a mechanism for control at the local level.

At the outset the use of the term 'lineage' will be defined. A lineage was a family or group who claimed descent from a common ancestor. The lineage therefore included all those who were related or claimed to be related to the common ancestor. The lineage therefore included all those who were related or claimed to be related to the common ancestor.

Lineages included the separate elements of a society. Just below and often closely related to the larger lineage were smaller units. These units were often smaller, as well as more numerous. They were often smaller, as well as more numerous. They were often smaller, as well as more numerous.

Only a brief outline of the various lineages will be given. The differing roles that they played, rather than detailed descriptions of each one is given. For such detailed studies of individual lineages and their role in the

159. P.R.O.I. M. 2648, p. 27.

CHAPTER 3.LINEAGES AND PARENTELAE

The lineage was at the centre of the political control of magnates in Waterford. Not only did it prevent the domination of local political society by the gentry, but it also provided magnates with a mechanism for control at local level.

At the outset the use of the term 'lineage' must be defined. A lineage was a kindred of familial groupings who claimed agnatic relation with each other and descent from a common ancestor. The lineage therefore embraced all those who were related or claimed or acknowledged relationship by the use of a common surname, irrespective of their social condition.

Lineages included two separate elements; a 'gentry' element just below and often closely related to the baronage, who were prominent members of local political society and were prominent landholders, and a 'surname' element or parentela which embraced those whose landholding was much smaller, as well as many whose territorial status cannot be ascertained at all but who nevertheless shared the same surname as the preceding group.

Only a brief outline of the various lineages will be given and the differing roles that each played, rather than detailed descriptions of each one in turn, for such detailed studies of individual magnate lineages and their role in the lordship as a whole and not in one area, have yet to be completed.

By the beginning of the fourteenth century traditional ties between lord and vassal were becoming less relevant to the existing situation in many parts of Ireland. The obligation of the lord to provide protection against Irish raids or ordinary criminals was often meaningless, especially if the lord in question was either the cause of much of the violence or was an absentee. Ultimate loyalty was owed to the king, possibly the greatest absentee landholder in the lordship. The protection that he provided through his officials and the various royal armies that were formed in Ireland could be of only a short-term benefit. In an insecure situation like this, protection had to be sought elsewhere.

Side by side with the feudal concept of loyalty by a vassal to a lord was a competing structure of a complex of loyalties based on familial ties, the most important of which was the primary one of relationship by blood. These were more immediate and more local than the former could ever hope to be. However, while they were a competing source of loyalty to the former they became essential in the fourteenth century for the preservation of any links between vassals and the king.

Lineages were an additional facet to a society based on a simple baronage - gentry divide. They cannot be viewed as a separate sociological class, for in terms of land, tenure or wealth they were heterogeneous; they formed a parallel socio-political grouping that mirrored all the various gradations of society from the magnates downwards and which

was not capable of expression solely within feudal terms. There were some who could have belonged to the various levels of the gentry and sub-gentry and who also held lands of the king, and more important, there were also those who belonged to the socially marginal zone of society, holding no land of their lord at all. Yet what united them to their lords was not a transient political expediency or the extension of feudal ties but a relationship founded on links of familial affinity. Therefore the lineage was an extended political family that, through its inclusion of disparate elements, was very extensive, but also dangerous and difficult to control.

Lineages were primarily the reserve of baronial families. The membership of magnate lineages included relatives who shared neither the privileges and titular distinctions of nobility of the heads of the family nor the same landed resources. Some could hope to belong to the imprecise, transitional zone between baronage and gentry that was mentioned in a previous chapter:¹ Many members of this zone, such as the les Poers of Kilmeadan, were heads of collateral branches of lineages. The membership of this transitional category was never static and was thus not transferable on a hereditary basis.

The most important features that defined the baronage were the geographical dispersal of their landed interests

1. See Chapter 1, pp. 46-9.

throughout the lordship.² In the initial phase of settlement, there was ample room to reward younger brothers and sons with fees of their own and to allow for the creation of cadet branches. In the case of the les Poers this process can only be viewed imperfectly as very little material relating to the subinfeudation of Waterford has survived, and it is only possible to trace the relationships of the various branches with uncertainty. Within the lordship as a whole, there existed numerous branches of the family. The three most important ones being descended from the three sons of Ralph le Poer, a Somerset landholder of the mid twelfth century;³ Robert I, the ancestor of the le Poers of Donoil; William I Poer, ancestor of the Grannagh and Dunbrattin branch and Roger whose descendants were the les Poers of Moiset and Killeen in county Kilkenny.⁴ The les Poers of Grannagh and Kells, though holding most of their land in Kilkenny,⁵ held the extensive manors of Oughtertyr and Fenoagh in north-east Waterford.⁶ These lands, combined with their close political association with the les Poers of Donoil, allowed them to play prominent roles in both Kilkenny and Waterford in the early fourteenth century. The les Poers of Moiset, held most of their lands outside county

2. See Chapter 1, p. 16.

3. W. Farrer, Honours and knights' fees, I (London, 1923), pp. 131-2.

4. See Appendix B. I, p. 381; E. St. J. Brooks, Knights' fees, pp. 179-181.

5. See Appendix B, II, pp. 384, 387.

6. N.L.I. Ms. 760, p. 298.

Waterford⁷ but this did not prevent an active participation in the political society of county Waterford.⁸ However, they always remained more distant from the other two and, apart from the involvement of sir George le Poer in Eustace le Poer II's rebellion of 1345 never participated with them in disorder or shared in the resultant forfeitures.⁹

At a lower level there existed a series of cadet branches who made up the 'gentry' element of a lineage. They were often closely related to the lineage's leader, being cousins and younger brothers, such as sir John fitz Thomas, or Robert le Poer while others were more distantly related and were the leaders of well-established collateral branches of the family in their own right. The individual relationships between various branches of the les Poers can be traced with difficulty,¹⁰ while the surviving genealogies for the more remote cadet branches of the Desmond Geraldines are largely a seventeenth century fictional overlay of a very thin layer of historical fact.¹¹ The members of these collateral branches had to be satisfied with less extended landed holdings, sometimes of only one or two manors each,

7. See Appendix B, II, pp. 385, 389-98, 394.

8. See Chapter 6, p. 257.

9. Brooks, Knights' fees, pp. 103-5.

10. The relationships between the the main branches of the les Poers, and some of the cadet branches is outlined in the genealogical tables in Appendix B. I, pp. 376-82.

11. See, for example S. Hayman (ed.), 'Unpublished Geraldine Documents' in Journal of the Historical and Archaeological Society of Ireland, 1 (1868-9), pp. 356-68 and J. Graves (ed.), 'The Earls of Desmond' in Ibid., pp. 461-4.

thus belonging to the same landholding category as the gentry. Some of them were also knights.

The best-represented collateral branches of a baronial family in Waterford were the les Poers. There were numerous in Waterford and it would be tiresome to list them individually. Examples included the 'Blakeman' les Poers of Islandbrick whose most prominent member was sir Richard le Poer, sheriff of Waterford and Tipperary.¹² He held the manor of Islandbrick in Waterford and the small manor of Rathworby in the barony of Rower.¹³ The les Poers of Ballydurne held only the manor of that name, and parcels of land at Ballykelly and Clonea, the latter presumably of the les Poers of Dunhill.¹⁴ These cousins and younger brothers were furthermore used in their turn as the local agents of the powerful magnates. In 1295, Eustace le Poer appointed his brother sir Stephen le Poer as his bailiff in the manor of Dunhill, of which Eustace held the custody during John fitz Peter le Poer's minority.¹⁵ Apart from such short-term signs of favour the cadet branches could also benefit materially in the long term. In 1307 Eustace received the manor of Kilmea-

12. See Appendix A., p. 366 and Appendix B. II., p. 388.

13. Cal. Carew Mss., IV, p. 367.

14. P.R.O.I. M. 2646, p. 18.

15. P.R.O.I. R.C. 7/5, p. 116.

dan, previously held by sir Walter de la Haye.¹⁶ He in turn granted it to sir John fitz Benedict le Poer of Kilmeadan. The manor was prosperous; in 1282 it was extended at £100 per annum¹⁷ and this prosperity was partly due to its location alongside the Suir and the position of the vill of Kilmeadan as an entrepôt for Waterford.¹⁸ Subsequently, in the second quarter of the century Maurice fitz Thomas claimed that it had been held by his great-grandfather, John fitz Thomas as part of the lands of Decies granted to the latter,¹⁹ while Ralph Ufford and his son both claimed the manor as the inheritance of their ancestor, sir Robert D'Ufford.²⁰ Yet the les Poers of Kilmeadan were able to hold out against all claimants and the possession of the manor added greatly to their position in local society.

Many of these les Poers were also knights. However, it is impossible to say whether any of them came near the £40 threshold as inquisitions post mortem for the les Poers' lands have not survived and it is impossible to gauge the

16. P.R.O.I. M. 2652, p. 7; Genealogical Office of Ireland Ms. 192, p. 9. The manor had been granted by king Edward to Robert de Ufford, earl of Suffolk at an unspecified date in the 1270s (Cal. Inq. P.M. II, p. 343) who granted it in turn to sir Walter de la Haye before June 1285 when the latter received a grant of free warren there. (Cal. Chart. Rolls, 1257-1300, p. 319.)

17. Cal. Inq. P.M., II, p. 253.

18. In 1307 a number of Bristol merchants complained that they had been robbed while trading in Kilmeadan. (Cal. Justic. Rolls, Ire., II, p. 331.)

19. P.R.O.I. R.C. 8/15, p. 157.

20. Connolly, 'Ancient Petitions', p. 83; C.C.R., 1354-60, pp. 636-7.

wealth of their lands. A prominent member of this gentry section of the lineage, such as sir John fitz Robert le Poer or sir John fitz John le Poer, held lands in many places beyond Waterford and it is certain that they was able to approach the property qualification. Similarly, the les Poers of Kilmeadan, once they were in possession of the manor of that name, would not have had much difficulty in becoming knights on such resources. Other members of cadet branches, such as sir Richard 'Blakeman' le Poer's manor of Islandbrick consisted of slightly over one carucate of land.²¹ It is hard to see how they could attain knighthood on such meagre resources, and so it is possible that the conferral of knighthood was used by the heads of lineages to reward loyal service, as with members of magnates' retinues,²² and that their knightly status was a recognition of their closeness to the magnate core.

The Desmond Geraldines, instead of a large number of cadet and collateral branches in Waterford had only one. It is uncertain whether the Geraldines of Desmond held any land in Waterford before the acquisition by John fitz Thomas of the custody of the county and the Honour of Dungarvan in 1259, and as a result the numerous Geraldine cadet branches had been settled mostly in counties Limerick and Kerry.²³ As

21. P.R.O. E. 101/243/10.

22. See Chapter 2, p. 73.

23. For a brief discussion of some of the Geraldine cadet branches see K. W. Nicholls, Gaelic and Gaelicised Ireland in the Middle Ages (Dublin, 1972), p. 167.

Maurice fitz Thomas extended his influence eastwards into Waterford and south Tipperary in the 1320s and 1330s, he sought to introduce members of one of these cadet branches of the Geraldines into the land-holding framework. The head of this branch was his nephew, sir Thomas fitz John of Desmond. Maurice fitz Thomas had lands that he could dispense to his kinsmen. In the manor of Dungarvan there was plenty of demesne land,²⁴ as well as lands that had been abandoned in the course of the violent confrontations between Maurice fitz Thomas and Arnold le Poer. After the earl's rebellion the lands of sir Thomas in Waterford along with those of the earl were forfeited.²⁵ Their extent showed that his fees had once been held by tenants of the Honour of Dungarvan whose family had either died out or who had left Waterford in the early fourteenth century.²⁶ For example, part of the land of Ardsillagh had been held by David de Wasburne in 1298,²⁷ but the family disappeared from Waterford sources after 1306.²⁸ Thomas fitz John also held a parcel of land at Moyeth in 1345. Before 1325 this was held by Adam fitz Benedict le Poer, but in the subsequent disturbances he was forced to abandon this tenement for his

24. Appendix C. I, p. 407.

25. P.R.O. E.101/241/14.

26. N.L.I. Ms. 761, p. 142.

27. P.R.O. E. 101/233/6.

28. The last reference to a de Wassheburne in Waterford was in February 1306 when David de Wassheburne, a juror, was fined for non-attendance. (Cal. Justic. Rolls, Ire., II, p. 221.)

holdings further east in the county.²⁹ It is clear therefore, that Thomas fitz John was being insinuated into the land-holding structure in the same way as members of Maurice fitz Thomas' retinue, like sir Walter de Mandeville.³⁰

In addition to the lands that were granted to him, sir Thomas fitz John acquired an ill-defined position of authority in the Desmond Geraldine lands in west Waterford under Maurice fitz Thomas, as was exemplified by an indenture of retinue between him and sir Thomas de Mandeville in 1341.³¹ Thomas fitz John's position continued after the death of fitz Thomas into the time of the third earl; in June 1359 a mandate to restrain fighting between the de Mandevilles and some of the les Poers was directed to both Gerald fitz Maurice and Thomas fitz John.³² The Desmond Geraldines therefore had established a collateral branch in Waterford by the middle of the fourteenth century and the practice of Geraldine consolidation as pursued by Maurice Fitz Thomas' heirs led to the creation of a separate branch of Decies Geraldines.³³ Waterford did not witness the development of a

29. P.R.O.I. R.C. 8/15, pp. 133-4.

30. See Chapter 5, pp. 204, 211-2.

31. K. W. Nicholls (ed.), 'Abstracts of Mandeville Deeds' in Analecta Hibernica, 32 (1985), pp. 18-9.

32. R.P.H., p. 80, no. 135.

33. K. W. Nicholls, 'The Geraldines of Decies' in Decies, 12 (1978), p. 23. The 'Geraldines of the Decies' that played an important role in the final defeat of the last earl of Desmond in the 1570s were descendants of Garret, brother of Thomas fitz James, seventh earl of Desmond. (Nicholls, Gaelic and Gaelicised Ireland, p. 163.)

plethora of Geraldine cadet branches; instead the one branch that grew up in Waterford had the specific role of guarding the earls' interests and was imbued with some of his authority. Waterford was, however, but one of the areas of Desmond interest, and so the importance played in it by just one Geraldine cadet branch was not surprising.

The last important baronial lineage in the county was made up of the cadet branches of the les Botillers of Ormond. The latter were the least extensive baronial landholders in their own right.³⁴ Two cadet branches had been long established by the end of the thirteenth century. The first of these were the les Botillers of Offath but while they played a role in local political society, producing a sheriff in the person of William fitz Richard le Botiller, the les Botillers of Dysert and Dunmore were more important; they were tenants in chief not of the le Botillers of Ormond but of the king³⁵ and in 1310 John fitz William le Botiller was referred to as 'dominus Johannes le Botiller' in a recognition of debt.³⁶ The le Botiller lineage was never as extensive as those of the les Poers and when James, the second earl of Ormond started to take an interest in Waterford after the defeat of the earl of Desmond's rebellion in 1345, they had to look outside their own family to the residue of Eustace le Poer's lineage to supplement their

34. See Chapter 1, pp. 22-3.

35. P.R.O.I. Dep. Keeper's Rep. no. 42, pp. 24-5, 57.

36. R.P.H., p. 15, no. 236.

support.³⁷

These collateral branches formed an important part of the overall structure of local society. However, they served different purposes depending on the needs of the magnates involved. The les Poers were agents of the interests of the barons of Donoil and the les Poers of Grannagh and Kells and as such they held prominent roles in local office-holding.³⁸ The Geraldine lineage was the newest to the area and like the les Botillers were numerically insignificant at first. In time the former spearheaded an internal colonisation of eastern Munster in an attempt to emulate the les Poers who served their magnates' interests through their physical presence.

The heads of the collateral branches can be viewed as analogous, though not equal to, the gentry. One of the elements that defined membership of the gentry was tenancy in chief. Yet these collateral branches were rather tenants of the respective leaders of the lineage. Many were also knights, but once again the initiative in the granting of knighthood often lay with the head of the lineage rather than with the king.

Lineages also grew up around some members of the gentry: Families such as the Russels and Aylwards were also lineages in their own right. Unlike the baronial lineages, the

37. See Chapter 5, pp. 210-1.

38. See Chapter 6, pp. 249, 257.

'gentry' element of the lineage was naturally much smaller. The leaders of the lineages were themselves members of the gentry, but only a few of the leaders of the numerous collateral branches were well-enough endowed in terms of political influence to be viewed as members of the gentry. Apart from Geoffrey Christopher, brother of the more infamous Philip who was briefly chief sergeant in the 1330s,³⁹ they never participated in local society through office-holding. They were however on the borderline between the respectable gentry element and the parentela and were often responsible for the latter's leadership.

The Cognomina, Parentelae and Progenie

These terms were used throughout the fourteenth century to refer to those elements that belonged to the extended family of a magnate lineage but who belonged to the margins of society. They were most visible when engaged in criminal activity along with, or in the interests of their lord. For example, the murder of John le Grant in 1311 was carried out by a mixed grouping that included many members of the les Poers.⁴⁰ Similarly, when baron John le Poer participated as an accomplice in the abduction of Margaret de Berkeley in 1311, he was accompanied by many individuals who shared his surname.⁴¹ Despite their lawlessness, they could show a

39. See Appendix A., p. 373.

40. Cal. Justic. Rolls, Ire., III, p. 261.

41. Ibid., p. 191.

unity of purpose. In 1316 it was stated that numerous members of the Barrenses and Rupenses of Cork 'kept themselves by one and unanimous counsel as manifestly at war' during disturbances with the Cogans.⁴²

No difference of meaning existed between the various terms, and they were often used analogously as in 1317 when David fitz Alexander Roche was assigned to arrest 'omnes de cognomine et parentela sua'.⁴³ It is doubtful that they were used with the degree of precision with which they were used towards the native Welsh, whereby progenie referred to a large descent group and parentela to a more restricted kindred grouping.⁴⁴ In Wales, these terms were applied exclusively to the native Welsh and in Ireland they were used to describe Irish familial groupings. Thus in an agreement concluded between James earl of Ormond and Ruaidhrí O Cennédigh or O'Kennedy in March 1336, the former promised that if any of his men killed those of the latter he would pay compensation to the 'parentele interfecti'.⁴⁵ Such a confusion and ambiguity was probably a response to a lack of an adequate social and familial vocabulary.⁴⁶

They were not socially homogeneous but they did share a

42. P.R.O.I. R.C. 8/5, p. 58.

43. R.P.H., p. 23. no. 78.

44. R. R. Davies, Conquest, Co-existence and Change; Wales 1063-1415 (Oxford, 1986), p. 123.

45. Cal. Orm. Deeds, I, p. 289, no. 682.

46. See B. Hanawalt, The Ties that Bound: Peasant Families in Medieval England (Cambridge, 1986), p. 79.

common social and political marginalisation that was the result of ineffective absorption into feudal society. A second factor that united them even more was their claim to be related, either closely or more distantly with the baronial or gentry family concerned. Indeed their most telling symptom in official sources was a long list of dozens of individuals sharing a common surname.⁴⁷ Outside Waterford they were to be found in counties Cork,⁴⁸ Tipperary⁴⁹ and southern Kilkenny,⁵⁰ as well as in the foothills of the Dublin mountains.⁵¹ They were not a feature of all parts of the lordship at the same time; They were not to be found in eastern Meath or Uriel in the fourteenth century, though by the fifteenth century, lineages also had developed in Meath and Dublin.⁵² It is also probable that they also existed in Ulster and Connacht though studies on familial groupings in these areas have yet to be undertaken.

The origins of the various parentelae are unclear. Dr

47. P.R.O.I. KB. 2/8, pp. 36-8.

48. Cal. Justic. Rolls, Ire., III, p. 247; P.R.O.I. KB. 2/5, pp. 54-63.

49. See, for example, the pardons to various members of the Tobins in May 1310. (Cal. Justic. Rolls, Ire., III, pp. 146-7.)

50. The most prominent parentelae were the Rupenses or Roches of the Rower. See for example, the pardons granted to numerous Rupenses at the instance of Philip Roche in November 1316. (P.R.O.I. K.B. 2/5, pp. 32-3.

51. Frame, English Lordship, pp. 28-9.

52. In 1456 a number of members of the Plunketts and Cruises who were accused of numerous oppressions and murders, were ordered to surrender at Dublin Castle. (Berry, Statutes, Henry VI, pp. 440-43.)

Frame has surmised that they may have been imported by the initial settlers from Wales.⁵³ While many of the Munster families that developed extended lineages (the Christophers, Roches and les Walenses) came from Wales, such an argument cannot cover families like the les Poers who came from Somerset. The similar phenomenon of kin-groups existed in Late Anglo-Saxon England, but it is unlikely to have survived into the Norman period and still more unlikely to have been adapted by settlers such as the les Poers.⁵⁴ Sadly, the same breadth of sources have not survived from the early thirteenth century as have survived from the end of the century. The parentelae therefore appear ready-made on the historical scene.

In attempting to account for their growth it is worth remembering that Ireland was not unique in possessing such groupings. The southern borderlands of Scotland and England were also inhabited by 'surnames'; in Scotland they had developed by the early fourteenth century but it was not until 1498 that the term was used for the first time.⁵⁵ The growth of surnames in Northern England was equally obscure; They were in existence by the last quarter of the fourteenth century but this certainly did not reflect a novel situa-

53. R. F. Frame, 'Power and Society in the Lordship of Ireland, 1272-1377' in Past and Present, 76 (1977), p. 20.

54. H. Jewell, English Local Administration in the Middle Ages (Newtown Abbott, 1972), pp. 159-60, 165.

55. T. I. Rae, The Administration of the Scottish Frontier 1513-1603 (Edinburgh, 1966), p. 6.

tion.⁵⁶ The 'surnames' of the Hindleys and Tildesleys, to name but two, were also in existence in southern Lancashire by 1322.⁵⁷ It is curious that they have not been identified in Wales despite the various marcher lordships and the contact between Norman and native Welsh providing opportunities for their growth. However, 'surname' elements, in all but name were operational in fifteenth century Wales,⁵⁸ and as part of the Deveraux-Herbert gang in fifteenth century Herefordshire.⁵⁹

The factors that were shared between Munster and the Scottish borders were distance from central authority and a concomitant ambiguity of lordship between the king and local magnates. Both areas were borderlands. The regions of Lauderdale and Cumberland were border zones with all the implications for escape from one jurisdiction to another. Similarly the position of much of Munster had been recognised as a march from the time of the first grant to Thomas fitz Anthony in 1215 when he was granted custody 'tam in marchia

56. J. A. Tuck, 'Richard II and the Border magnates' in Northern History, 3 (1968), pp. 28-32.

57. The accounts of the various factional feuds that accompanied Thomas of Lancaster's revolt and subsequent execution were recorded by a judicial commission in Wigan in 1323. Some bear a striking similarity to Irish Justiciary roll accounts listing numerous felonies committed by people with the same surname. (G. A. Tupling, South Lancashire in the reign of Edward II, (Chetham Society, Third Series, 1, 1949, pp. 15, 16, 32, 36.)

58. See R. A. Griffiths, 'Gruffydd ap Nicholas and the fall of the House of Lancaster' in Welsh Historical Review, 2, no 3 (1965), especially pp. 224-5.

59. A. Herbert, 'Herefordshire 1413-1461; some aspects of Society and Public Order' in R. A. Griffiths (ed.), Patronage, the Crown and the Provinces (Gloucester, 1981). pp. 103-23.

quam alibi in terras nostras'.⁶⁰ Both of these in turn contributed to the virtual omnipresence of warfare, whether between those on either side of the border or among the magnates and lineages themselves. This was responsible for the particularly close relationship between lineage leader or lord and parentela. The same environment of permanent conflict, whether between kings or local barons, permeated the borders of Scotland. Therefore the parentela became an essential part of the magnates' retinues. But the attractiveness of the organised parentela was also great for its potential members. In a turbulent and unstable situation, the rights of the individual meant little as opposed to those of a grouping that could respond collectively to any wrongs perpetrated against its members. The parentela grew in response to a lack of royal lordship, but it did not emerge in response to a lack of lordship per se, as in Northumbria.⁶¹ In Ireland, parentelae were part of the extended families of both powerful magnates and members of the gentry who could provide various levels of protection.

There were other factors that aided their growth. The manorial system did not apparently absorb everybody while a regional or localised imbalance of landed resources to population may have exacerbated the process of progressive marginalisation. It is worth remembering that the parentelae of both magnate and gentry families were to be found specif-

60. Rotuli Chartarum, p. 210.

61. See J. A. Tuck, 'Northumbrian society in the fourteenth century' in Northern History, 6 (1971), especially pp. 27-8.

ically in upland and forested areas of the lordship and were noticeably absent, at least at an early stage, in more fertile areas. Additionally there were members of parentelae that were possibly the products of the informal liaisons of members of the magnate and gentry families and the Irish and who claimed kinship in a manner similar to the principle of 'naming' in Gaelic Ireland⁶² or cynnwys in Wales.⁶³ A significant amount of contact with the Irish had led to some of them having Irish adjectives such as 'fin' (fionn), 'ban', boy (buidhe) or 'don' appended to their christian names.⁶⁴ A degree of linguistic and structural gaelicisation was exemplified by the likes of Robert Mac Sym le Poer,⁶⁵ and William duf McEnery de Rupe or Roche.⁶⁶ However, the use of Irish personal names, for example, 'Emoun le Poer' was very rare.⁶⁷

Many of those who shared the surname of le Poer may have had a tenuous relationship, if any, with the family itself. No record survives of any Irish chief ever refusing to accept a child named as his offspring, nor of a person

62. Nicholls, Gaelic and Gaelicised Ireland, pp. 77-79.

63. Davies, Wales 1063-1415, p. 128.

64. For example, Robert fyn le Waleis (P.R.O.I. KB. 2/8, p. 37); David Kerdagh Christopher and David Don Russel (P.R.O. E.101/244/9) and Philip Boy and Thomas Don Russel. ('Legal proceedings', p. 9.)

65. Cal. Justic. Rolls, Ire., III, p. 179.

66. This individual was among a number of members of the Rupenses of the Rower and Faithlegg who were pardoned their misdeeds for their service against the Scots in November 1316. (P.R.O.I. KB. 2/9, p. 32.)

67. P.R.O.I. KB. 2/7. p. 36; R.P.H., p. 24. no. 130.

claiming affinity with the les Poers or any other lineage having his claim refused, though it is unlikely to have come down in written sources. It was in the best interests of the heads of these lineages to have as many supporters as possible. The commission that was made to David Roche in 1317 was 'ad arrestandum omnes de cognomine et parentela sua'.⁶⁸

Many historians have stressed the analogy between these groupings and the clans of Ireland and the Scottish Highlands.⁶⁹ Dr Empey has even stated that the very existence of such groupings was evidence of an English family having 'adopted Irish ways'.⁷⁰ Yet such an analogy must not be stressed too far. It is true that the strength and reliance on ties of blood owed more to the Irish clan or Welsh cenedl than to the structures of feudalism. The membership of a parentela could equally look back to a common ancestor. The same terms that were used to describe Irish and Welsh socio-political structures were used by contemporaries. Yet this was merely due to a poverty in the political vocabulary which was unable to deal with family groupings outside a feudal framework. The les Poers contained cadet branches of

68. See above p. 104, n. 43.

69. E. Curtis, 'The Clan system among English settlers in Ireland' in English Historical Review, 25 (1910), p. 116; Rae, The Scottish Borders, pp. 7-8; Frame, 'Power and Society', p. 18; J. F. Lydon, The Lordship of Ireland (Dublin, 1972), pp. 179-80; Ibid. 'The Bruce invasion and its impact 1315-27' in A New History of Ireland, II, p. 299.

70. Dr Empey was referring to an agreement concluded between James, earl of Ormond and Geoffrey Purcel, whereby the latter promised to punish any of his family who attacked the earl or his men. (C. A. Empey, 'The Butler Lordship, 1185-1534' (unpublished Ph.D. thesis, University of Dublin, 1972), p. 496.)

uncertain origin with descriptive titles of enigmatic origin such as the 'Blakeman' les Poers but once again the need for definition was necessary in any family or lineage, especially one which used a small canon of Christian names. The similarities that existed were responses to similar political and social situations where the strength of familial ties was more relevant than other political obligations.

Rather than seeking parallels with Celtic familial models the parallel between such groupings and the 'clans familiaux' of Professor Jacques Heers should be stressed. These were 'groupes familiaux ou plutôt suprafamiliaux - associations d'individus portant le même nom'.⁷¹ Yet the groups of which Heers has spoken did not inhabit the rural outer rim of Europe but the city of Ghent which was at the heart of fourteenth century European trade and culture.

While it is impossible to discern the origin and early growth of the parentelae, their later development and organisation is clearer. There were three instances that point towards a greater organisation of the parentela as a political and military force at the magnate's disposal. All of these belong to the period between 1280 and 1320. This period coincided with the growing demands of magnates for military assistance of this form.⁷² The 1310 parliament had referred to those 'qui sount ou se fount des lynages et

71. J. Heers, Le Clan familial au Moyen âge (Paris, 1974), p. 18.

72. See Chapter 5, pp. 191-3.

cuyllent grande compagnie a eaux des hoblours udyves gentz et altres mauoys encontre la pess'.⁷³ The 1324 parliament specifically referred to surnames when demanding that 'countes, barouns e les altres grauntz prendront e ferount prendre les felons robeours e larouns de lour braunche e sournoun'.⁷⁴

The first of the examples was sir John fitz Thomas II of Desmond. He was a younger brother of Maurice fitz Thomas, the first earl of Desmond. His main claim to notoriety was his burning of the vill of Athissel in 1319.⁷⁵ In the same year Maurice fitz Thomas received a licence to treat with him and to grant him a truce if he desired to return to the king's peace.⁷⁶ In 1324 when John fitz Thomas died, Clyn said that he was:

Miles iste juvenis juvenum consilio ut plurimum constipatus, ductus et seductus, a progenitorum ejus militia et vestigiis degenerans, pacis extitit, non propugnator nec defensor, sed expugnator.⁷⁷

The inference was clear enough; John fitz Thomas, despite being the son of one of the most important magnates in the lordship, had been forced to lead a group of ruffians through Munster, from whose ravages not even the religious

73. Berry, Statutes, John - Henry V, p. 282.

74. Ibid., p. 306.

75. Butler (ed.), Clyn, Annals, p. 16; Ibid., Grace, Annals, p. 96; Chart. St. Mary's, Dublin, p. 360.

76. R.P.H., p. 23^{2f}, no. 72.

77. Butler (ed.), Clyn, Annals, p. 16.

were immune.

John fitz Thomas was a younger son of Thomas fitz Maurice of Desmond, as was Maurice fitz Thomas himself. The eldest of Thomas fitz Maurice's sons, Thomas, had died in early 1309, shortly before attaining his majority.⁷⁸ His father's position as an important magnate in the lordship could not alter the legal status of his closest family, and he could only pass it on to his son through death or royal licence. A father was not able to make adequate provisions for the upkeep of younger sons through granting manors or other lands to be held after his death without seeking costly licence for alienation that was only grudgingly given.⁷⁹ The legal and political status of such a person was therefore tenuous. The picture may have looked bleak but there was still the possibility that the premature death of his brother before attaining his age, or before leaving a suitable heir, would leave him in a unique position to acquire his father's status.

This was only a possibility. It must not be forgotten that apart from involvement in warfare and politics there existed few other opportunities for social absorption for such high-born but penurious youths. The only area of non-martial opportunity was presented by the church. For example, the younger brother of Eustace le Poer, Meiler, was in

78. R.P.H., p. 11, no. 292.

79. See J. M. W. Bean, The Decline of English Feudalism 1215-1540, (Manchester, 1968), pp. 20-31, where the possibilities for providing for younger sons are discussed.

holy orders and used his position to advantage, as in 1302 when he was granted a benefice worth £40 because of the services performed by his elder brother in the Scottish wars.⁸⁰ Roger Russel, a brother of sir Maurice and sir Reginald, was dean of Lismore in 1311.⁸¹ However, Meiler le Poer and Roger Russel appear to have been unique. Having been denied access to political power or authority but trained solely in the arts of war, it was not unnatural that he should have indulged in violent acts of one form or another.

It would be wrong to see the likes of John fitz Thomas as a knight errant shunned by his family, for despite his conduct, he was never disowned; he was Maurice fitz Thomas' brother after all, a point that was emphasised by the annalists of Dublin and Kilkenny when forced to refer to his deeds.⁸² His actions were not motivated by blind malice and he may be seen as acting in his elder brother's interests; Athissel was the vill of a de Burgh manor and Richard de Burgh was to die there in 1326;⁸³ the enmity that had existed between de Burghs and Geraldines in the 1290s had not been erased by the marriage of Maurice fitz Thomas to

80. *C.C.R., 1302-1307*, p. 31; Meiler le Poer finished his career as bishop of Leighlin. (Appendix B, II, pp. 393-4.)

81. *Cal. Justic. Rolls, Ire.*, III, p. 190.

82. Both Grace and the compiler of the annals of St. Mary's stated that Athissel 'vastatur ... Johanne fitz Thomae germano Mauricio fitz Thomae'. (see above p. 112, n. 75.)

83. Butler (ed.), *Clyn. Annals*, p. 17.

Richard de Burgh's daughter in 1312,⁸⁴ and the disturbances in Munster of the late 1320s were viewed by one annalist as a struggle between the Geraldines and the 'Burkeyns'.⁸⁵ John fitz Thomas's son held an important, if ill-defined position in Waterford; he was even named in an entail of Maurice's fitz Thomas's lands drawn up in 1343 whereby he was to inherit all the earl's lands in the event of the deaths of all the latter's sons.⁸⁶

An earlier example related to sir Robert le Poer, brother of sir Eustace. The former had been engaged in violent activities with members of his family in the early 1280s. In 1284 Robert and Eustace kidnapped an Italian merchant visiting Waterford city and held him in a nearby forest until a large ransom was paid.⁸⁷ Robert had also been involved in violent activity on his own. This had included the imprisonment of sir John Aylward, a prominent member of the Waterford gentry. Owing to his connections with his powerful brother, Robert was practically unassailable. Therefore, the sheriff of the day, sir Walter de la Haye, took the opportunity of Eustace's absence in Dublin to arrest Robert in September 1284.⁸⁸ The strengths of the ties between the

84. See Appendix E., p. 442.

85. Butler (ed.), Clyn. Annals, p. 19; Ibid., Grace. Annals, p. 106-7;

86. G.O.C., Complete Peerage, IX, pp. 772-3.

87. Rymer, Foedera, I, no. 2, p. 644.

88. Some of the activities as well as the subsequent date of Walter de la Haye's arrest of Robert le Poer were recounted by jurors in 1306 testifying to the age of sir John fitz Maurice. (Cal. Justic. Rolls, Ire., II, pp. 219-220.)

respectable members of a lineage and its errant members were then demonstrated, when Eustace le Poer challenged de la Haye to take all his other brothers as pledges for Robert's future behaviour.⁸⁹

The last example of this phenomenon concerned a gentry family. In 1306 it was alleged in a session of the Justiciar's court at Waterford that Geoffrey Christopher, brother of sir Philip Christopher, had been accustomed to 'lead armed men through the country and to make kerns from them'.⁹⁰ As in the case of sir John fitz Thomas, it is possible that this occurred with the blessing of the head of the family, despite his attempts to distance himself from his brother's activities. The latter certainly found Geoffrey useful in pursuing his dispute with the then sheriff, Richard le Poer. In Michaelmas term 1308 it was alleged that Philip had sent his brother on his behalf to the exchequer where he smashed down the door after being denied entry by the usher.⁹¹ The Christophers had nothing like the same lands or influence that the Geraldines possessed, and it can easily be discerned how lack of economic resources as well as alternate opportunities pushed the like of Geoffrey Christopher into violence. The political situation of constant feuding guaranteed such people a prominent and useful place in society.

89. Cole, Documents illustrative of the History of England, p. 71.

90. Cal. Justic. Rolls, Ire., II, pp. 251-2.

91. P.R.O.I. Ex. 2/2, p. 67, no. 518.

The aforementioned were all brothers of the leaders of their respective lineage. However, a similar process occurred in the secondary level of the lineage. In 1310, Stephen 'Blakeman' le Poer was accused of leading kerns through Waterford.⁹² Stephen was a brother of sir Richard le Poer, head of the 'Blakeman' le Poers of Islandbrick and the victim of sir Philip Christopher's ire.

All of these individuals were able to draw upon a reservoir of lawlessness. The passage from ordinary criminal to participation with a magnate in criminal activity is usually difficult to discern but for one instance, where this passage occurred over three generations though separated by less than two decades. At some time before 1305 a certain Andrew le Poer was hanged as a brigand at Ross.⁹³ He had at least two sons, David and Walter. The latter may well be the Walter le Poer who devastated a great part of Munster in 1301.⁹⁴ Among those pardoned for their involvement in baron John le Poer's 'rescue' of Margaret of Desmond in 1311 was Richard fitz Walter fitz Andrew le Poer, no doubt a grandson of the aforementioned Andrew le Poer.⁹⁵

The importance of leadership

The baronial lineage therefore consisted of a lord,

92. Cal. Justic. Rolls, Ire., III, p. 178.

93. P.R.O.I. R.C. 7/10, pp. 554-5.

94. Butler (ed.), Grace, Annals, p. 46.

95. Cal. Justic. Rolls, Ire., III, p. 190.

heads of cadet branches of the family, their relatives and the parentela. For such a lineage to remain effective, the leader had to possess two assets, namely, an ability and a readiness to discipline his relatives but also the capability to acquire and dispense patronage and protection to the latter.

The ability to discipline was important both for the lord and for the government as was recognised by the Kilkeny parliament of 1310 where it was enacted that 'chekun cheif de graunt lygnage enpeigne chastier ceaux de sun lygnage'.⁹⁶ The principle of collective responsibility had been recognised as early as 1278,⁹⁷ and had found a practical application in 1305 when baron John fitz Peter le Poer was made sheriff because 'he was best able to chastise those of his race'.⁹⁸ In 1312 Arnold le Poer reaffirmed an earlier mainprise of baron John le Poer to bring 'any of his surname' to the king's prison.⁹⁹ In 1348 thirteen prominent members of the les Poers similarly became securities for the future good conduct of their family and parentela towards the king and his ministers.¹⁰⁰ In July 1388, Nicholas fitz John le Poer and David Roth le Poer were given licence to

96. Berry, Statutes, John - Henry V, p. 266.

97. H. G. Richardson and G. O. Sayles, The Irish Parliament in the Middle Ages (Philadelphia, 1952), p. 292.

98. Cal. Justic. Rolls, Ire., II, p. 118.

99. Ibid., III, pp. 263-4.

100. P.R.O.I. M. 2652, pp. 60-1; Genealogical Office of Ireland Ms. 192, pp. 70-1.

treat and parley with members of their family.¹⁰¹ The government could not hope to eliminate the outrages perpetuated by parentelae as they were an integral part of magnate power. The hope was, however, that their destructiveness would be kept within limits and that the tasks and costs of policing of them would be left in the magnates' own hands.

The magnate had to have something to offer his relatives in return. Two areas where they were useful were linked to their confrontation with the law. The lord could provide a mediating influence on the rigours of law as well as providing varying levels of protection and assistance. At the lowest and least innocuous level there was the pledge they could provide for the payment of amercements or for future behaviour. They could also extract grants of peace and pardons for felonies. In 1312 the king's peace was granted to several members of the Christopher family for the good service done by sir Philip Christopher who thereupon became the pledge for the payments of the amercements and damages that his relatives owed.¹⁰² As their position in local society became unchallenged by outside intervention they could provide immunity from legal chastisement altogether. Both could lead to the perpetration of criminal acts that occurred without fear of conviction and in the knowledge of protection. At some date after 1360, David de Barry of

101. P.R.O.I. Lodge Mss, Irish Chiefs (articles with), Denizations etc., p. 149. Lodge mistakenly referred to the 'Irish [sic] rebels of the nation of the Poers.'

102. Cal. Justic. Rolls, Ire, III, p. 257.

County Cork left Ireland for his lands in Wales without seeking a royal licence. While absent 'persons of the surname of Barry had committed offences ... supposing that he, as chieftain of that name, would answer to the king for them'.¹⁰³ This paternalistic relationship between lord and lineage was copied, even at a modest, gentry level. In 1309, Hamo Gascoin, a minor member of the gentry, sought a grant of pardon for members of his family that had committed various trespasses in the county.¹⁰⁴

In order to fulfill this role the magnate had to maintain strong links with the administration of the lordship while it maintained any judicial authority in Munster. Eustace le Poer I and Arnold le Poer were allies at a regional level of Richard de Burgh earl of Ulster.¹⁰⁵ Maurice fitz Thomas was an ally of Roger Mortimer, with whom he was distantly related,¹⁰⁶ while in the late 1330s he remained on good terms with some administrative officials, such as chancellor Thomas Charlton.¹⁰⁷

An inability to provide perquisites for the various sectors of the lineage did not in itself spell its end. However, the place of the lord as a conduit between lineage

103. Connolly, 'Ancient Petitions', p. 12.

104. Cal. Justic. Rolls, Ire., III, p. 281.

105. See Chapter 5, p. 195.

106. Lord Thomas de Berkeley, Maurice fitz Thomas's first cousin, was married to Roger Mortimer's daughter, Margaret. (G.O.C., Complete Peerage, II, p. 130.)

107. Frame, English Lordship, p. 230.

and government was weakened. He was no longer in a position to use his patronage and protection to maintain discipline over his relatives. The decline or disappearance of effective leadership was therefore dangerous, not only for the interests of the particular lineage but also for local society as a whole. The absence of control among the les Poers became apparent in the middle years of the fourteenth century. In the space of three years between 1327 and 1330 the les Poers were dealt a series of cruel blows. Their two most important leaders, the baron of Donoil and sir Arnold le Poer, died within the space of a year. Two other important members of the family, Baron John fitz Peter's son and heir and the head of the Kilmeadan branch of the le Poers, died while fighting the Geraldines.¹⁰⁸ In the aftermath of these events, no one member of the les Poers was in a position to control the lineage and the violence caused by them was only temporarily brought under control by a royal army led by John Darcy.¹⁰⁹ It was at this time that Arnold's son Eustace began to exert some influence, and that anything like a focus of support for the les Poers reemerged. He did not possess the links with other powerful magnates like Richard de Burgh. Although he was briefly seneschal of the liberty of Kilkenny, he encountered serious opposition from sir Fulk de la Freigne, and it was his impetuous imprison-

108. Butler (ed.), Clyn, Annals, p. 19.

109. P.R.O.I. Dep. Keeper's Rep. no. 43, pp. 56-7.

ment of the latter that led to Eustace's replacement.¹¹⁰ He was forced to sell his holdings in Dublin, Kilkenny and Uriel, probably because of financial pressures.¹¹¹ He was also increasingly alienated from the government, and especially the revocations policy of John Moriz.¹¹² Eustace was thus unable to control the undisciplined elements of his lineage, as was demonstrated when Walter de Valle, sheriff of Tipperary, was murdered by the les Poers.¹¹³ The lack of political contacts pushed him into joining in rebellion the man who had been instrumental in the late 1320s in destroying the political influence of his father and kinsman.

Eustace le Poer had good reason to attempt to reconcile his differences with fitz Thomas, since he could provide some of the patronage that Eustace could no longer gain on his own. Yet his involvement in fitz Thomas' rebellion was disastrous for the le Poer lineage as a whole. Eustace was hanged and the baron of Donoil, John fitz Peter II le Poer was banished with the earl of Kildare to the king's French wars.¹¹⁴ The fractured nature of the lineage was further borne out by the agreement of 1348 by no less than thirteen

110. Butler (ed.), Clyn, Annals, p. 28.

111. Frame, English Lordship, p. 268.

112. Among those grants threatened by Moriz's policy were the grants of manors in Kildare made to Arnold le Poer. See R. F. Frame, 'English Policies and Anglo-Irish Attitudes in the Crisis of 1341-2' in J. F. Lydon (ed.), England and Ireland in the Later Middle Ages (Dublin, 1981), p. 94.

113. Butler (ed.), Clyn, Annals, p. 28.

114. P.R.O.I. R.C. 8/24, pp. 45-6.

members of the family that they would keep the peace.¹¹⁵ No longer was there anybody of the calibre of Arnold or John fitz Peter I le Poer whose word was sufficient, and instead implementation was left up to the various branches. Leadership had thus become inexorably diffused.

The lack of firm leadership was combined with the greater polarisation of local politics between the earls of Desmond and Ormond. This was to demonstrate that forces stronger than those that could be mustered from within the lineage itself could effectively tear it apart. The Kilmeadan and Ballydurne branches of the family had been close to Eustace and Arnold le Poer, and they followed Eustace le Poer II into the earl of Desmond's rebellion.¹¹⁶ The second earl of Ormond, after attaining his majority, set about acquiring the links that Eustace had enjoyed within Waterford, and eventually some of his lands.¹¹⁷ This included the take-over of the close relationship that had existed between Eustace le Poer and the Ballydurne and Kilmeadan branches of the family, who subsequently entered his camp.¹¹⁸ The les Poers of Dunhill remained hostile to all aspects of le Botiller influence in the area, including Waterford city which they attacked in 1368.¹¹⁹

115. See above, p. 118, n. 100.

116. 'Legal proceedings', p. 27.

117. C.P.R., 1374-1377, p. 70.

118. See Chapter 5, pp. 210-1.

119. Cal. Carew Mss, IV, p. 471.

Strong antipathies between the competing parties at local level could rearrange themselves against the background of a larger conflict. The lineage included among its parentela a great potential for violence which could easily be converted into internecine strife. Tensions had always existed over land between the various branches of the les Poers. In 1313 Theobald le Poer, a future sheriff of the county, brought a case of novel disseisin against John fitz Benedict le Poer, concerning the former's tenement in Kilmeadan.¹²⁰ In 1325 trouble broke out within the 'Blakeman' branch of the family, when Andrew fitz Edmund le Poer, a future sheriff, seized the cows of David le Poer.¹²¹ while in 1333 there was friction between Peter fitz Roger le Poer of the Moiset branch and John le Poer of Ballydurne when the latter and his relatives cut down trees growing in Peter le Poer's woods.¹²² In the early 1370s the internal dissensions once more led to warfare: in 1375, the former escheator, John Cruys cited the heavy fighting between the les Poers as an excuse for not making an extent of lands in Waterford.¹²³ Unfortunately and even the names of the main protagonists are not known, but it probably involved the same elements that had attacked Waterford city in 1368.¹²⁴ Nearly all of

120. P.R.O.I. KB. 2/5, pp. 122-3.

121. P.R.O.I. R.C. 8/14, p. 483.

122. P.R.O.I. R.C. 8/19, pp. 402-3.

123. P.R.O.I. R.C. 8/31, p. 278.

124. See above, p. 123, n. 119.

these examples of internecine dissension date from when the primacy of baron John le Poer of Donoil or Arnold le Poer had disappeared.

A further example of the intrinsic tensions within a lineage came from the borders of Waterford, Tipperary and Kilkenny and concerned the St Aubins or Tobins of Cumcy. No one member of the family had ever attained a degree of primacy and instead the family had split into numerous branches in the first decades of the fourteenth century. In the 1330s this tension degenerated into a violent internal feud when in 1336 Thomas and John de St Aubin was killed by the unnamed son of Walter de St Aubin.¹²⁵

Once again such internal dissension can be traced to the absence of discipline and direction provided by a strong leadership figure. This phenomenon could and did affect lineages both large and small, in both England and Ireland; for example the same problems that afflicted the Tobins were also operative among such a prominent baronial family as the Courtenays of Devon in the early part of the fifteenth century.¹²⁶ Therefore, the argument of Professor Lydon that among the middle nation, 'loyalty to one's nation, or lineage, came first' was not always borne out by circumstances.¹²⁷

125. Butler (ed.), Clyn, Annals, pp. 27-8.

126. See M. Cherry, 'The Courtenays, Earls of Devon: the Formation and Disintegration of a Late-Medieval Aristocratic Affinity' in Southern History, 1 (1979), pp. 71-86.

127. J. F. Lydon, 'The middle nation' in Lydon (ed.), The English in Medieval Ireland (Dublin, 1984), p. 4.

Thus by the end of the fourteenth century the les Poers' lineage had lost its integrity and cohesiveness and it was no longer a force to be reckoned with on its own. However, an examination of the lists of sheriffs of Waterford for the fifteenth century - to the extent that they are known - might belie this statement as members of the family monopolised the position.¹²⁸ Yet this was not a domination in their own right, but masks the continued struggle for power between the earls of Desmond and Ormond, in which the les Poers were mere pawns.

The Desmond Geraldines were luckier in the fourteenth century. Maurice fitz Thomas was the leader of a lineage par excellence. He maintained a turbulent relationship with the administration, while at the same time consolidating his own position to the extent that it was he who governed southern Munster and who dispensed patronage. Even though stripped of his lands and earldom following defeat at the hands of Ralph Ufford he was eventually able to rise from the ashes of his own demise and ended his life as Justiciar.¹²⁹ The disorder resulting from his absence was eventually instrumental in the earl's restoration in November 1349.¹³⁰ It was obvious that the earl had to be kept in some position of acquiescence, but that only he could control the social and political turmoil in Munster. The importance of the position of

128. See Appendix A., pp. 372-3.

129. Richardson and Sayles, Administration of Ireland, p. 88.

130. C.P.R., 1348-1350, p. 434.

the earl of Desmond as a paternal figure was recognised in 1359; the second earl John, had been drowned crossing to France, and his next successor was deemed mentally incapable of exercising his position.¹³¹ Therefore his brother Gerald was named as earl, and was also quickly granted the position of hereditary chief sergeant of the counties of Munster, so that he could deal with the disorders.¹³²

Such a break in continuity actually strengthened the earls' position in Munster, for it only displayed the depth of their lordship. It was clear that without them, chaos ensued. This was due to the strength of the ties that existed between the earl and his lineage, at all levels. Unlike the les Poers, loyalty was not spread among numerous branches of the family in differing geographical locations as the earl and his immediate ancestors had successfully maintained his primacy and ruthlessly crushed any stirrings of opposition, as shown by the example of Maurice fitz Nicholas of Kerry.¹³³ Dangers would have ensued in the event of his sudden death, but any short-term attempts to remove the head from the body merely opened a Pandora's box of troubles for the government. A second factor was that despite the strengths of Desmond's leadership and the breadth of his lineage, he did not rely on it alone for his support as he

131. C.C.R., 1354-1360, p. 576.

132. R.P.H., p. 72, no. 11; See A. J. Otway-Ruthven 'Ireland in the 1350s: Sir Thomas de Rokeby and his successors' in R.S.A.I. Jn., 97 (1967), p. 55 for the background to the outbreak of violence in Munster.

133. 'Legal proceedings', pp. 42-3.

had developed an extensive retinue that included elements from as far afield as Connacht and Ulster.¹³⁴

The growth of lineages was an important element in the expansion of magnate power in Waterford. These magnates had to rely on their family members in the first instance for support in local government and in physical military support. The lineages were as has been stated, a parallel grouping that embraced all non-baronial elements within a family. Their social ambiguity, however, was matched by their importance in political terms to their magnate leaders.

When the contribution of lineages is assessed their impact appears to have been solely negative. The existence of parentelae made a substantial contribution to the turbulent and violent nature of local society.¹³⁵ Their continual presence alongside the magnates and members of the gentry and the demands they made on them led to a clientilist mechanism whereby criminal acts were committed in the knowledge that it would eventually be pardoned. At a political level, though, it was the existence of this parallel element, especially the parentelae that contributed to the unique character of baronial lordship in the south of Ireland. 'Surnames' were to be found in England, but they were autonomous entities from the baronage and gentry, comprising separate families, though they were employed by them and in

134. See Chapter 5, pp. 213-4.

135. See Chapter 7, pp. 314-6 and Appendix D., pp. 429-32.

turn employed the squabbles of the barons for their own ends. In Ireland, they were related, often tenuously, to the baronage and gentry, and intimately associated with their activities.

CHAPTER 4.THE NON-ENGLISH

The purpose of this chapter is to examine the social and political position of the two ethnic groups, the Irish and the Ostmen, who existed in Waterford prior to the arrival of the English in 1170. The chapter contains a study of both groups.

Both of these suffered from varying degrees of alienation from the political structures that emerged but were able to compensate for this exclusion through a closer and much more symbiotic relationship with great magnates. A central aim of this chapter is to show that while the political life of county Waterford was dominated by the English, the existing inhabitants were an integral part of local society whose presence could not, and was not ignored by the newcomers.

The title needs further explanation. The term 'English' is applied to settlers of diverse social and ethnic origin who arrived in Ireland at varying times after 1169. These included descendants of the Normans who had conquered England in the years following 1066. There were also a number of Non-Norman Saxons,¹ as well as Flemings and inhabitants

1. The foremost example was Alward, the king's merchant of Bristol, who was granted the land of Faithlegg in 1172. (See Chapter 2, p. 82, n. 129.)

of northern France, including the les Poers themselves.² Additionally, there were other ethnic groupings who were from a Celtic background. The Welsh, some of whom maintained a separate cultural identity in the centuries after their arrival and who shall be examined separately,³ small numbers of Bretons, including the St Aubins⁴ and natives of Cornwall.⁵

They were met in Waterford by a number of Irish petty chieftaincies, as well as a substantial population of Ostmen who were descendants of Norsemen who had founded the town of Waterford in the ninth century, but who had undergone their own level of Irish acculturation. The Ostmen were not confined to the urban areas, but were also to be found in the rural hinterland around Waterford city. They were also settled around Dungarvan.⁶

Despite the waves of 'conquest' and settlement, these

2. According to Percy Reaney 'Pohier' was an old French adjective denoting a native of Picardy. (P. Reaney, A Dictionary of British Surnames (London, 1958), p. 256.) Professor Algirdas Greimas noted the use of the word pohier as a term describing a herald in late twelfth century France. (A. Greimas, Dictionnaire de l'ancien Français jusqu'au milieu du XIVème siècle (Paris, 1968), p. 598.)
3. See Appendix F., pp. 451-558.
4. Professor Francis John Byrne has stated that the les Poers were also of Breton origin. ('The Trembling Sod: Ireland in 1169' in New History of Ireland II, p. 33.) This error is probably due to a mistaken connection between the surname and the region of Puer in southern Brittany.
5. Cornish elements within Waterford were confined to Waterford city, and therefore outside the scope of this thesis. They included William Cornewaleys, a Waterford city juror in 1313. (Cal. Justic. Roll, Ire., III, p. 280.)
6. See below, pp. 173-86.

groups can never be referred to as 'ethnic minorities'. Minorities in political power they may have become, but it would be too rash to say that numerically they were overtaken by the newcomers. No quantification is possible of the numbers who came. Similarly no figure can be arrived at for the pre-settlement population of Waterford.

A secondary aim of this chapter is to show that a neat assignment to compartments based on ethnic background is impossible because the reaction of different members of each group led to a difference in historical experience. As will become apparent, though, not all Irishmen and Ostmen lived in a world of common experience. Yet each ethnic group did have certain elements in common that united them and at the same time set them apart from others.

I. The Irish in Waterford.

Twelfth-century Waterford comprised a number of small chieftaincies. In the west were the various chieftains of the Déise, who were descendants of members of the original Déise kin-group, some of whom had migrated to Thomond in the ninth century and had founded the dynasty of Dál gCais.⁷ A satisfactory description of the geopolitical situation in the twelfth century is made difficult by the lack of sources. Most of the annals were written at a great distance from Waterford, and only referred to developments among the most important families that were in themselves seminal in

7. See D. O Corráin, Ireland before the Normans (Dublin, 1972), p. 8.

the geopolitical struggles of the period. The fourteenth-century topographical poem of Giolla na Naemh O hUidhrín is an anachronistic recounting of the status quo ante in English areas. Therein may be found some guide to twelfth century politics in the lines of the poem. Yet once again it must be remembered that O hUidhrín was writing both at a chronological distance and a geographic one.⁸

O hUidhrín lists the families of Waterford as including the Uí Bhric of Uí Aitheach, the Uí Faeláin, the Uí Fhlana-gain of Uachtar Tíre, the Uí Foghladha and Uí Chéin of Machuín who could be placed in the territory surrounding Bunmahon, and were thus rulers of much of the territory that was to be incorporated within the lands of the les Poers of Donoil, and the Uí Bhréislín of Uí hAillela. In the far east of the county lay the area that was under the control of the Ostmen of Waterford, though O hUidhrín does not mention them.⁹

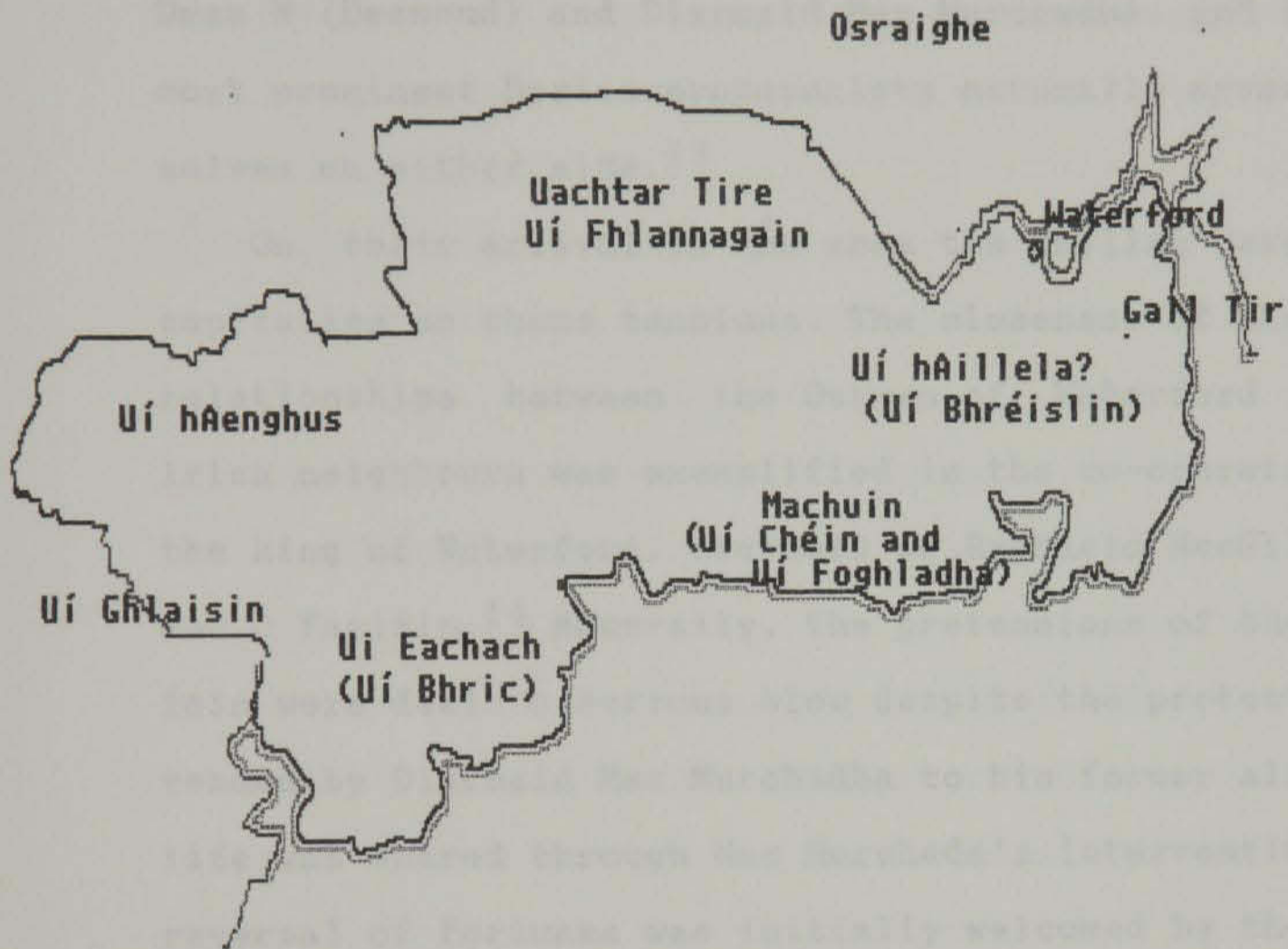
Of these the most important were the first two. Most of west Waterford was dominated by the Uí Bhric of Uí Eachach.¹⁰ The eastern part of the county was in the hands of the Uí Faeláin. In the eleventh century dissensions

8. J. O'Donovan (ed.), Irish Topographical Poems (Dublin, 1862), pp. 100-3; Both the poems of Sean O Dubhagáin and O hUidhrín were written in east Galway. For a discussion of the authorship of these poems, see Ibid., pp. 1-6.

9. See Map 1.

10. O hUidhrín designated the area of their control as extending from Leach Logha to Liath Druim. O'Donovan identifies the former as lying half way between Kilmacthomas and Dungarvan (Ibid., p. lxiii, n. 542,) while the latter is the parish of Leitrim in the barony of Condons and Clangibbon, east Cork.

Map 1. The political divisions of twelfth-century Waterford.



between the two took on a violent aspect with no one segment gaining an upper hand.¹¹ In order to absorb this difficult situation into his tidy schema, O hUidhrín gives the two families a type of co-authority over the whole area.¹² The 1130s saw the Decies on the border between two competing zones of influence, namely those of the Mac Carthaigh of Deas M (Desmond) and Diarmaid Mac Murchadha, and the two most prominent Decies protagonists naturally arranged themselves on either side.¹³

On their arrival in the area the English were able to capitalise on these tensions. The closeness of the political relationships between the Ostmen of Waterford and their Irish neighbours was exemplified in the co-operation between the king of Waterford, Reginald or Ragnald MacGillemorry and O Faeláin.¹⁴ Naturally, the pretensions of the Uí Faeláin were dealt a serious blow despite the protection extended by Diarmaid Mac Murchadha to his former ally whose life was spared through Mac Murchada's intervention. This reversal of fortunes was initially welcomed by the Uí Bhric. In the early thirteenth century relations between this

11. J. O'Donovan (ed.), Annals of the Kingdom of Ireland, II (Dublin, 1848), pp. 822-3, 876-7, 894-5, 938-9; S. Mac Airt (ed.), Annals of Inisfallen (Dublin Institute for Advanced Studies, 1951), pp. 300-1.

12. O'Donovan, Irish Topographical Poems, pp. 101-2.

13. In 1136, the year of Diarmaid Mac Murchadha's second intervention in Waterford, Cormac Mac Carthaigh killed Donnachadh O Faeláin, thus implying that the latter was an ally of Mac Murchadha at that time. (Ibid., Annals of the Kingdom of Ireland, II, p. 1052-3.)

14. Giraldus Expugnatio, p. 67.

family and the English Crown were cordial; so much so that in November 1203, O Bric was granted sizable territories in Waterford by King John.¹⁵ Many of these lands were in east Waterford in the area traditionally held by the Uí Faeláin.¹⁶ The English also found at least one important local ally, namely the Uí Chuilén. In 1183, when Milo de Cogan and Robert fitz Stephen were assassinated by Mac Tir, during an attempt to seize the lands of Uí Ghlaisin, 'Ceann Cuilinn' died alongside them.¹⁷ The latter's successors were not willing to continue the relationship and indeed joined in an attack on Lismore in 1189 along with Maelseachlainn O Faeláin.¹⁸

The first half of the thirteenth century was not marked by major confrontations between the Irish and English. In 1209, David Brethnagh, the bishop of Waterford was killed by the Uí Faeláin.¹⁹ This event occurred in the midst of the often violent dispute between the prelates of Waterford and Lismore, though as Dr John Watt has stated, a linkage be-

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15. O Bric's identity was partly hidden under the name Heverbricht. (Rotuli Chartarum, p. 113.)
16. M. Butler, A History of the Barony of Gaultier (Waterford, 1913), p. 31-2.
17. S. O hInnse (ed.), Miscellaneous Irish Annals (Dublin, Institute for Advanced Studies, 1947), pp. 70-1. For a brief study of the relationship between the Uí Meic Thíre and the territory of Uí Ghlaisin see D. O Murchadha, 'The Uí Meic Thíre of Imokilly' in Journal of the Cork Historical and Archaeological Society, 82 (July-December 1976), pp. 98-101.
18. S. Mac Airt (ed.), Annals of Inisfallen, pp. 314-5.
19. W. M. Hennessy (ed.), Annals of Loch Cé (London, Rolls series, 1871), I, p. 294.

tween these events and the former was improbable.²⁰ Many of the protagonists in the dispute between Lismore and Waterford, both the prelates and their secular assistant were English, while most of the prelates and churchmen of Lismore were Irish, though after 1218 this ethnic polarity began to disappear.²¹

The Irish had been replaced in most areas by settlers but some families were able to remain on a portion of their lands. O Bric retained some territory in the south-western part of the county.²² They held their lands directly of the king in return for paying a yearly rent to the king.²³ This relationship was demonstrated in July 1244 when Henry III sent individual writs of summons to 'Ros O'Folan' and Richard Mackermynkan to an abortive campaign in Scotland.²⁴ Like writs were also sent to other Irish chieftains such as Feidhlim O Conchobhair and Domnall Mac Carthaigh. Mackermynkan may have been granted the use of English law, for in 1232 he was amerced for not producing those for whom he had mainprised.²⁵

20. J. A. Watts, The Church and the Two Nations in Medieval Ireland (Cambridge, 1970), pp. 62-5; It was stated by Matthew Butler that the killing was in direct response to the dispute and the depredations of the bishop of Waterford (M. Butler, A History of the Barony of Gaultier, (Waterford, 1913), pp. 18-9,) though this was probably coloured by a later nationalist interpretation of events.

21. See below, p. 150.

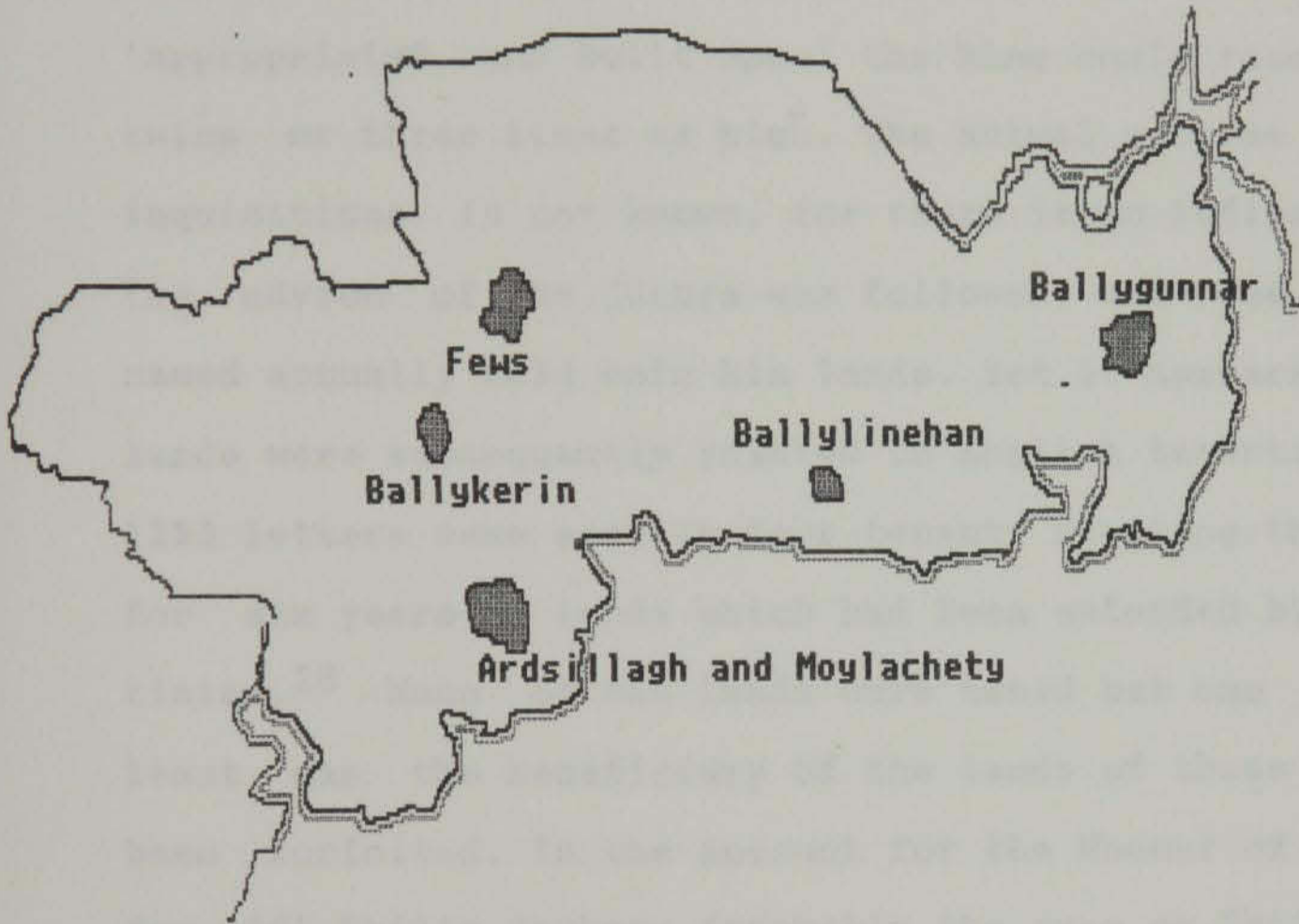
22. See Map 2.

23. See below, p. 137, n. 27.

24. C.P.R., 1242-1247, p. 255.

25. See Appendix G., p. 461.

Map 2. Lands held by the Irish c. 1250.



This position was short-lived: In January 1253, the sheriff was ordered to carry out inquisitions regarding the lands of six Irish landholders; Cormoc Maccrane, Keruel OKeleghyn (Cearbhall O Ceallacháin?),²⁶ Drechlahan Oculan (O Cuilén), Morchod and John Makermikan and Cormoc OBrik. Coremoc OKeleghyn, Coremoc OBric (Cormac O Bric).²⁷ In all four cases the amount of rent paid by the holders was stated and in each of them it was added that if the lands were 'appropriated and built upon' the king could receive rents twice or three times as high. The actual outcome of these inquisitions is not known, for there is no indication that the advice of the jurors was followed, and one of those named actually held onto his lands. Yet it appears that some lands were subsequently granted to English tenants. In July 1253 letters were sent to four tenants granting them leases for six years on lands which had been extended by the justiciar.²⁸ None of the lands were named but one person at least was the beneficiary of the lands of those that had been forfeited. In the account for the Honour of Dungarvan for 1262 Philip Saubeny (probably the same as Philip Daubeny mentioned in 1253) accounted for rent from a parcel which 'was formerly contained within the lands of Richard

26. It is unlikely that he was related to the Desmond family of Uí Cheallacháin, (see W. F. T. Butler, Gleanings from Irish History (London, 1925), pp. 12, 79) as the lands that he held were at Ballygunnar in east Waterford. (See Map 2.)

27. Calendar of Inquisitions, Miscellaneous, 1219-1307, p. 61.

28. C.P.R., 1247-1258, p. 211.

Makyrmekan'.²⁹ It appears that the six were not the only group to suffer an alteration in their land holding status. Another, apparently larger area of land that was not included in the 1252 inquisition and that had been held by the Uí Fhlanagain, had been granted by Lord Edward to Roger Andrew, the future coroner of the county before 1262.³⁰

However, the forfeitures were not total, nor were they accompanied by expulsions. In the account of the Honour of Dungarvan, Murahoth' (Murchadh) Mackermikan, (one of those specifically referred to in the 1253 inquisition,) was still numbered among the freeholders of the manor and paid a rent of £6 18s 4d for his lands of Moylachethy and Baliounyn.³¹ The jurors had stated that the king received a rent of £4 but that, if appropriated, the figure could be doubled. Mackermikan was therefore expected to pay a higher rent to maintain his lands. In Michaelmas term 1280 'Maurice' (possibly the same as 'Murahoth') Mackermikan accounted, along with Maurice Russel, for the rent of the mill at Dungarvan, as well as for rent of the lands of Decies.³² Some (if not all) of these lands had passed out of Mackermikan's hands by the time of the 1299 inquisition post mortem at Dungarvan, for the land of Baliowyn (possibly the same as

29. E. Curtis, 'Sheriffs' accounts', p. 2.

30. Ibid., p. 3. The grant was made by Edward's letters patent 'until his coming to Ireland'.

31. Ibid., p. 2.

32. P.R.O. E.101/230/6; H. Sweetman (ed.), Cal. Doc. Ire., II, pp. 360-1.

Baliounyn) was accounted as belonging to the demesne of the manor.³³

It is uncertain whether the change in control of the lands of the Uí Fhlanagain meant anything more at first than the payment of the rents to Roger Andrew rather than to the bailiff of the manor of Dungarvan. In 1299 Thomas O Flanagan still held a carucate of the lord of the manor of Dungarvan, though he was not listed among the freeholders but among the holders of the lands of the Irish. Some other Irish tenants may have been able to remain on their lands until the second half of the thirteenth century. In 1262 the homines of the bishop of Lismore in his manor of Ardmore, along with the Irish vicar of the parish, paid a fine to the sheriff of Waterford for wreck of the sea.³⁴ It is possible that like the 'homines Sancti Colmani' of the bishop of Cloyne, many of these were Irish.³⁵

The reasons behind these changes are unclear. It is possible that the king was exploiting internal difficulties among the Irish, such as the deaths of the Irish landholders, to place English tenants paying higher rents, or, as in the case of Mackermikan, to increase the rent. The inquisitions are silent about the nature of their tenure, and it is unlikely that they held by fee and the deaths of the Irishmen could have led to their re-granting. In 1274 William de

33. P.R.O. E.101/233/6.

34. Curtis, 'Sheriffs' accounts', p. 6.

35. R. Caulfield (ed.), 'The Pipe Roll of Cloyne' in Journal of the Cork Archaeological and Historical Society, 19 (1913), pp. 165-6.

la Rokelle, a former sheriff, sought a grant of three carucates of land in Decies that had been taken into the king's hands following the death of 'OCulan'.³⁶ Murahoth Mackermican was the only one of the six to be referred to at a later date when he was still holding his lands even though these were apparently taken out of his family's hands in the last decade of the thirteenth century, presumably after his death.

A more political cause may have motivated the change. It is almost certain that this was not as the result of a military conquest, yet while the changes came nearly a decade before the first concerted Irish reaction to the English led by Finghín Mac Carthaigh,³⁷ the period 1248-1252 marked an upsurge in fighting between the Mac Carthaigh and the de Cogans and John fitz Thomas of Desmond.³⁸ Neither the Irish annals nor any English source mentioned fighting or sympathetic political activity in Waterford, yet some unknown activity on the parts of the Irish chiefs may have prompted their disinherittance.

While the events that prompted these inquisitions remain obscure, so too does the reaction of the Irish. The contents of the inquisitions implied very strongly that they were to be the subjects of settlement or at least the parcelling-out to existing fee holders. The descendants of one

36. Connolly, 'Ancient Petitions', pp. 56-7.

37. See J. F. Lydon, 'A Land of War' in New History of Ireland, II, pp. 251-2.

38. S. O hInnse, Miscellaneous Irish Annals, pp. 100-1.

of the grantees, David Russel, were to play an important part in local politics, yet the aforementioned David was an outsider with no previous connections with Waterford. Although source material for the mid-thirteenth century is poor, especially for local events, it is unlikely that Russel as a prominent member of the government would not have been involved at a later date in some form of litigation concerning rights to land.

Interestingly, any possible sympathy for the recrudescing Mac Carthaigh among the Irish of the Decies in the early 1250s was not expressed during the military activities of Finghin Mac Carthaigh at the end of the decade. Adam Prendergast 'and his hundred' were amerced for their non-participation in the war of Desmond, though it would be too much to imply that this was due to involvement in military activities at home.³⁹

A small number of Irishmen were therefore able to hold onto reduced portions of their original lands. However, the various inquisitions in the manor of Dungarvan present a detail of manorial landholding that does not survive for any other manor in the county, either secular or religious. It is not possible to state how much land, if any, was held by the Irish within the county, or under what terms they held it.

39. Curtis, 'Sheriffs' accounts, p. 6; The account does not mention any fighting within Waterford at the time of Mac Carthaigh's war or the death of John fitz Thomas of Desmond.

Having sketched, albeit imperfectly, the development of the Irish in the century following the arrival of the English, it is necessary to examine the role played by the Irish within the society of county Waterford. There are two areas where this involvement can be discerned; firstly through their contribution to lawlessness and crime, secondly through their association with magnate retinues, usually in connection with the parentela or 'surname' elements of English families and secondly at a less violent level as minor office-holders and professionals.

The leaders of retinues, whether local or regional were always able to draw upon a large reservoir of criminal elements from among the Irish who could subsequently carry on their activity within the framework of the retinue.⁴⁰ It is important, though, to make an attempt to rationalise and analyse the individual relationships between some Irish families on the one hand and particular magnate families on the other.

Unfortunately, the mass of available sources date from the end of the thirteenth and the early part of the ensuing century, so that it is impossible to trace how these links grew or developed. For some the fact that the newcomers took over their lands did not lead to long-term conflict or resentment but rather to a coexistence between newcomer and dispossessed as the political and social circumstances of Waterford drew them together. For the Irish the magnates and

40. See Chapter 7, pp. 297-8.

gentry could provide legal and political protection. Their need for such protection was greater than members of the gentry or even some members of the lineage because of their ambivalent legal position. Nevertheless their participation within magnate retinues points to the same model of clientilism that embraced the more obstreperous elements of the lineage.

Links existed between magnates and specific Irish families, sometimes over an extended time-scale. One family that was part of the retinue of the les Poers of Donoil were the O'Foleys or Uí Foghladha. In 1311, some members of the family participated in the abortive abduction of Margaret of Desmond, and received pardons at the instance of baron John le Poer of Donoil.⁴¹ They also participated in the murderous attack on sir John le Grant's manor along with a number of other les Poers.⁴² In 1368, Nicholas le Poer accounted for the goods of 'les Offeolis' that had been forfeited along with Nicholas 'Blakeman' le Poer.⁴³

Another family that had close links at one time with the les Poers was that of O Crotty. It is unclear whether they were native to the Waterford area, as they are not mentioned in the Topographical Poem of O hUidhrín nor in the twelfth century annalistic entries. In 1306, Roger fitz John le Poer, a member of the les Poers of Moiset and Shanganagh,

41. Cal. Justic. Rolls, Ire., III, p. 190.

42. Ibid., p. 261.

43. P.R.O.I. R.C. 8/29, p. 195.

received grants of the king's peace for 'Athmortkath OGroydgyth'.⁴⁴ In the following year, 'Glandoy Ogrodygh' was an associate of Andrew le Poer and other members of the les Poers' parentela.⁴⁵ Another member of the family, William O'Grodygh, was associated with the les Poers of Islandbrick as the vicar of that parish.⁴⁶

A final example of a Waterford family involved in the sequela of the les Poers were the Uí Bhréislín. O hUidhrín mentions them as one of the families inhabiting the territory of Uí Ailella east Waterford, though its exact location was not clear.⁴⁷ One Walter O Breslin was among the list of recipients of Roger fitz John le Poer's patronage in 1306.⁴⁸ Interestingly, another member, Roger O'Breslin was married to one Susanna le Poer, though the union was not a happy one.⁴⁹

A degree of service by Irishmen to different leaders within the overall structure of a retinue did occur. In 1317 John O'Kelly was accused of having participated in diverse robberies with John fitz John le Botiller,⁵⁰ while in 1319, he received a pardon at the instance of John fitz Peter le

44. Cal. Justic. Rolls, Ire., II, p. 293.

45. Ibid., p. 520.

46. See below, p. 152, n. 84.

47. J. O'Donovan (ed.), Irish Topographical Poems, pp. 100-1.

48. Cal. Justic. Rolls, Ire., II, p. 293.

49. See below, p. 160, n. 121.

50. P.R.O.I. KB. 2/12, p. 7.

Poer.⁵¹ Le Botiller, a former sheriff of the county, had been an associate of both the baron of Donoil and sir Eustace le Poer, and could be placed within the outer rings of the le Poer retinue.⁵²

It is not clear whether these links were as a result of any ties of tenure. Detailed inquisitions of the manors of either the les Poers or other prominent members of local society have not survived, and even the fairly detailed inquisitions of the Honour of Dungarvan usually refers only to lands held by the Irish. There remains the unsatisfactory comparison of place-name with those of known members of baronial and gentry retinues. In 1317 Geoffrey le Poer of Ballydurne became a pledge for a John Odurne, who may have been a member of the family that gave its name to Ballydurne.⁵³ The relationship between John O'Kelly and the baron of Donoil has been noted and his kinsman Geoffrey le Poer held land in Ballycallyth.⁵⁴

Others were brought from outside the Waterford area. In 1295, John O'Doly was charged with being of the company of Nicholas and Maurice his brothers, who committed robberies in both Waterford and Desmond.⁵⁵ These were certainly members of the Cork family of O Dálaigh that were to become

51. R.P.H., p. 24, no. 130.

52. See Chapter 5, p. 210.

53. P.R.O.I. KB. 2/8, p. 38; For the origins of the name Ballydurne see P. Power, The Placenames of Decies (Cork, 1952), p. 403.

54. P.R.O.I. M. 2546, p. 23.

55. Cal. Justic. Rolls, Ire., I, pp. 4, 5.

the hereditary poets of the earls of Desmond.⁵⁶ After fitz Maurice's death in 1298, they were still the recipients of the patronage of Thomas' heirs and their tenants. In 1312 Richard fitz John O'Doly was acquitted of wandering through the country by a jury made up of tenants of the Honour of Dungarvan.⁵⁷ Another example of a criminal from further afield operating within Waterford came in 1316 when sheriff Theobald le Poer delivered to be imprisoned a felon called Robert fitz John Wyte O'Connar.⁵⁸

The last half of the fourteenth century witnessed a much greater recourse to the intrusion of Irish elements from elsewhere. The first earl of Desmond had always been engaged in the internal affairs of the Uí Bhríain of Thomond.⁵⁹ It was left to his son, Gerald the third earl, to consolidate this relationship by intruding members of the family into lands in Waterford. This was occasioned by his dispute with Brian O Bríain, king of Thomond, that came to a head in the battle of Nenagh in 1369 and the earl's subsequent imprisonment.⁶⁰ It is probable that the earl was supported by a rival segment, headed by Brian's kinsman, also called Brian,

56. W. F. T. Butler, Gleanings from Irish History (London, 1936), p. 63; C McGrath, 'O Dálaigh Fionn Cet' in Éigse, 5 (1945-7), pp. 185-95. I am indebted to Dr Marc Caball for the latter reference.

57. Cal. Justic. Rolls, Ire., III, p. 260.

58. P.R.O.I. KB. 2/8, pp. 91-2.

59. G. O. Sayles, 'The Rebellious First earl of Desmond' in J. A. Watt, J. B. Morrall and F. X. Martin (eds.), Medieval Studies presented to Aubrey Gwynn (Dublin, 1961), esp. pp. 205, 210-1, 213.

60. Annals of Connacht, pp. 336-9.

who was then expelled from Thomond, and settled with his followers in the Decies.⁶¹ The writer of an eighteenth century genealogical tract, when writing about 'Brian-of-the-battle-of-Aenach', stated that it was he who expelled the Clann Bhríain Cumarach to Decies.⁶²

Brian O Bhríain though powerful in Thomond, had no power to send anybody to Waterford, while the earls of Desmond held plentiful demesne lands in the Honour of Dungarvan.⁶³ It is probable that they were settled there by earl Gerald fitz Maurice as political refugees. Brian Cumarach subsequently submitted to King Richard II in April 1395.⁶⁴ However, their place in Waterford was not a mere temporary asylum, for many of the parochial clergy of Lismore in the mid fifteenth century bore Thomond names.⁶⁵

Just as some members of the gentry reflected the fluid nature of Waterford society by realigning themselves with

61. In a seventeenth century genealogical collection, it was stated that 'Tadhg Chomhraic' had a son, Brian. (T. O Donnchadha (ed.), An Leabhar Muimhneach (Dublin, 1940), p. 360.) and this would seem to be the same person as Bernard son of Tatheus who submitted to Richard II in 1395. See below n. 64.

62. S. H. O'Grady (ed.), Caithréim Thoirdhealbhaigh (London, Irish Texts Society, 1929), II, p. 182.

63. See Appendix C. I, p. 407.

64. E. Curtis, Richard II in Ireland, 1394-5, and Submissions of Irish Chiefs (Oxford, 1927), p. 180, where Bernardus son of Tatheus submitted; Curtis was unable to identify him and considered that the name was a mistaken transcription of Brian son of Mahon, i. e. Brian 'Catha an Aenaigh O Briain, (Ibid., p. 233) a view which was shared by Professor Otway-Ruthven. (A. J. Otway-Ruthven, Medieval Ireland, p. 332.) However, he was certainly the same as Brian Mac Thadhg Chomhraic.

65. P. Power, 'Obligaciones pro Annates Diocesis Lismorensis' in Archivium Hibernicum, 23 (1946), pp. 20, 22, 50, 57.

those magnates who were in the ascendant, so too did the Irish who were even more dependent on patronage. An example can be found in the Okenaghs. Unfortunately it is not known where this family originated in Waterford for they have not left any place-name residue, though it was somewhere in west Waterford. In 1261 David Okenagh, along with the then baron of Donoil, John le Poer, were accused of illegally entering the lands of Lord Edward, presumably the demesne lands of the manor of Dungarvan, and committing waste there.⁶⁶ In the mid fourteenth century Patrick Okenagh was an associate of sir Walter and Thomas de Mandeville and in 1358 he received a grant of land from them.⁶⁷ By the 1350s the les Poers of Donoil did not enjoy the same prestige and preeminence even within the les Poers themselves, as their ancestors had done, and Patrick and his relatives had moved into the orbit of the de Mandevilles who were in turn among the most prominent allies of the earls of Desmond in Waterford.⁶⁸

Another family that was close to the les Poers were the Uí Néill.⁶⁹ In 1306 'Avercaht' (Eachmharcach) O Néill received a grant of the king's peace at the instance of Roger

66. P.R.O.I. R.C. 7/1, pp. 28-9.

67. K. W. Nicholls (ed.), 'Abstracts of Mandeville Deeds' in *Analecta Hibernica*, 32 (1985), pp. 7-8.

68. See Chapter 5, pp. 198-200.

69. These were not apparently related to the Uí Néill of Ulster. Certainly, *Gilla na Naemh O hUidhrín* does not mention any link, and the nature of a topographical poem, with its political undertones, would have been a suitable arena in which to mention them.

fitz John le Poer.⁷⁰ In 1317 no less than twenty-one members of the family received grants of the peace at the instance of baron John fitz Peter le Poer.⁷¹ Their participation alongside the les Poers continued with their involvement in the earl of Desmond's rebellion.⁷² In Trinity term 1347, Adam fitz David, Onee and William O'Neill paid 60s for charters of peace.⁷³ In the later fourteenth century they were associated with the earls of Ormond, both as vicars of Carrick and as citizens of Waterford city.⁷⁴

Most of the above were associated with the more violent aspects of society and the relationship between them was made clear only when they acted illegally. It would be wrong, though, to see the Irish in any local society as being concerned solely with crime and disorder, either on their own initiative or under the direction of a lord or member of the gentry. The discussions of the position of the Irish with reference to English law have been obsessed with a legal-centered notion of society in which an individual's place and participation in society were dictated by the possession of access to legal redress.⁷⁵ The routine exclusion of most Irish from the enjoyment of English law placed

70. Cal. Justic. Rolls, Ire., II, p. 290.

71. P.R.O.I. KB. 2/8, pp. 36-8.

72. 'Legal proceedings', p. 28.

73. P.R.O. E.101/241/14.

74. See below, p. 152, n. 87 and p. 169, n. 159.

75. See below, p. 165.

them at a serious disadvantage and naturally there were those who wished to alleviate the disability through obtaining a grant for its use. But a determination to see the position of the Irish solely through the words of statutes has prevented any discussion on the practical ramifications of such statutes. Those Irish people who, despite their initial legal disability were able to play a minor, though significant role, in local society, have been ignored and the question as to why they were allowed to do this has been evaded.

The involvement of the Irish may be seen in a number of different fields. One of these was in various levels of the local church. The English had established their control over the bishopric of Waterford by the end of the twelfth century, though the bishopric of Lismore remained a focus for the former's ambitions throughout the thirteenth century. The first unambiguously English bishop was Robert of Bedford, an Oxford trained clerk, in 1218.⁷⁶ In the mid thirteenth century there was at least one Irish bishop of Lismore, Ailín O Súileabháin, who was translated from the diocese of Cloyne in 1246, and remained in Lismore until his death in 1253.⁷⁷ The ethnic background of his successor, Thomas, is uncertain. Unfortunately only his Christian name is known and there is a possibility that he too was Irish. However, all subsequent bishops of Lismore, and of the joint

76. J. A. Watt, The Church and the Two Nations in Medieval Ireland (Cambridge, 1970), p. 81.

77. New History of Ireland, IX (Oxford, 1984), p. 303.

diocese of Waterford and Lismore until the end of the fifteenth century, were clerics drawn from local English families.⁷⁸

Within the secular clergy, the Irish were confined to the lower reaches of the diocesan clergy, especially the level of the vicar of the parish. and an examination of the clergy of Waterford demonstrates the number of Irishmen at this level. In a plea between Richard, bishop of Lismore and Thomas fitz Warin in 1303 it was related that the first to hold the advowson of the church of Clashmore, Henry fitz Nigel de Argentine and his wife Agnes had presented 'Mura-hoth OCustian' to the vicarage at an unspecified date during the reign of Henry III;⁷⁹ In 1262 Master Nicholas O'Karry MacBoy was vicar of the church of Ardmore;⁸⁰ It was stated by a jury in 1306 concerning the age of John fitz Maurice that he had been baptised in 1284 by Thomas O'Moneghan who was then vicar of Faithlegg and who was at the time of the inquisition vicar of Resk;⁸¹ In the pipe roll account for 1318 to 1322 John O'Flanagan was referred to as vicar of Killea in the diocese of Waterford;⁸² In 1317 an unnamed O'Flanagan, possibly the same, who was vicar of Killea, was accused of breaking open a box in the church there and

78. New History of Ireland, IX, pp. 304-5. 308-9.

79. P.R.O.I. R.C. 7/10, p. 51. OCustian was vicar of the church in 1261. (See below n. 148.)

80. Curtis, 'Sheriffs' accounts', p. 6.

81. Cal. Justic. Rolls, Ire., II, p. 220.

82. N.L.I. Ms. 760, p. 366.

stealing 5s from it.⁸³ In March 1327 'sir William O'Grodych' was vicar of the church of Islandbrick when he witnessed an instrument of attorney of Richard le Poer of Islandbrick.⁸⁴ In January 1356, the king granted the vicarage of Kilmeadan, which was still within his gift, to William McHonyn.⁸⁵ Two years later sir Walter de Maundeville granted a parcel of land to Patrick Okenagh, possibly the vicar of Ardsillagh,⁸⁶ while in 1364 William O'Neill was vicar of Carrick.⁸⁷ A licence by the bishops of Waterford or Lismore has not survived for the appointment of any of these men.

The extent of Irish representation is therefore clear. It is possible to say that these are merely exceptional cases. However, there were many more members of the diocesan clergy who were referred to solely by their Christian names and some of these may have been Irish. A full register of the diocesan clergy of Lismore or Waterford does not exist; the identities of priests is only known by chance and it is possible that there were many more Irish priests who did not figure in any source.

83. P.R.O.I. KB. 2/8, pp. 92-3.

84. Cal.Orm.Deeds., I, no. 592, p. 255.

85. R.P.H., p. 58, no. 166.

86. He was referred to in the seventeenth century transcript as 'sir Patrick O'Kenagh chaplain'. (K. W. Nicholls (ed.), 'Abstracts of Mandeville Deeds' in Analecta Hibernica, 32 (1985), pp. 7-8.)

87. In June 1451 confirmation was given to Thomas fitz Philip fitz William O'Neill of an earlier grant made in a.r. 38 Edward III by letters patent of English law to William O'Neill vicar of Carrick and his two sons. (P.R.O.I. Ferguson's Mss. III, p. 114; R.P.H., p. 266, no. 19.)

Connections existed between some Irish vicars and English patrons. Murahot OCustian was appointed by Henry de Argentein. It must be inferred that Thomas O'Moneghan was the recipient of the patronage of the Aylwards for the two churches of which he was vicar were both in manors held by that family.⁸⁸ The manor of Kilmeadan had descended into the hands of an important cadet branch of the les Poers.⁸⁹ While the gift of the vicarage may have still rested with the king, a considerable degree of influence by the les Poers could be expected. A namesake of William McHonyn who became vicar in 1355 was granted the king's peace nearly fifty years earlier at the instance of Roger fitz John le Poer.⁹⁰ The manor of Carrick and the advowson of the church there was held by the earls of Ormond from 1315,⁹¹ and it is possible that the third earl was instrumental in gaining a grant of English law for William O'Neill and his two sons in the 1360s.⁹² In 1444 Thomas Kel O'Neill was a tenant of the earl's manor of Carrick.⁹³ Many of these Irish vicars may be seen as another sign of their involvement in the social and political structures of local society. Indeed these individ-

88. See, for example, the escheator's account of the manors of Faithlegg and Resk for 1296-1300. (P.R.O.I. Dep. Keeper's Report no. 38, p. 39.)

89. See Chapter 3, p. 97.

90. Cal. Justic. Rolls, Ire., II, p. 293.

91. See C. A. Empey, 'The manor of Carrick in the Middle Ages' in Journal of the Butler Society, II, no. 2, (1982), p. 297.

92. See above, p. 152, n. 87.

93. Cal. Orm. Deeds, III, p. 159, no. 160.

uals can be viewed as being part of the outer layers of the retinue of a magnate.

Although the Irish were well represented among the lower reaches of the clergy, their absence from the rectors and higher diocesan positions suggest that they were excluded from the higher ranks of the clergy. Yet even the position of parochial vicar was not unimportant. He was entrusted with the cure of souls of his parishioners whether Irish or English, as demonstrated by Thomas O'Moneghan's baptism of John fitz John fitz Maurice, while William O'Grodygh headed the list of those who witnessed the charter of Richard le Poer, emphasising the important practical tasks that could be carried out regardless of ethnic background.

Another area of the church where the Irish were prominent was among the regular clergy. The same infuriating problems of identification exist as were encountered with the secular clergy, where the mere survival of a Christian name is seldom an adequate base for satisfactory identification. Within the county lay two houses of Augustinian canons. The house of Molana or Rincrew had embraced the rule of St. Augustine before the arrival of the English.⁹⁴ Despite being the burial place of Raymond le Gros, the abbey was nearly always ruled by Irish abbots.⁹⁵ In 1290 Philip O'Farry or O'Fartyr became abbot until his resignation nine

94. A. J. Gwynn and R. N. Hadcock (eds.), Medieval Religious Houses: Ireland (London, 1970), p. 187.

95. Orpen, Normans, II, pp. 42-3.

years later.⁹⁶ while all of the abbots of the fifteenth century were Irish.⁹⁷ The abbey of Mothel had at least one Irish abbot, Maurice O'Kelly or O Ceallaith who became abbot in 1359.⁹⁸ His predecessors may well have been Irish as well, but their names, David and Thomas, give no indication of their ethnic background.

The prevalence of Irishmen serving as diocesan clergy or monastic priors led to the prohibition of their presentation to benefices as part of the 'Statutes of Kilkenny' of 1366.⁹⁹ Appointments were still legally possible, on obtaining royal licence, as in 1381 when the bishop of Cloyne was given such a licence to appoint William OFardly to the vicarage of the church of Ballycrany in county Cork.¹⁰⁰ Yet no licence has survived regarding William O'Neill, vicar of Carrick even though the grant of English law that he received at this time may have been induced by the legislation.¹⁰¹

Outside ecclesiastical affairs, the Irish were found on two occasions in manorial administration as manorial receivers and bailiffs. In 1261, one Neil was the bailiff of Griffin Brun and was amerced along with the latter for

96. P.R.O.I. Dep. Keeper's report no. 38, p. 41.

97. Gwynn and Hadcock, Religious Houses, p. 187.

98. Ibid., p. 188. At some time before January 1363 he was amerced 10s for transgression. (N.L.I. Ms 761, p. 183.)

99. Berry, Statutes, John - Henry V, pp. 443-4.

100. R.P.H., p. 115, no. 208.

101. See above, p. 152, n. 87.

diseisin.¹⁰² In 1300 an unidentifiable member of the les Poers, possibly Eustace, brought a plea against Murug Mat-rathnyld Macgilekenan (Murchadh mac Raghnaill Mac Giolla Cionáin?) who was his bailiff in the manor of Achilmigh, because the latter refused to render his account.¹⁰³ In Trinity term 1301 Peter de Estaneye complained that his bailiff in the manor of Dunhill, William O'Godan, refused to render his account.¹⁰⁴ On smaller manors, with large numbers of Irish tenants, the employment of an Irish bailiff was therefore quite natural. The extent of Irish involvement in this area was probably much greater than the few examples given above, for the identities of such officials are known when they had not carried out their duties.

The last area of involvement by the Irish was in minor administrative tasks. The higher levels of local administration remained firmly in English hands but at a much lower level the Irish made infrequent appearances. In 1333 David O'Dogyn, one of the collectors of the pontage in Dungarvan was amerced for not rendering an account.¹⁰⁵ O'Dogyn was no doubt a burgess of Dungarvan. A case involving the son of an Irish burgess of Drogheda stated that an Irishman, on becoming a burgess, was as free as an Englishman, though the burgess had apparently also received a charter of English

102. Curtis, 'Sheriffs' accounts', p. 6.

103. P.R.O.I. R.C. 7/7, p. 261.

104. P.R.O.I. R.C. 7/8, p. 117.

105. P.R.O.I. Dep. Keepers' Rep. no. 45, p. 39.

liberty, possibly before becoming a burgess.¹⁰⁶

At least one Irishman was able to play a small role in local administration. In 1358 William Okenagh was named as a collector of a subsidy, granted on every carucate, interestingly to fight the Irish of Munster.¹⁰⁷ The Okenaghs had links with the les Poers barons of Donoil going back to the mid thirteenth century, but it was probably due to the backing of the De Mandevilles and the earls of Desmond, that Okenagh achieved this office.¹⁰⁸ As another member of the family, Simon Okynna, had stood as a pledge for one John Galgeyl in 1313, it is certain that some member of the family had received a grant of English law.¹⁰⁹ In May 1400 when custody of some of the lands of Desmond and Decies was granted to Thomas fitz John, the fifth earl, one of his mainpernors for county Waterford was John Odoffet, though whether he had any active role in local administration was unclear.¹¹⁰ Such an appointment was not unique to County Waterford for in August 1381 sealed letters were directed, to among others, James Oconeny to array archers for the defence of county Cork.¹¹¹ The employment by the English of Irishmen in military contexts, such as of the Uí Tuathail

106. Cal. Justic. Rolls, Ire., II, p. 352.

107. R.P.H., p. 72, no. 15.

108. See above, p. 148.

109. Cal. Justic. Rolls, Ire., III, p. 300.

110. The other mainpernors were John Pembroke and Edmund Haket, a former sheriff. (R.P.H., p. 157, no. 92.)

111. Ibid., p. 113, no. 168.

and Uí Raighilligh as constables of royal castles, occurred elsewhere, noticeably in the vale of Dublin.¹¹² Their employment was solely of a military nature and did not include less hostile administrative tasks.

At a much lower level, though nonetheless important, were those Irish that were involved in specific commissions. In 1366, following the temporary disappearance of the barony of Donoil, Henry de Brislo was appointed assessor of the valuables mines that lay within the baron's lands. Among those that were named as his assistant was one Herman OCullan.¹¹³

Apart from these official tasks, the position of the Irish was probably extremely important in various aspects of economic life. The same problems in identifying the ethnic backgrounds of those described simply as 'John the tailor' as when looking at the clergy present themselves. However the example of Matthew O'Brodre the fuller showed that at least one of those carrying on such trades were Irish.¹¹⁴ Such occupational names often masked the individual's ethnic identity. In 1295 the subject of a case involving an Ostman seeking to negate his Irish identity was initially given as 'William le Teynturer' (the dyer).¹¹⁵ In 1317, John the

112. P.R.O.I. Dep. Keeper's Rep. no. 38, p. 68; R. F. Frame, 'War and Peace in the Medieval Lordship of Ireland' in J. F. Lydon (ed.), The English in Medieval Ireland (Dublin, 1982), p. 128.

113. P.R.O. E.101/244/10.

114. P.R.O.I. KB. 2/8, p. 92.

115. Cal. Justic. Rolls, Ire., I, p. 59.

millar and James the Cook were included in a list of Irishmen who were pardoned their misdeeds at the instance of William le Botiller.¹¹⁶ More interestingly is the appearance of Irishmen in the medical sphere. In 1317, Walter fitz Griffin le Poer was accused of harbouring a daughter of the surgeon O'Coleney.¹¹⁷ In 1311 among those pardoned for their involvement in the murder of sir John le Grant was Gillecomde O'Doirin, physician.¹¹⁸ Another member of the family apparently had acquired English law for in 1311, Nicholas O'Doyrin, stood as a pledge for the future lawful behaviour of one Clement Shore, possibly an Englishman.¹¹⁹

The involvement of the Irish in magnate retinues or their position as diocesan clergy or manorial officials represented the utilisation of the former to perform tasks that were important to the maintenance of the magnate's position within society. The relationship of the Irish with English society can be examined under three categories; intermarriage; ethnic hostility and the legal position of the Irish with regard to English law. These involved contacts and relationships with the English outside the context of magnate power, though even here the relationships that have been outlined above will occasionally reappear.

Only one instance of intermarriage between an Englishman

116. P.R.O.I. KB. 2/12, p. 68.

117. *Ibid.*, p. 74.

118. *Cal. Justic. Rolls, Ire.*, III, p. 264.

119. *Ibid.*, III, p. 299.

and an Irishwoman has survived; John de Sancto Albino or St Aubin and his wife Douegilda (Dearbhorgaill?) who were mentioned in the pipe roll of 1306.¹²⁰ Other examples of intermarriage between Englishwomen and Irishmen occurred. These unions were not always happy, and on two occasions the husbands killed their wives. In 1307, it was alleged that Tancard fitz Griffin le Poer had killed his kinswoman Susanna who was the wife of Roger O'Breslin.¹²¹ In 1311 David O'Donegan was accused of killing his wife, Elena de Carreu and throwing her body into the mill-pond at Crookhaven.¹²² The justiciary rolls only mentioned, by their nature, such violent acts, and there were probably many other inter-ethnic unions that were not so tragic.

Both of the above examples come from the lower reaches of society as the Englishwomen involved were from the parentelae elements of lineages. It seems, to use a very negative argument, that intermarriage did not occur among the gentry and magnate strata of society, as even where the family of the wife cannot be identified, all of them carried English Christian names.¹²³

Further pointers to the existence of intermarriage from a lower, non-gentry level comes from the surname 'Galgeyl'. Members of this family were not even members of the gentry,

120. N.L.I. Ms. 760, p. 286.

121. Cal. Justic. Rolls, Ire., II, p. 518.

122. Ibid., III, p. 282.

123. See Appendix E., pp. 441-50.

but they certainly enjoyed English law as testified by their membership of numerous juries.¹²⁴ The curious nature of their status was underlined in 1313 when the two pledges for the payment of an amercement by John Galgeyl were Michael Galgeyl his father and Simon Okynna, probably a member of the Waterford family of Okenagh.¹²⁵ Apart from their existence, nothing can be said about their origins. It is probable that they were the descendants of some form of secondary marriage or other liaison of an English father whose surname they did not share, but whose status was attached to them, either through grant or through acceptance. An example of such an individual was Adam McMill' (mac an Mhilidh?) Oshethe, who participated in the first earl of Desmond's rebellion of 1345.¹²⁶ Even though he was recognised as the son of a knight, he retained an Irish surname, no doubt that of his mother. However, the origin of the name is by no means clear, and it is perhaps best to see its holders as being of uncertain ethnicity.¹²⁷

The frequency or extent of inter-marriage cannot be

124. See, for example, Cal. Justic. Rolls, Ire., III, pp. 176, 178, 180, 184, 195.

125. Ibid., p. 300.

126. 'Legal proceedings', p. 28.

127. The term Gallgaedhil was used in 856 apparently to describe a group of mixed Irish and Danish origins. (J. O'Donovan (ed.), Annals of the Kingdom of Ireland, I, pp. 490-1.) Alternatively, some may have been the descendants of Gaelic elements from Gallo-way who had settled in Ireland before the arrival of the English, or Galgeyl may have been a patronymic-based surname from an individual who had the term added as a form of nickname to his personal name.

ascertained with any accuracy. The identities of the wives of the first and second generations of settlers in Waterford, especially the baronage, are not known so that it cannot be established whether the same pattern of selective intermarriage occurred between, say the les Poers and the Uí Faeláin and Uí Bhríic as occurred between Hugh de Lacy and the Uí Chonchobhair of Connacht,¹²⁸ and the William de Burgh and the Uí Bhríain of Thomond.¹²⁹ The fullest evidence for the identities of spouses comes from the final decades of the thirteenth century and early decades of the fourteenth. Marriage reflected an individual's place in society, as it usually occurred within each of the social strata.¹³⁰ It would thus be surprising if a member of the gentry, let alone the baronage, married a member of a grouping that was below them, no matter how important they were to the overall preservation of their social and political position, especially in the later thirteenth century when the territorial position of the Irish had undergone a decline relative to the role they had enjoyed in the late twelfth and early thirteenth century.

Ethnic antipathy between the Irish and English in Waterford has not left a significant mark on available sources. There was no recorded legacy of fighting, conquest and expulsion. Waterford was untroubled by chronic fighting in

128. Orpen, Normans, II, p. 54.

129. Ibid., p. 148.

130. See Appendix E., especially pp. 441-6.

the decades after the arrival of the English apart from a number of the murders of Fitz Stephen in 1183 and the bishop of Waterford in 1209.¹³¹ There was no parallel to events like the Mac Murchadha in 1281 or the Ui Chonchobhair Failghi in 1305.¹³² Those that have survived naturally relate to attempts to misuse legal processes against the Irish and which proved unsuccessful. In 1290, David Cradoc, a freeholder of possible Welsh origin, complained against the then sheriff, Maurice Russel's administrative oppression. It was alleged that the trouble started when two unnamed Irishmen complained to the prior of the Hospital of st John, the deputy justiciar, that David wished to hang them by false oath.¹³³ In 1311, Michael O Crotty was acquitted of stealing an afer from Robert le Rede. It was further alleged that two of the indicting jurors had indicted Michael O Crotty through malice and that 'they lay about him, well knowing that he was not guilty'.¹³⁴

Waterford was also untroubled by Irish raids. The county was distant from the main areas of unconquered Irish territory, such as Thomond, south-west Cork or the Wicklow mountains. It was thus insulated by distance from the violent and destabilising aspects of Irish raids. One instance of a

131. See above, p. 135.

132. See J. F. Lydon, 'A Land of War' in New History of Ireland, II, pp. 259-60, 267-8 and R. F. Frame, 'The Justiciar and the Murder of the MacMurrroughs in 1282' in English Historical Review, 90 (1975), pp. 748-77.

133. Cole, Documents Illustrative of the History of England, p. 76.

134. Cal. Justic. Rolls, Ire., III, p. 178.

raid by a segment of an Irish family did occur at some time in the early 1290s, though the extent to which it penetrated Waterford was minimal. In 1295, Baldwin fitz Philip Hodinet was accused of having allowed the Uí Chuív to pass through his lands. The latter had originally inhabited lands in east Cork, but were driven from them by the English, presumably in the late twelfth century.¹³⁵ The Hodinets, for their part, were concentrated largely in east Cork in the vicinity of Courtmacsherry, and Baldwin's brother, Philip was briefly chief sergeant of that county in 1317.¹³⁶ Baldwin seems to have held some lands in the far west of Waterford for in 1302 he was named as one of the custodes pacis for the cantred of Tarmun.¹³⁷ The Uí Chuív's raid was thus directed and assisted by elements from outside county Waterford. In the following year, Cuilén O Cuilén was imprisoned in Dungan Castle along with Feidhlimidh Mac Carthaigh.¹³⁸ No further information has survived as to the extent of the relationship between the two, and whether the former had been imprisoned for co-operating with the latter. However, O Cuilén certainly collaborated in Mac Carthaigh's escape from the castle. Waterford was also one of the few counties where sea-borne raiding by the Irish was a problem. The main

135. They were probably located in the vicinity of Fermoy prior to the arrival of the English. See W. F. T. Butler, Gleanings from Irish History (London, 1925), p. 80.

136. P.R.O.I. KB. 2/8, p. 91.

137. P.R.O.I. Dep. Keeper's Rep. no. 38, p. 64; N.L.I. Ms. 760, p. 233.

138. S. Mac Airt (ed.), Annals of Inisfallen, pp. 308-9.

agents of this were the Uí hÉidirsceoill of west Cork and their main grievance was not with the county but with the city of Waterford.¹³⁹

As a result of this freedom from attack, the degree of fear and paranoia towards the Irish was low. The Irish were a source of considerable disorder within the county but their activity was often in association with the activities of English lineages in the area. However, occasional outbursts of paranoia did occur, as in 1316 when Alice Ynybrenan was hanged as a robber and spy.¹⁴⁰

The legal position of the Irish has in the past dominated any discussion of the Irish. Geoffrey Hand, for example, was so convinced of the analogy between the status of the Irish and their legal position that in the first line of a paper entitled 'The Status of the Native Irish in the Lordship of Ireland', he wrote of 'the status of the native Irish at English Law'.¹⁴¹ It is clear, though, that some Irishmen were able to enjoy the benefits of English law, while others were able to mitigate the effects of legal exclusion.

Although formal charters of enfranchisement are rare, some Irishmen must have acquired English law at some stage. Therefore in 1232, Richard MacKermikan was amerced because

139. Cal. Carew Mss., IV, p. 471.

140. P.R.O.I. KB. 2/8, p. 94.

141. G. J. Hand, 'The Status of the Native Irish in the Lordship of Ireland, 1272-1331' in The Irish Jurist, New Series, 1 (1966), p. 93.

those for whom he had stood as pledge had not come to the sheriff's court.¹⁴² In 1262 Walter and Moriortagh (Muircheartach) O Bric were amerced for the same.¹⁴³ In 1311, Simon OKynna was one of the pledges of John fitz Michael Galgeyl.¹⁴⁴ Irishman even stood as a pledge for Englishmen. In the pipe roll of 1325, Thomas and Douene O'Rawechan were both amerced for not producing John fitz Gilbert le Poer for whom they had stood as pledges.¹⁴⁵ At some earlier date the aforementioned Irishmen even stood as pledge for a former sheriff, John fitz John le Poer.¹⁴⁶ In 1311, Nicholas O'Doyrin stood as a pledge for the payment of fines by Clement Shore, an individual of uncertain ethnic background, though his name suggests that he was English. Furthermore, Nicholas also became one of three pledges that Clement would in future keep the peace.¹⁴⁷

The legal status of those acting as parochial vicars is unclear. In 1261, Murahoth Ocustian, the vicar of Clashmore, was called by Henry de Argentein to warrant him a parcel of land, thereby indicating that he enjoyed English law.¹⁴⁸ On the other hand, when William O'Neill first received a grant

142. Appendix G., p. 461.

143. Curtis, 'Sheriffs' accounts', p. 7.

144. Cal. Justic. Rolls, Ire., III, p. 300.

145. P.R.O.I. Dep. Keeper's Report no. 42., p. 68.

146. Ibid., p. 28.

147. Cal. Justic. Rolls, Ire., III, p. 299.

148. P.R.O.I. R.C. 7/1, p. 344.

of English liberty in 1364, he was already vicar of Carrick.¹⁴⁹ Those who acted in an official capacity, such as the collectors of subsidies, must have been recipients of English law.

Many others were certainly excluded from English law. The legal disabilities were a major source of grievance to those Irish living within the most settled areas of the Lordship. It is significant that the leader of the campaign to gain a grant of English law for the Irish in 1277 was David Mac Cearbhail, archbishop of Cashel, and therefore an Irish prelate of a diocese dominated politically by the English.¹⁵⁰ Within Waterford, the denial of English law to the Irish pushed at least one individual into a state of ethnic deceit. This person was born OGlassewan in the manor of Affane, but was called John Stakepol.¹⁵¹ His real identity was only discovered in 1307, twelve years after his death, when his murderer, Geoffrey Brun, sought to clarify the ethnic background of his victim, as this was of major importance in the outcome of the case.¹⁵² As such a double-life was only exposed when the hapless individual was murdered, it cannot be ascertained whether or not this was a common response to the legal deficiencies suffered by the

149. See above, p. 152, n. 86.

150. A. Gwynn, 'Edward I and the projected purchase of English Law for the Irish c. 1276-80' in Transactions of the Royal Historical Society, fifth series, 10 (1960), pp. 111-27.

151. Cal. Justic. Rolls, Ire., II, p. 520.

152. For a discussion of the legal difficulties faced by the Irish, see Hand, 'The Status of the Native Irish', pp. 102-8.

Irish. There existed room for such behaviour due to a confusion at certain levels between the English and Irish. Thus a number of cases were brought to the Justiciar's court of men claiming, perhaps not always maliciously, that their victims were Irish, but finding to their cost that they were indeed English.¹⁵³ It is also impossible to tell whether there were other Irishmen lurking behind English names, but it must be remembered that many Irishmen retained their original names and therefore, their identity. Oglassewan's gambit may be seen not in the light of an ethnic grouping suffering legal disability but as the act of an individual attempting to better his social position and evade what Professor Otway-Ruthven described as the 'practical inconveniences' of exclusion from English law, through general acceptance as English.¹⁵⁴

Another method open to the Irish for improving their position was to leave the countryside in favour of the towns. Apart from the economic attractions of a large commercial centre like Waterford with manifold opportunities for craftsmen and non-skilled workers, there was also the long-term possibility of absorption into the city's legal and administrative framework. This path was not an easy one, for the custom operative in some English towns, and subsequently in the borough customs of Dublin, whereby a villein

153. See, for example, Cal. Justic. Rolls. Ire., II, p. 517; Ibid., III, p. 41.

154. A. J. Otway-Ruthven, 'The Native Irish and English Law in Medieval Ireland' in Irish Historical Studies, 7 (1950), p. 14.

would gain his freedom in a town once he was not reclaimed for a year and day, did not apply to an Irish betagh.¹⁵⁵ Yet the case of the burgess of Drogheda and the collector of the pontage in Dungarvan demonstrated that the ranks of the burgesses were not closed to Irishmen. Considerable opposition to the presence of Irishmen becoming burgesses existed, even after some generations. In the late thirteenth century an Irishman, Stephen Brendan, was appointed as a collector of the coket custom in the port by the Lombard collectors of customs, but his appointment was strenuously resisted by the mayor and burgesses of the city.¹⁵⁶

However, some Irishmen and their descendants were accepted as citizens. In 1362 John O'Molghyn was named as the master of the leper-house in Waterford city,¹⁵⁷ while in 1470 William Mulghan was a citizen there.¹⁵⁸ Four years earlier a Thomas Neell was mentioned as a citizen of Waterford,¹⁵⁹ and he was probably a relative of the Uí Néill of Offath. The anxiety of some of the citizens about the dubious origins of their fellows forced such an influential

155. J. T. Gilbert, Municipal and Historic Documents, 1172-1320 (London, 1870), p. 258; A. L. Poole, From Domesday to Magna Carta, second edition, (Oxford, 1955), pp. 47-8.

156. G. Mac Niocaill, Na Buirgéisí, XII - XIV aois (Dublin, 1964), ii, p. 351, n. 77.

157. N.L.I. Ms. 761, p. 190.

158. G. Mac Niocaill (ed.), 'Registrum Cantariae Sancti Salvatoris Waterfordensis' in Analecta Hibernica, 23 (1966), p. 179. Hereafter cited as Mac Niocaill (ed.), 'Registrum Cantariae Sancti Salvatoris'.

159. *Ibid.*, pp. 158-9.

person as John Colyn, dean of Waterford Cathedral, to state that he was not of the nation of the les OColyns (presumably the Uí Chuiléin) but was a member of one of the branches of the Prendergasts of Kilkenny.¹⁶⁰ The earlier history of these Irishmen within Waterford city cannot be traced because of the lack of adequate source material. Therefore the date when they dropped the 'O' prefix from their name, and the extent to which this was a conscious move to speed their assimilation and negate their Irish background cannot be ascertained.

Not all of these individuals were the descendants of Irishmen forced by legal and social disability to seek the greater freedom of the city. Thomas Neel, for example, came from a family that had been granted English law in 1364, though it is not clear whether he was the same as the Thomas O'Neill who gained a confirmation of that grant in 1451.¹⁶¹ It is possible that some of those who became citizens of Waterford already enjoyed English law and that their move was prompted both by a desire to participate in the greater economic wealth of Waterford and the lessening of dependence on powerful magnates like the earls or Ormond whose influence in Waterford, while strong, was less pervasive than on their manor of Carrick.

The ease by which the legal disabilities suffered by the Irish could be evaded must not be oversimplified. The abili-

160. Mac Niocaill (ed.), 'Registrum Cantarie Sancti Salvatoris', pp. 168-9.

161. See above, p. 152, n. 87.

ty to pursue a deliberate deceit by being accepted as an Englishman on a manor demanded cunning and linguistic expertise that was probably not possessed by the rank and file of the Irish in Waterford. The move to Waterford city was easier but the length of time, as well as the commercial success necessary for full acceptance as a full member of municipal society was great and could take many generations as shown by the son of the Irish burgess of Drogheda.¹⁶²

Those who took neither path were faced with little option but to accept their legal disabilities and to attempt to mitigate them in other ways. The vulnerability of the Irish to murders, and the subsequent acquittal of the murderer, was perhaps the greatest oppression suffered by the Irish. It was an attack on life and limb - on the most basic human security. The protection offered by a powerful magnate was thus attractive insofar as it implied that any attack on the individual Irishman or his family took on the wider significance of an attack on the magnate himself.¹⁶³ In this way the legal disability of some Irishmen was mitigated.

It was also mitigated at a broader, socio-political level. The fourteenth century witnessed the development of both lineages and retinues to the extent that they embraced most influential elements within local society. Juxtaposed with the traditional concept of the equality of all freemen before the law there emerged a society where each person's

162. See above, pp. 156-7.

163. See Hand, 'Status of the Native Irish', p. 102.

position and security within society depended on the closeness of their ties with important magnates and their usefulness to the latter. In this regard, the legal disabilities suffered by the Irish in the first system were gradually transformed into a much less rigid system wherein some became an integral element.¹⁶⁴

The expansion of retinues and clientilism did not kill off a desire for English law. This is demonstrated by the grant of English law to William O'Neill in the 1360s and the confirmation that was sought for this as late as 1451.¹⁶⁵

Similarly in 1411 Dermotius Maccraygh paid an undisclosed sum so that he and his successors could enjoy English law.¹⁶⁶ Therefore the assertion by Dr Hand that the Ordinance of 1331 was too late because the Irish no longer wanted English law and the tide was turning in favour of Irish customs is unfounded.¹⁶⁷

The contacts between the Irish and the English were of various kinds. Violent confrontation, though it did occur, was far from the norm. Familial contacts involving marriage,

164. See Chapter 5, pp. 218-20.

165. Bryan Murphy has 'conjectured' that the earlier grants were 'never in fact made' (B. Murphy, 'The Status of the Native Irish after 1331' in The Irish Jurist, New Series, 2 (1967), p. 124.) His statement can only be due to ignorance of sir J. F. Ferguson's transcript of the Irish Memoranda roll, as it is unlikely that the year in which the earlier grant had been made would have been mentioned by Thomas O'Neill if the document had never existed. See above, p. 152, n. 87.

166. P.R.O.I. Ferguson's Mss, XVI, p. 64.

167. Hand, 'The Status of the Native Irish', p. 113.

though apparently rare, did occur, and some Irishmen, far from belonging to a race apart from and below the English, were deemed suitable enough as marriage partners. Similarly, the exclusion from English law was not total and it enhanced the contact between Irish and English society, both for those who did enjoy English law and for those who were forced through their exclusion, into a state of dependence on magnates.

II. The Ostmen.

The Ostmen were firmly established in certain areas of county Waterford before the arrival of the English. After all, the name of the city itself and subsequently the county, were of Norse origin.¹⁶⁸ The city of Waterford was founded by them at some time in the late ninth century¹⁶⁹ by close relatives of the Norsemen of Dublin.¹⁷⁰ However, the Norsemen of Waterford city or their early origins are not dealt with, but rather with the place they subsequently held after the new dispensation of 1170. Before this date, they

168. The name may derive from Vedhrafjördhur or 'weather harbour'. (See J. O'Donovan's note in Annals of the Kingdom of Ireland, I, p. 492, note P.

169. The traditional date for the foundation of Waterford, 914, was based on an entry in a fragmentary Irish Annal for that year which spoke of a plundering raid by Norsemen on Port Láirge. Such an event was hardly the best indication of an urban foundation. (J. F. Radner (ed.), The Fragmentary Annals of Ireland (Dublin, 1978), p. 181.) However, references to the Norsemen of Waterford occur throughout the late ninth century. See O'Donovan, Annals of the Kingdom of Ireland, I, pp. 492-3, 550-1.

170. See the genealogical table in A. P. Smyth, The Scandinavian Kingdoms of Dublin and York, II (Dublin, 1979), p. 316.

had already established themselves in the hinterland of the city as can be demonstrated by examination of place-names. A number of such names are to be found to the east of the city. Ballygunnar, Ballymacleod and Crook.¹⁷¹ To the south of the city is Balitrokil (now Ballyturkill). To the west was found the unidentifiable Athlangport¹⁷² as well as Killoteran, whose connection with the Ostmen shall be discussed later.

The geographical placement of the Ostmen was not confined to Waterford and its vicinity. The sheriff of Waterford in 1235 accounted for the rents of the Ostmen within the manor of Dungarvan.¹⁷³ The present-day townland of Ballykilmurry in the parish of Grange, near the south west coast of Waterford, no doubt derives from Balligilmore, which took its name from a Norse family name, while Ballymaccas in the same parish, may be derived from the Norse personal name Magnus. There is also the townland of Ballynagoul or Báile na nGall, which, despite the colourful anecdote concerning its name related by Canon Power, probably identifies another location inhabited by Ostmen.¹⁷⁴ Ballynagoul lies in the parish of Ringagonagh or Rinn O

171. Canon Power claims that the name Crook was of Scandinavian origin. (P. Power, The Placenames of Decies (Cork, 1952), p. 195.)

172. This location was first referred to in a charter of 1199 by which King John granted Elias fitz Norman lands there to the south of the river Suir. (P.R.O.I. M. 2542, p. 7.)

173. P.R.O.I. Dep. Keeper's Rep. no. 35, p. 36.

174. Canon Power repeats a picturesque story that it was named after Algerian Corsairs who landed there in the seventeenth century. (Power, Placenames, p. 101.)

gCúanach, between Dungarvan and Helvick head, a name which is also of Norse origin. Further east along the coast near Stradbally at Duflagh lay a vill that was held by John NacGillemorry in 1262¹⁷⁵ and by his kinsman William in 1299.¹⁷⁶ It is therefore apparent that the Norse and their descendants were not confined to Waterford city.¹⁷⁷

While the Ostmen were descendants of the Norsemen that had settled in the area, a degree of acculturation had certainly occurred. The Ostmen had adopted an Irish form of their personal names while retaining their personal names. Thus the Irish prefix 'mac' had replaced the Norse suffix 'són'. Even these personal names suggested a degree of acculturation. Thus the ancestor of the last king of Waterford was one Gillemor or Giolla Máire while a son of a tenth century king of Waterford who was killed in 982 was Giolla Pádraic.¹⁷⁸ This possibly indicates that Irish had also become their vernacular although a number of words especially linked with ship-building and trade retained their Norse forms while passing into the Irish language.¹⁷⁹

The initial impact of the arrival of the English in 1170 was more dramatic for the Ostmen than for the Irish. They were less numerous than the Irish and their initial response

175. Curtis, 'Sheriffs' accounts', p. 3.

176. P.R.O. E.101/233/6; H. Sweetman (ed.), Cal. Doc. Ire., IV, p. 263.

177. See Map 3.

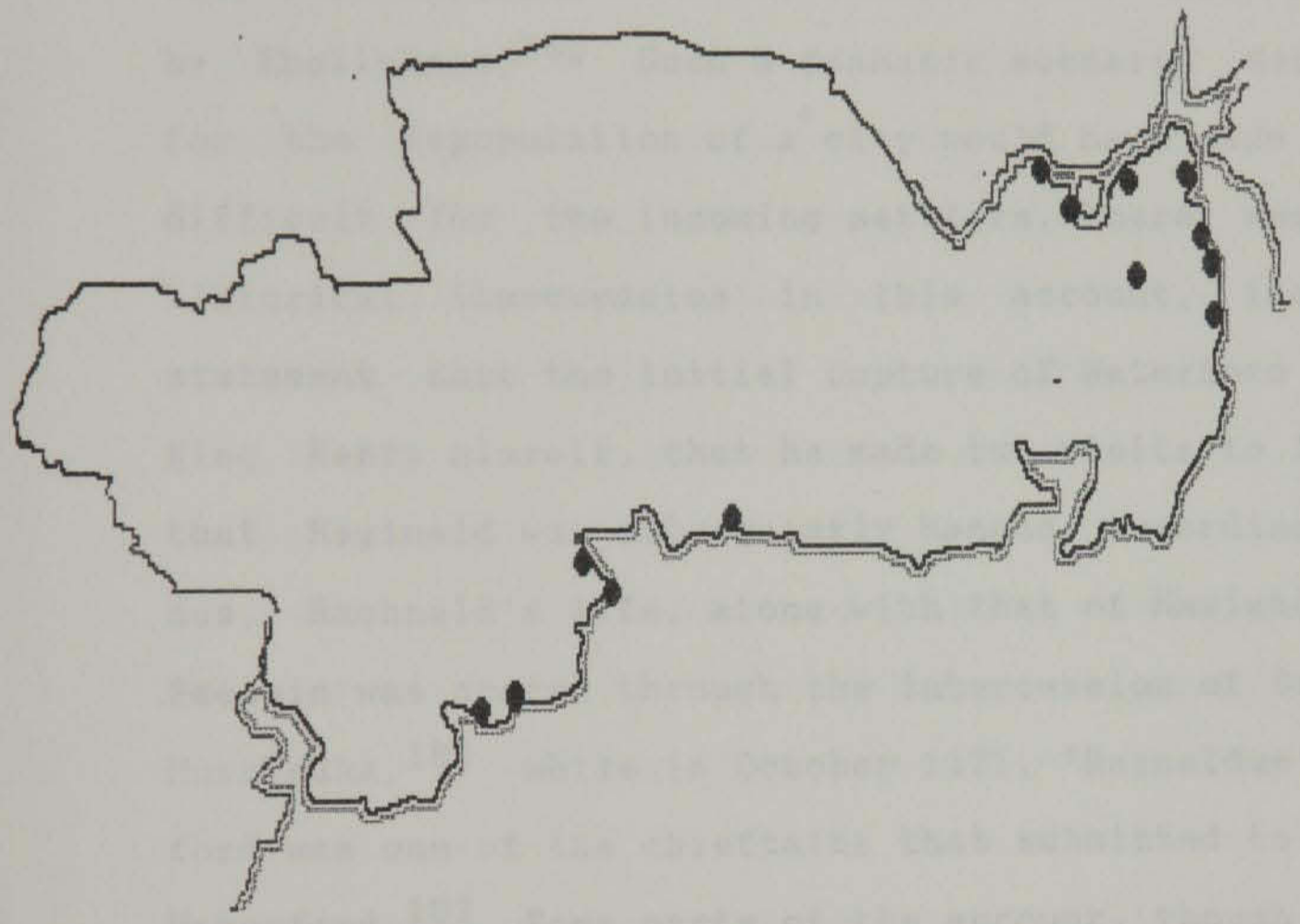
178. J. O'Donovan (ed.), Annals of the Kingdom of Ireland, II, pp 714-5.

179. M. O Murchú, The Irish Language (Dublin, 1985), p. 19.

The English were a strong party in the population
in the latter days of the century. In the
middle of the century the name was changed to
the present one. The name was first used in the
fourteenth century.

Map 3. Placenames of Norse and Ostman Origin.

The names of Norse and Ostman origin were
first recorded in the thirteenth century. The
names were first recorded in the thirteenth
century.



The names of Norse and Ostman origin were
first recorded in the thirteenth century. The
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century.

to the English was also unlikely to enhance their position in the latter's eyes. The chief of the Ostmen in Waterford, Reginald or Ragnald MacGillemorry had attempted to block access but this resistance was futile and he was imprisoned along with O Faelain, while two other Ostmen, whose names were simply given as Sitric, were hanged.¹⁸⁰ According to a fourteenth century account all of the inhabitants of the city were expelled with one exception and their place taken by Englishmen.¹⁸¹ Such a dramatic scenario defies belief for the depopulation of a city would have made life very difficult for the incoming settlers. There were certain historical inaccuracies in this account, including the statement that the initial capture of Waterford was led by King Henry himself, that he made two visits to Ireland and that Reginald was subsequently hanged. According to Giraldus, Ragnald's life, along with that of Maelsheachlainn O Faelain was spared through the intercession of Diarmaid mac Murchadha,¹⁸² while in October 1171, 'Ragnaldus' of Waterford was one of the chieftains that submitted to Henry II at Waterford.¹⁸³ Some parts of the account, though, may have reflected attempts to move some of the Ostmen inhabitants outside the city to make way for English settlers. Ill-feeling eventually led to a revolt in which the city was

180. Giraldus, Expugnatio, p. 67.

181. Cal. Justic. Rolls, Ire., III, pp. 185-8.

182. Giraldus, Expugnatio, p. 67.

183. Chronica de Rogeri de Hoveden, (London, Rolls Series, 1869), II, p. 30.

attacked and some of its inhabitants killed.¹⁸⁴ The later fourteenth century account spoke of a plot by the Ostmen who attacked the English when they were outside the walls, 'playing in the fields'. The decisive factor according to both accounts was the ability of the Normans to retain control of the city through their control of Reginald's tower. The resident of this tower was Gerald MacGillemorry who did not join in this rebellion, and his actions led to a dichotomy in the historical development of the Ostmen. Gerald was almost certainly a relative of the last king of Waterford, Reginald or Ragnald MacGillemorry, and his actions may well have been an attempt to salvage something of his family's preeminence in a changing world.

Gerald and his descendants remained at the apex of the Ostmen community in Waterford throughout the rest of the medieval period though this position was far from easy. According to his descendants Gerald was rewarded for his posture by King Henry II by a grant to Gerald 'as well as to others of his parentage Ostmen of Waterford, that they from that time should have the law of the English and be judged and treated according to that law.'¹⁸⁵ It was furthermore stated that Gerald's descendant, William MacGillemorry, the leader of the family in the early fourteenth century, held 'all his lands of the king in chief in the said county, by paying scutage to the county of Waterford ... and ... John

184. Giraldus, Expugnatio, p. 141.

185. Cal. Justic. Rolls, Ire., III, p. 186.

[MacGillemorry] ... heretofore was accustomed to be put on juries and assizes like all other English of the county'. The statement regarding their landholding was demonstrated in March, 1322 when sir Richard MacGillemorry, either a son or brother of William, was amerced for failing to travel to England to perform his fealty, thereby emphasising their place within the feudal system.¹⁸⁶

The MacGillemorries discovered that continual recourse to charters and confirmation of charters did not grant them an automatic place within local society. As a result of this vulnerability links developed with various sections of the les Poers. For the payment of the above-mentioned amercement for the non-performance of fealty, baron John le Poer of Donoil stood as a pledge. In 1319, Roger MacGillemorry obtained a pardon, probably at the instance of Arnold le Poer.¹⁸⁷ A further indication of their relationship with the les Poers as well as a pointer to their relative importance within society was the marriage of one of the MacGillemorries to one of the les Poers of Kilmeadan. In 1390 More Makelesmardoghtir (surely a MacGillemorry) received letters of pardon for diverse sedition along with her husband, Nicholas le Poer.¹⁸⁸ It is unclear though, whether the Nicholas concerned was Nicholas senior, the former sheriff

186. P.R.O.I. Dep. Keeper's Rep. no. 42, p. 40.

187. Similar pardons were granted to numerous members of the les Poers, including baron John fitz Peter le Poer and sir Roger le Poer, therefore implying that the pardons were procured through Arnold le Poer. (R.P.H., p. 24, no. 137.)

188. Ibid., p. 143. no. 55.

or his son. In any event, it demonstrates that the MacGillemorries were viewed as acceptable marriage partners by the most important sections of the le Poer lineages in the late fourteenth century.¹⁸⁹

Another Ostman who enjoyed a privileged position was John Harald who was sheriff of Waterford between 1236 and 1250.¹⁹⁰ In 1307 both he and his wife Nesta received sealed letters of pardon but he did not play an important role in local society nor were his descendants, except as criminals. In Michaelmas term 1308 John fitz Ralph Harald was accused of belonging to a mixed group of criminals that waylaid David le Poer near Rathcormack.¹⁹¹ Whether they were related to the more famous Haralds of the Vale of Dublin is unclear, as the surname was probably a patronymic derived from the personal name of an ancestor.¹⁹²

Other members of the Ostmen community had not been as fortunate. They did not suffer the same legal disabilities as the Irish, but as an ethnic group separate from the English settlers they often found themselves in the same position, especially since they had undergone a degree of acculturation amongst the Irish and were therefore hardly

189. See Chapter 1, pp. 20, 49.

190. See Appendix A., p. 364. John Harald witnessed a charter to David Galgeyl that was issued when Geoffrey de Turberville was treasurer. (R.P.H., p. 3, no. 35.)

191. P.R.O.I. R.C. 7/13, p. 81.

192. See P. Reaney, The Origin of English Surnames (London, 1967), pp. 118-20. The name 'Harold' originated from the old Norse Hraúldr, signifying a prosperous free-man. (P. Wilson and D. M. Foote, The Viking Achievement (London, 1970), pp. 84-6.)

distinguishable from the latter. In 1295 the jurors in the justiciar's court at Clonmel claimed that one William O'Mol-eyn was an Irishman, even though he answered that he was William MacMackus related to an Ostman family of Limerick city.¹⁹³ This confusion may well have been due to malice on the part of the jurors, or simple ignorance.¹⁹⁴ The legal position of the Ostmen was ambiguous. Although some, such as Gerard MacGillemorry and the ancestor of Philip MacGothmund had been granted English law, the example of the MacOtir who wrote from 'the end of the world' requesting English law demonstrated that it was a right that needed constant reassertion and which could not, in practical terms, be taken for granted.¹⁹⁵

In this regard, the picture painted by Philip MacGothmund is of interest. In 1290 he petitioned for a charter from the king spelling out that the Ostmen were indeed Englishmen and worthy of enjoying English law. This demand was caused, so Philip complained, by the actions of those who were greedy of his lands and goods.¹⁹⁶ It also appeared that when any member of the Ostman community was killed, 30

193. Cal. Justic. Rolls, Ire., I, p. 59.

194. Geoffrey Hand's interpretation of William's position, namely that he was the son of an Irish father and an Ostman mother, is also plausible. (G. J. Hand, English Law in Ireland, 1290-1324 (Cambridge, 1967), p. 211.)

195. Cole, Documents illustrative of the History of England, pp. 69-70.

196. Ibid., pp. 68-9. The status of the MacGothmunds before this is unclear though in 1269 John fitz Andrew Macasmund claimed that his father had been enfeoffed of three carucates of land by bishop Griffin Christopher of Lismore. (P.R.O.I. R.C. 7/1, p. 421.)

marks was demanded of his relatives, as well as all of his chattels. It is not clear who exactly, enforced these fines or forfeited the goods, but the implication was that this was done by the burgesses of the city of Waterford. The point, however, that Philip was astute enough to make, and which overcame any opposition proposed by the burgesses of Waterford, was to tactically assert that it was to the king's advantage to have as many English liegemen in Ireland as possible. A royal charter was therefore issued.

The ability of such confirmations to improve the lot of the Ostmen was limited as was shown by the experience of a certain member of the MacGillemorries. In October 1283, John, William and Gillecrist MacGillemorry and the other Ostmanni of the city and county of Waterford were granted English law following an inspection of a charter of King Henry II, probably the same one that was referred to in 1311.¹⁹⁷ At an uncertain date, possibly in the late thirteenth century this Gillecrist MacGillemorry was killed by Robert fitz Watyn le Poer, who apparently claimed benefit of clergy in his defence.¹⁹⁸ However, the fact that he was indicted at all and was forced to seek this privilege demonstrated that the status of the Ostmen was recognised. However harmful confusion still existed. Before 1311 one Yvor MacGillemorry was killed by Robert le Waleys who claimed in his defence that as the status of the Ostmen and Irish was

197. C.P.R., 1281-1292, p. 78.

198. Cal. Justic. Rolls, Ire., III, pp. 187-8.

one, he had not committed a felony. The confusion of the English towards the Ostmen was betrayed by the writer of the account of the subsequent plea, who frequently referred to the 'parentage' (parentela?) of the MacGillemorry,¹⁹⁹ thereby using a term that, while being applied to the extended families of the English, was used to refer to Irish lineages as well.²⁰⁰

The position of the Ostmen in the church was apparently insignificant. Waterford was among the first sees to be created in 1096 according to a diocesan structure.²⁰¹ According to Canon Power, the new see took as its patron one Oteran or Odhran, possibly a missionary saint, whose background was unknown.²⁰² A parish to the west of Waterford city bore his name and this church may well have been founded by the saint or dedicated to him before the arrival of the English. Interestingly a degree of continuity of Ostman associations with the church continued into the early fourteenth century when the vicar of the church was an Ostman, John MacGillemorry.²⁰³ The church lands in Killoteran were listed among the temporalities of the see of Waterford in

199. Cal. Justic. Rolls, Ire., III, p. 187.

200. See Chapter 3, pp. 102-4.

201. For a discussion of the creation of the bishopric of Waterford, see A. Gwynn, 'The Origins of the Diocese of Waterford' in Irish Ecclesiastical Record, 59 (1943), pp. 286-295.

202. Canon Power refers to a 'controversy' concerning the saint's ethnic background, though he fails to cite any references for this. (Power, Placenames, pp. 365-6.) It seems, though, that the name was a form of the old Norse Optere.

203. Cal. Justic. Rolls, Ire., III, p. 250.

1274 thereby demonstrating that the land in question had probably been church land that remained a part of the lands of the diocese of Waterford after the English had established domination of the see.²⁰⁴

The most prominent family in church circles were the MacGillemorries who extended their social preeminence into this sphere. John MacGillemorry was chaplain of Killoteran in 1311 when he was accused of receiving Adam son of the chaplain MacGillemorry.²⁰⁵ Their involvement in the church grew in the fifteenth century. In 1421, Walter MacGillemorry was named as a collector for the chapter and clergy of the diocese of Waterford and Lismore for a subsidy granted to James, earl of Ormond.²⁰⁶ Certainly the legal restrictions against Irishmen holding benefices were never applied to the Ostmen.²⁰⁷

The insecurity of the Ostmen pushed many of them into a state of dependence on prominent local magnates. Among the payments due to the holder of the Honour of Dungarvan in 1282 was 7s which 'the tenants of the vill of the Ostmen, near Waterford, yearly render for the advowson by the hands of the baron of Donoil.'²⁰⁸ This was probably a payment that

204. N.L.I. Ms. 760, p. 14.

205. See above, n. 203.

206. H. G. Richardson and G. O. Sayles (ed.), Parliaments and Councils of Medieval Ireland (Dublin, Irish Mss Commission, 1947), II, p. 136.

207. See above, p. 155, n. 98.

208. Cal. Inq. P.M., II, p. 253; H. Sweetman (ed.), Cal. Doc. Ire., II, no. 1921, p. 426.

had been made directly to the king before the successive grants of the Honour of Dungarvan to Thomas fitz Anthony and the Desmond Geraldines.

One family that had been associated with the les Poers in more violent endeavours were the MacSitrics. They had managed to hold onto some of their lands in county Waterford until July 1236 when the manor held by MacSitric near Waterford was granted by the king to the Irish chancellor, Geoffrey de Turberville.²⁰⁹ In October 1306 the king's peace was granted to six members of the family at the instance of Roger fitz John le Poer.²¹⁰ Similarly, in 1312 Gillepatric MacSitric was among those who received grants of the king's peace for involvement in the murder of sir John le Grant,²¹¹ which was carried out with the support of sir John fitz Peter le Poer.²¹² In 1311 Philip MacSitric was a member of the retinue that the baron of Donoil brought to 'rescue' Margaret of Desmond from Stephen le Poer,²¹³ while in 1313 Griffin MacSitric was accused of 'wandering through the country with his mastiffs and greyhounds demanding sustenance and beating those who refuse him'.²¹⁴ The jury, which included two members of the les Poers' lineage, naturally

209. C.P.R., 1234-1237, p. 365.

210. Cal. Justic. Rolls. Ire., II, p. 293.

211. Ibid., III, p. 263.

212. See Chapter 7, p. 295.

213. Cal. Justic. Rolls. Ire., III, p. 190.

214. Ibid., pp. 180-1.

acquitted him. It is possible that Griffin was not acting on his own but as a member of either baron John or Arnold le Poer's retinue, on whose behalf he was demanding prises. In 1318 Arnold obtained a grant of English law for Richard MacSitric, one of those mentioned in the 1306 grant.²¹⁵ It is possible that they played a role alongside the les Poers in the disturbances of the late 1320s for in 1331 the mayor and community of the city of Waterford owed 2 marks for the forfeited goods of John MacSitric that had been forfeited for felony.²¹⁶

It would be too facile to state that the Ostmen involved in crime as well as in the sequela elements of the magnates' retinues were all descendants of the dispossessed. The case of Adam MacGillemorry who was the son of the vicar of Killoteran, one of those Ostmen who had some status in political society, disproves this. The descendants of sheriff Harald were involved in disorder and there is no indication that the fortunes of his family suffered a reversal, such as dispossession. It is therefore possible that the same forces that worked upon the younger sons of prominent members of the baronage and gentry and which led to the growth and proliferation of parentelae were also operative among the Ostmen.²¹⁷

The Ostmen, at least the MacGillemorries, did not

215. Sayles, Affairs of Ireland, p. 81, no. 105; Connolly, 'Ancient Petitions', p. 47.

216. P.R.O.I. Dep. Keeper's Rep. no. 42, p. 40.

217. See Chapter 3, pp. 112-7.

suffer the decline into oblivion attributed to them by Edmund Curtis.²¹⁸ Some were able to maintain some social prominence as late as the 1390s as demonstrated by the marriage of the daughter of an Ostman to Nicholas le Poer of Kilmeadan. While it is not within the realms of this study to look at developments within the fifteenth century, it is clear that their status did not undergo any significant deterioration. In 1470 both John and William MacGillemorry were both residents of Waterford city, though in the suburb of St Michael's Parish.²¹⁹ Others, at a lower level, were able to retain something of their cultural distinctiveness, for as late as 1413 one Olav the fuller still resided in Dungarvan.²²⁰

In conclusion it can be said that the Ostmen exhibited the same degree of social diversity as the Irish, though in the case of the former some at least enjoyed a much higher status within local society. However, this position was frequently challenged and it was only with continual effort that the Ostmen exhibited their separateness from the Irish. Others were involved, like the Irish, in disorder as well as the magnates' retinues, but while some may have been the

218. E. Curtis, 'English and Ostmen in Ireland' in English Historical Review, 23 (1908), pp. 209-19; Geoffrey Hand's assertion, based on Curtis, that in the thirteenth century 'the Ostmen ... were rapidly losing their identity' is obviously incorrect. (G. J. Hand, English Law in Ireland, 1290-1324 (Cambridge, 1967), p. 210.)

219. G. Mac Niocaill (ed.), 'Registrum Cantariae Sancti Salvatoris', pp. 210-11.

220. Nicholls, 'Abstracts of Mandeville Deeds', p. 17.

descendants of dispossessed Ostmen, they were more secure in their position than their more exalted kinsmen. While some of the Ostmen enjoyed benefits and liberties that had not been granted to the Irish, their position was often worse than that to which they were entitled.

The plight of neither the Irish nor the Ostmen was a simple problem of access to law. Both communities provide many instances of those who established a symbiotic relationship with the most prominent local political elements. Many Irish enjoyed a status within society that was better than the legal position of their ethnic grouping, while many Ostmen were worse off than the legal status of many of their grouping.

CHAPTER 5. RETINUES AND POLITICAL ALLIANCES

The retinue was the mechanism by which various social and political elements were organised in the fourteenth century. At the apex was the lord or retinue leader, usually a member of the baronage. The retinue also embraced members of the gentry and lineage, as well as Irish elements from the locality and from further afield.

The retinue was primarily an alliance between a magnate and particular members of other social categories for the pursuit of the former's aims. These links continued over a number of generations and were prompted by ties of tenure, proximity of lands and common involvement in war at both home and abroad. Initially these alliances were informal and were not institutionalised by external symbols or documents. Therefore, the use of the term 'retinue' must not be confused with its use solely in the context of the English retinue with its indentures, fees and liveries.

The Origins of retinues

The royal or baronial retinue, as an institution, was as old as the medieval period itself: the origins of the lord's familia may be seen in the trustes of the barbarian leaders of the fifth century.¹ The retinue's military aspect was the

1. See J. M. Wallace-Hadrill, The Long-haired Kings (Oxford, 1978), pp. 3-4.

most important factor in its origin and early growth, but there was bound to be a later political aspect as well, for once the military situation that had given rise to the retinue's growth had subsided even temporarily, the links that had been forged in the heat of battle and conquest were perpetuated in political ties. Thus the trustes of Clovis became in time the leudes of his Merovingian successors. Yet military necessity never disappeared and the need for retinues remained. This problem faced rulers who, anxious to control the power of their barons, still needed their military forces. The difficulty was in preventing the retinue becoming a private army for the pursuit of individual grievances outside a politically-defined legal framework, and thereby extending its military aspect into the political sphere. Where there existed any form of local military confrontation between magnates, this process was bound to occur.

The military nature of the 'Conquest' of Ireland necessitated the employment of military retinues. The followers and associates of individual lords, such as Hugh de Lacy, were subsequently granted military fiefs in the areas they had helped to subdue in return for their continued political support.² The ties between leader and follower were thus subsumed into the feudal relationship of lord and tenant.³ However, military ties remained strong: Irish contingents,

2. Orpen, Normans, II, pp. 82-90.

3. See Ibid., The Song of Dermot and the Earl (Oxford, 1892), p. 230.

led by the most prominent Irish magnates, participated in wars in Scotland and Wales, while the incomplete nature of the subjugation of Ireland provided opportunities for the collective bond of those initial retinues to be maintained in military employments nearer home.

While the military nature of retinues was constantly being used, another, parallel force which was seminal to the growth of the political retinue was coming to the fore. Tensions between the first settlers, like those between Raymond le Gros and Hervey de Montmorency, were recorded by Giraldus Cambrensis.⁴ These differences of personality spilled over into political tensions in the early thirteenth century, as witnessed by the support given in 1203 to rival candidates of the Uí Bhríain by William de Burgh and Meiler fitz Henry, the Irish justiciar, respectively.⁵

To these domestic tensions was added the possibility of the contagion of the Irish lordship by disputes of a broader deeper nature and the subsequent absorption of domestic quarrels by them. The possibility of such a linkage was recognised in the grant made to John fitz Thomas of Desmond of the custodies held by Thomas fitz Anthony in 1259; included in the terms of the grant of Dungarvan was the provision that the castle was to return to Lord Edward's custody:

4. Giraldus, Expugnatio, p. 159.

5. S. Mac Airt (ed.), Annals of Inisfallen (Dublin Institute for Advanced Studies, 1951), pp. 332-3.

si forte guerra comuni fiat in Hibernie, vel dictus Edwardus aut heredes certam suspicionem ... versus prefatum Johannem vel heredes (quod absit) Johannes vel heredes reddant dicto Edwardo aut heredibus suis predictum castrum de Dungarvan tenendum quamdiu communis guerra ibi fuerint...⁶

The possibilities of such a conflict were as strong in Edward's mind as they would have been to John fitz Thomas since the grant was made in the early stages of the dispute between king Henry III and the barons led by Simon de Montfort.⁷ The opportunities for private warfare were soon realised when the tension between Walter de Burgh and Maurice fitz Maurice of the Kildare Geraldines came to a head in the kidnapping of the justiciar at Castledermot in 1264.⁸ No evidence has survived that the warfare directly affected the Waterford area but the frantic repair of the fortification of Ross by its citizens suggested a disturbed situation in the areas bordering on the east of the county.⁹ It must also be borne in mind that both parties held lands in county Waterford.¹⁰

This form of private warfare was to flare up once again in the mid 1290s between John fitz Thomas of Kildare and Richard de Burgh,¹¹ but once again the extent to which this

6. R.P.H., p. 3, no. 17.

7. See F. M. Powicke, The Thirteenth Century, 1216-1307, second edition, (Oxford, 1962), especially pp. 152-155.

8. Butler (ed.), Clyn, Annals, p. 8.

9. H. Shields (ed.), 'The Walling of New Ross, a thirteenth century poem in French' in Long Room, 12-13 (1975-6). pp. 24-33.

10. See Chapter 1, pp. 21, 35-7.

11. Orpen, Normans, III, pp. 113-4, 116-9.

had an impact on Waterford was uncertain. Waterford was once again distant from the main theatres of controversy between the two protagonists in Connacht and the west Midlands, but as Professor Lydon has pointed out, even the distant castle of Ferns in Wexford was placed in a state of alert.¹² The volume of cases from Waterford before the justiciar, when he visited the area in 1295 further suggests that Waterford may have experienced some of the violence and criminality that was a by-product of the disturbances elsewhere.¹³ By 1297 the most visible aspect of magnate competition, namely military companies under the leadership and control of powerful magnates had become part of the Irish political landscape. The petitions which formed the basis of the legislation of that year's parliament, while complaining of such forces, did not attempt to outlaw them, but rather to contain them within an acceptable framework; private armies were to be stationed on the lord's own lands and they were not to pass through the land of peace.¹⁴

Private armies were clearly a danger to the peace of the king in Ireland, but they were far from useless in the pursuit of the king's wars elsewhere. The military leadership of Irish magnates was strengthened through involvement in King Edward's wars in Wales and Scotland. The magnates' contingent, though under the over-all command of the king,

12. J. F. Lydon, 'The years of crisis, 1254-1315' in New History of Ireland, II, p. 187.

13. Cal. Justic. Rolls, Ire., I, pp. 1-15, 32-3, 167-208.

14. Berry, Statutes, John - Henry V, p. 202.

and owing final loyalty to him, was the magnate's own military force. Such participation by tenants in the army of their feudal lords occurred in 1302, when a number of Waterford knights named attorneys for their absence in Scotland in 1302.¹⁵ Walter fitz Matthew le Poer was a member of the les Poers of Fenoagh and so was a tenant of sir Eustace le Poer,¹⁶ while sir Stephen le Poer was Eustace's younger brother.¹⁷ It provided its members with military experience, as well as a taste for battle which had to be absorbed once they returned to Ireland.

Yet before a simple analogy between magnate contingent and retinue is pressed too far, it must be remembered that no contingent destined for foreign engagements was ever going to be able to embrace all of the elements of the magnates' local followings, nor would any magnate wish it to. The retinue of a magnate needed different elements to perform various functions for their master, in political military and administrative fields. For an important magnate the ability to lead his forces into battle for his king in Scotland rested on the knowledge that the magnate's affairs were in safe hands at home. In this respect the linkages with those who stayed behind were as important as between those who went to Scotland. The above-mentioned magnates and knights appointed attorneys to prosecute their affairs

15. R.P.H., p. 5, no. 71.

16. See Chapter 3, p. 94.

17. See Appendix B. I, p. 380.

and supervise their interests in their absence. David Brun was named as John fitz Peter le Poer's attorney in 1302.¹⁸ In 1306 he was le Poer's sub-sheriff in county Waterford,¹⁹ while in 1318 he became seneschal of the liberty of Kilkenny for a brief period.²⁰ Brun did not belong to the first rank of the gentry but he formed an essential part of the magnate's local clientele.

There is no indication that there existed formal contracts between any of those fighting in Scotland: it is thus important to stress that the involvement of magnates and gentry in Scotland cannot be seen as the origins of 'bastard feudalism' as stated by the late Professor MacFarlane.²¹ Military linkages between powerful magnates and regional, less powerful baronial families reflected existing ties. The les Poers, despite having landed interests in many parts of the lordship, were confined to a limited geographical area and this was one reason why they never belonged to the first rank of the Irish baronage.²² Some members of the les Poers, including those of Donoil, had participated in the

18. See above, n. 15.

19. P.R.O.I. Ex. 2/1, p. 154.

20. The exact nature of his appointment is unclear. On January 18th, 1318 he was granted the seneschalship of the liberty by the King, who ordered his predecessor, Fulk de la Freigne to deliver the rolls to him (R.P.H., p. 23, no. 72), while on February 7th of the same year, the seneschalship was granted to baron John le Poer of Donoil. (Ibid., p. 24, no. 89.)

21. K. B. McFarlane, 'Bastard Feudalism' in Bulletin of the Institute of Historical Research, 20 (1943-5), pp. 162-4.

22. See Chapter 1, pp. 28-30.

conquest of Connacht, presumably alongside Richard de Burgh's grandfather, and had been rewarded with land grants there.²³ This relationship was consolidated by marriage ties; in 1290 Richard de Burgh sought a pardon for Robert le Poer, 'soen cousyn' for his attacks on the Aylwards.²⁴ The military aspects of the alliance continued in the last years of the thirteenth century, especially between De Burgh and Robert le Poer's brother, Eustace in the early years of the fourteenth century when both served in Scotland.²⁵ It is important, therefore, to see retinues as originating from a web of political relationships at national, regional and local level.

The structure of the retinue

The historical development of Irish retinues was subsequently reflected in their internal organisation. Such retinues contained up to four sub-categories; the parentela that included members of the magnate's own family; the familia; the satellites and finally the adherentes. The retinue was not a homogeneous entity of equal parts but comprised numerous, separate yet inter-dependent elements forming a sequence of concentric relationships radiating

23. See Appendix B. II, p. 395.

24. Cole, Documents illustrative of the History of England, p. 71.

25. Although both brought separate retinues, the closeness of their connections was borne out in 1304 when they were the only Irish magnates who witnessed the public declaration of Edward's overlordship at Stryvelin. (Rymer, Foedera, II, no. 1, p. 966.)

outwards from the lord.²⁶ Thus the members of the parentela were related to the lord while those of the familia were usually trusted allies, sometimes his tenants. The last two categories were never from the same social grouping, though some might be his tenants.

Each of these categories will be examined in turn, working outwards from those most closely associated with the lord. Many of the examples quoted deal specifically with the retinue of the first earl of Desmond. This does not imply that Desmond's retinue was the only one in existence in Waterford nor that it was a more perfect and well-defined retinue, but because the sources that allow examination, notably the legal inquisitions regarding his activities in Munster in the second quarter of the fourteenth century, are fuller, if more critical, than those for other magnates' retinues in the area.

At the heart of all magnate retinues were members of the lord's lineage, including both the 'gentry' elements and the parentela.²⁷ In the retinues of the larger magnates, the 'gentry' element often provided many, and in the case of the smaller retinues, the whole of the personnel of the familia while the parentela elements acted as the nucleus of a

26. This model which has been used by Dr Carpenter, is much more valid than the idea of retinues conforming to a pyramidal hierarchy and helps to emphasise the non-feudal elements within its broader framework. See C. Carpenter, 'The Beauchamp affinity: a study of bastard feudalism at work' in English Historical Review, 95 (1980), p. 515.

27. For the distinction between these two groupings, see Chapter 3, p. 91.

magnate's military forces. For example, sir Thomas fitz John of Desmond was a member of his uncle's consilium of closest advisors. Political allies also contributed their own parentelae to the magnate's affinity. Among those specifically accused of aiding the earl of Desmond were 'Philip boy' and 'Thomas Dessaugh' Russel.²⁸

However, the growth of retinues was a response to the inadequacies of the lineage in effecting political control. Even the lineage of the Desmond Geraldines that had many different cadet and collateral branches,²⁹ had to look outside its own extended family for political and military support, and the vitality of a retinue and its consequent success in consolidating the power of its leader, was dependent on its ability to attract elements from outside the family circle.

The most powerful and useful of these elements formed the lord's familia of political and military allies as well as close advisers. In the case of the Desmond Geraldines, these ties had been formed in the thirteenth century through military and familial contacts. Among those who died alongside John fitz Thomas and his son at the battle of Callan was sir David de Barry,³⁰ and some of his descendants, most notably Adam de Barry, were members of the earl's retinue.

28. 'Legal proceedings', p. 9.

29. For a brief discussion of some of the most important Geraldine cadet branches see K. W. Nicholls, Gaelic and Gaelicised Ireland in the Middle Ages (Dublin, 1972), pp. 165-6.

30. Annals of Connacht, p. 136. For the identification of 'Barach Mór' with David de Barry see Orpen, Normans, III, p. 141, n. 1.

Other relationships were of more recent origin, such as those with the de Mandevilles. While the military aspects of their links with the lord continued, they were increasingly used in an administrative sense, especially in local government, to protect their lord's interests.

Within the familia there existed a core of close political allies who were associated with the lord in most of his activities and who were consequently not confined to one county. The consilium of the first earl of Desmond, for example, comprised men from many areas; two individuals, sir Thomas fitz John of Desmond and sir Walter de Mandeville were viewed by jurors at Clonmel as among a group consulted by the earl of Desmond prior to his usurpation of the manor of Inchiquin.³¹

This demonstrated how the first earl used both those who were related to him as well as political newcomers in his retinue and how membership of the consilium was not based on hereditary right. Sir Thomas fitz John was the earl's nephew, being a son of John fitz Thomas.³² Sir Walter de Mandeville, on the other hand, was probably a younger son of Thomas de Mandeville who was killed in Ulster in 1316.³³ In 1337, Walter's mother, Anna granted him the manor of Lisly-

31. 'Legal proceedings', p. 31.

32. For the career of John fitz Thomas and his son see Chapter 3. pp. 112-5.

33. Butler (ed.), Clyn, Annals, p. 13; Ibid., Grace, Annals, p. 70; Chart. St. Mary's, Dublin, II, p. 350.

nam near Carrickfergus from her dower,³⁴ while in March 1339 he quitclaimed some lands in county Meath that had been held by the Mandevilles of Ulster.³⁵ Sir Walter de Mandeville first appeared in Waterford in 1323 when he witnessed a grant by Richard de Burgh to Maurice fitz Thomas and de Burgh's daughter, Katherine, of extensive lands in Waterford, Cork and Tipperary.³⁶ The closeness of the relationship that subsequently developed with Maurice fitz Thomas was exemplified by sir Walter's presence at the birth and baptism of the first earl's son, the future earl Maurice, in 1335.³⁷ In 1343 he assisted fitz Thomas in the expulsion of Egidia de Baddlesmere's bailiffs from the manor of Inchiquin,³⁸ while in 1344, both sir Walter and his son Thomas, together with the earl's closest allies, swore that they would be:

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34. K. W. Nicholls (ed.), 'Abstracts of Mandeville Deeds' in Analecta Hibernica, 32 (1985), pp. 14-5.
35. Cal. Orm. Deeds, I, pp. 305-6, no. 720. The first de Mandevilles headed by Martin de Mandeville had been allies of Hugh de Lacy I in Meath and had entered Ulster after the latter acquired the earldom in 1205. (Orpen, Normans, II, p. 125.) Among the lands held by them in Meath was Donamore the advowson of which was still claimed by Robert de Mandeville in 1288. (H. Sweetman (ed.), Cal. Doc. Ire., III, no. 457, pp. 196-7.) They may have had some connections with Tipperary as in the early thirteenth century, Robert fitz Martin de Mandeville granted the abbey of St Thomas in Dublin some lands in Rathmanagh in Tipperary. (J. T. Gilbert (ed.) Register of St Thomas' Abbey, Dublin, (London, Rolls series, 1889) no. 325, p. 237.) However, I have not found any linkage between the Waterford Mandevilles and the Tipperary family of Maydewell.
36. Cal. Carew Mss., IV, p. 346. The other witnesses were all drawn from counties Waterford and Tipperary, and this would tend towards the view that Walter de Mandeville was already established in the area.
37. Cal. Ing. P.M., X, p. 325, no. 397.
38. 'Legal proceedings', p. 35.

... de una querela et de una covina in omnibus querelis contra dominum regem et fidelem populum suum et ad unam guerram et ad unam pacem tenendas, et quod nullus eorum se redderet ad pacem domini regis nisi omnes se ad pacem domini regis redderent, contra ligeancias suas.³⁹

After the defeat of fitz Thomas' rebellion, he was still recognised as being one of the former's closest political allies, for in May 1346 he was excluded from a grant of the king's peace, along with the earl himself and sir Thomas fitz John.⁴⁰ When, later in the year, the earl joined the king's forces in northern France, de Mandeville joined him after a spell of imprisonment in England.⁴¹

Beyond this central core there existed other allies whose usefulness was more restricted to a particular region. Both the Desmond Geraldines, and the les Poers had landed interests throughout Munster,⁴² and they could not serve all of these areas with their presence at the same time. There was a consequent need for local allies who could take care of magnates' local interests whenever they were absent. These formed an outer ring of the familia. Entry to this category was not always straightforward and often necessitated generations of close involvement with the magnates.

39. 'Legal proceedings', pp. 37-8.

40. C.P.R., 1345-1348, p. 210.

41. Rymer, Foedera, III, no 1, p. 112; De Mandeville's actions in Calais were probably prompted as much by his loyalty to Maurice fitz Thomas as by a desire to 'rehabilitate' himself in royal eyes. (R. F. Frame 'Power and Society in the Lordship of Ireland' in Past and Present, 76 (1977), p. 31.)

42. See Appendix B. II, pp. 387-91; H. Sweetman (ed.), Cal. Doc. Ire., IV, no. 551, pp. 255-63.

The ties of loyalty were also less binding and individuals could leave the familia if better, short-term prospects presented themselves.

Among the foremost members of the earls of Desmond's outer familia were the Russels. Sir Maurice Russel was a prominent member of the Waterford gentry. In 1253 David Russel had received a lease of lands in the Honour of Dungarvan,⁴³ while in 1280 Maurice Russel received a grant of the manor of Moynow or Monrode near Dungarvan.⁴⁴ Maurice had been a member of baron Peter fitz John le Poer's retinue in Wales in 1281 and it was later stated that he had worn his livery,⁴⁵ but in the next decade he entered the Geraldine camp when he was appointed chief sergeant of Waterford by Thomas fitz Maurice's widow in 1298.⁴⁶ His transferal to the Geraldines can be viewed as a response to changing circumstances. Peter le Poer's death in 1284 left Maurice without a patron and he conveyed his services to the Geraldines whose star was in the ascendant at this time. There was another factor which may have pushed him in the direction of Thomas fitz Maurice; Thomas' wife, Margaret de Berkeley, was the daughter of lord Thomas de Berkeley of Gloucestershire.⁴⁷ The Russels of Dyrham, probably relatives

43. C.P.R., 1247-1258, p. 210.

44. Cal. Chart. Rolls, 1257-1300, p. 225.

45. Cal. Justic. Rolls, Ire., II, pp. 452-3.

46. Ibid., p. 424.

47. See Appendix E., p. 441.

of their Irish namesakes, were also landholders in that county.⁴⁸ Such a relationship may have been responsible for Margaret's subsequent marriage to Maurice's brother, sir Reginald Russel who thereby acquired joint custody of the Honour of Dungarvan.⁴⁹ Maurice Russel became sheriff of the sheriff of Waterford and Cork in 1302 so that he was well-placed to guard Geraldine interests.⁵⁰ Maurice Russel's son David remained within the Geraldine orbit; he was specifically referred to as a friend of the earl in 1338,⁵¹ and in the following year he became sheriff of Waterford.⁵² He participated in the earl's rebellion of 1345⁵³ and joined him in exile in the king's army in France in the following year.⁵⁴

The defeat of the earl left the Russels temporarily without a patron, but they continued to play a minor, if necessary role in local society. For example, Maurice Russel, one of David's attorneys, became the royal bailiff in

48. N. Saul, Knights and Esquires; The Gloucestershire Gentry in the Fourteenth Century (Oxford, 1981), pp. 215-6, 257.

49. Cal. Justic. Rolls, Ire., I, p. 238; Appendix C. 1, p. 403.

50. See Appendix A., p. 365.

51. P.R.O.I. M. 2649, p. 17.

52. See Appendix A., p. 368.

53. Sir David Russel was named as one of those who failed to submit to Ralph Ufford in Cashel in 1345. ('Legal proceedings', p. 26.)

54. On October 4th 1346 David Russel 'who was about to cross the sea', enrolled letters of general attorney for Maurice fitz William Russel and Martin le Rede. (R.P.H., p. 52, no. 62.)

the forfeited manor of Dungarvan in 1347.⁵⁵ The employment of the earl's supporters formed part of a policy that saw the appointment of a number of sheriffs who were compromised through their previous political involvement, thereby emphasising that even during periods when the earl was removed from the Waterford stage he could rely on his interests being supervised by his acquaintances.⁵⁶ It also showed how the Russels, like many gentry families, were dependent on powerful patronage from whatever source it came. Yet such a custody was likely to strengthen the links that existed between the two families, as the magnate could assure himself that the lands were in relatively safe hands.

Both the Russels and de Mandevilles were particularly loyal to the earl, and demonstrated this by their participation in both his glory and defeat. There were others who at one time or another formed a part of the Desmond Geraldine familia, but who were not slow to respond in an opportunistic way, to his temporary demise by participating in local office-holding during his absence.

The Gascoins belonged to a category of landholders whose tenurial position was ambiguous; they held mostly former church lands that had been alienated in the 1230s but which a later bishop attempted to regain as the right of the

55. P.R.O. E.101/241/12.

56. See Chapter 6, pp. 252-3.

church.⁵⁷ In January 1310 Reginald Russel appointed Hamo Gascoin his attorney for rendering the issues of Decies at the exchequer,⁵⁸ and three years later when Russel left Ireland without licence, Hamo Gascoin was granted custody of the lands and the power to receive all their issues.⁵⁹ This relationship did not continue uninterrupted into the era of Maurice fitz Thomas, for in 1331 Hamo was a member of the jury of Waterford whose testimony formed a basis of the indictments against fitz Thomas.⁶⁰ Some of his lands were given by Maurice fitz Thomas to sir Walter de Mandeville in 1341, but it is unclear whether this was without the latter's consent.⁶¹ However, the two families were reconciled later in the decade for in 1337, when Maurice fitz Thomas began to reassert his influence in Waterford, Hamo's son Geoffrey became sheriff.⁶²

Sir Philip Christopher was another Waterford landholder whose exact tenurial position was unclear because of aliena-

57. A plea before the common bench between Hamo Gascoin and Bishop Richard Corre of Lismore was first mentioned in Hilary term 1303. (P.R.O.I. R.C. 7/7, p. 36.) Unfortunately, no record of the outcome of this dispute has survived.

58. P.R.O.I. Ex. 2/2, pp. 591, 598.

59. P.R.O.I. R.C. 8/5, pp. 258-60; P.R.O.I. R.C. 8/6, pp. 311-2.

60. 'Legal proceedings', p. 16.

61. The lands were granted to de Mandeville after they had been released to fitz Thomas by Hamo Gascoin. (Nicholls, 'Mandeville deeds', p. 15.)

62. See Appendix A., p. 367.

tions made by the bishop of Lismore to his ancestors.⁶³ He was an individual in search of a patron to advance his own social standing and was prepared to use all means, both legal and illegal, to ascend the socio-political ladder.⁶⁴ He was particularly active in litigation in pursuit of perceived rights, and when this failed, he resorted to kidnapping and abduction. In the second decade of the century he was associated with sir Arnold le Poer who in 1318 stood as a security for his future lawful behaviour.⁶⁵ In the following decade, when Arnold and John le Poer's political fortunes were declining, Philip and his sons switched their loyalty to the Geraldines. Nicholas and David Christopher participated in the Geraldine attack on Arnold le Poer's lands in Kilkenny in November 1327,⁶⁶ while David Christopher was named as one of the earl's friends in county Waterford in 1338.⁶⁷ Once again the family were to show an eagerness to participate to their advantage in whatever political structure presented itself, even if this was in stark contrast to their previous behaviour. In 1331 when fitz Thomas was temporarily removed from the political scene, Philip's brother Geoffrey acted as chief sergeant during the time of

63. P.R.O.I. R.C. 7/5, p. 31. The lands concerned had been alienated by his relative, bishop Griffin Christopher of Lismore.

64. For some of Christopher's criminal activities see Chapter 7, pp. 294, 304, 317, 329.

65. R.P.H., p. 24, no. 136.

66. 'Legal proceedings', p. 7.

67. P.R.O.I. M. 2649, p. 17.

the earl's absence.⁶⁸

Sir Reginald Brun, like sir Maurice Russel, had initially been in the le Poer camp yet the premature death of the baron of Donoil did not leave him as vulnerable. He became an associate of sir Henry de Botington, the second husband of the baron of Donoil's widow, and became his bailiff in Ireland.⁶⁹ Although he was a member of the Waterford gentry he enjoyed close connections with the family of Margaret de Berkeley. In 1301 he had participated in a royal army in Scotland in the contingent of sir Maurice de Berkeley.⁷⁰ He also acted as locum tenens of the chief sergeant during Maurice fitz Thomas' minority.⁷¹ When the latter came of age the Bruns were less supportive: Reginald's nephew, Nicholas, also provided evidence against the earl in the inquisitions held at Waterford in September 1331.⁷² In the wake of the earl of Desmond's defeat by Ralph Ufford in 1345, Brun was named sheriff of the county by the exchequer. However, in 1353, when the earl was once more on the scene, and Nicholas was being pursued for payment of his debts, he claimed that he had never been informed of the appoint-

68. P.R.O.I. R.C. 8/18, p. 462.

69. Cal. Justic. Rolls, Ire., I, p. 453.

70. Quoted in Saul, Knights and esquires, p. 14.

71. See Chapter 6, p. 271.

72. 'Legal proceedings', p. 5; Nicholas Brun was a son of David Brun, Baron John le Poer's subsheriff. (Chapter 6, pp. 281-2, 289-90.)

ment.⁷³

Two families demonstrated how the relationship between magnates and local families could differ dramatically between generations. In December 1283, Thomas fitz Maurice named William le Waleis and his brother John as his attorneys in Ireland for two years,⁷⁴ while in 1291 he appointed Philip Byford to fulfill the same task, though for an unspecified period.⁷⁵ William le Waleis was a prominent landholder in west Waterford, while de Byford was a member of the Tipperary gentry. The sons of both men were not to find the son of Thomas fitz Maurice, the first earl of Desmond, as eager to make use of their services, and succeeded in driving them from their manors when they refused to recognise fitz Thomas' suzerainty.⁷⁶

It was only to be expected that not all elements of local society, even when they had benefited from the largess of a magnate, should naturally follow him into defeat and ignominy and not, like Philip Christopher, seek to free themselves from any embarrassing connections. The Desmond presence was much more secure in the later fourteenth century, therefore precluding any opportunity for such flexibility.

73. P.R.O.I. R.C. 8/25, pp. 558-60.

74. C.P.R., 1282-1291, p. 108.

75. Ibid., p. 439.

76. See below, pp. 235-7.

The Desmond Geraldines were not the only individuals to establish relationships across a broad section of society. The retinues of the les Poers relied heavily on members of their own lineage. Baron John le Poer I and sir Eustace le Poer were able to secure the support of members of Waterford gentry. An indication of the personnel of John le Poer's retinue occurred in March 1314 when suit of the peace was granted to Henry fitz Adam Wyse at the former's instance. Eleven other people stood as pledges for the payment of Wyse's amercements.⁷⁷ These included Bartholomew de Kerdif and David Brun. In May 1307 Bartholomew's brother Silvester, was pardoned his misdeeds at the instance of sir Eustace le Poer,⁷⁸ while David Brun had acted as Baron John le Poer's attorney during his absence in the Scottish campaign.⁷⁹ David Brun and Stephen Franceis had received pardons for their participation in Arnold le Poer's murder of the Kildare landholder, sir John de Bonville in 1309.⁸⁰ Stephen Franceis, sir Robert and sir Peter Aylward gained important custodies of the forfeited Templar lands in east Waterford which they eventually added to their own lands though the extent to which this was due to the influence of sir Eustace or sir John fitz Peter le Poer is un-

77. Cal. Justic. Rolls, Ire., III, p. 316.

78. Ibid., II, p. 359.

79. See above, p. 193, n. 15.

80. Cal. Justic. Rolls, Ire., III, p. 163.

clear.⁸¹ The lands of all of these associates were to be found in the far east of County Waterford and their lands were neither vast nor prosperous.⁸² Similarly, none of these families provided a sheriff of the county until the end of the fourteenth century.

The les Poers did not have enough landed or financial resources to attract wider support. Baron John le Poer of Donoil suffered substantial financial loss in the campaign against the Scots. In 1316 he petitioned for custody of the temporalities of the see of Cashel in order to compensate him for his losses which he put at £500.⁸³ The problems of providing patronage were especially difficult after the disastrous year 1329 when the two leaders of the le Poer lineage died and their lands were wasted by the Desmond Geraldines and their allies. Sir Eustace le Poer II, in turn, had little patronage and authority with which to lure and control members of his own lineage let alone members of the gentry outside it.⁸⁴ The leaders of the les Poers had always to provide for their own relatives, and the existence of an extended lineage retarded the growth of a more broadly-based retinue.

The les Poer retinue died with Eustace le Poer II in 1345. Some members were absorbed into the retinue of the les

81. See Chapter 2, pp. 59-60.

82. See *Ibid.*, pp. 55, 77.

83. Connolly, 'Ancient Petitions', p. 39.

84. See Chapter 3, pp. 121-2.

Botillers of Ormond, while others were not so lucky. The descendants of Stephen Franceis and Richard Whittey, who had both assisted Eustace's father in the murder of John de Bonville, were forced in the later fourteenth century to leave Waterford in favour of their lands in Wexford.⁸⁵

The relationship between the les Poers and the Botillers emphasised the transience of regional political supremacy and consequently the fluidity of political retinues. The les Botillers of Ormond were latecomers onto the political stage of Waterford.⁸⁶ Even though they were represented by a number of branches holding lands in the east of the county, they were denied such territorial or legal authority as enjoyed by the earls of Desmond. Indeed the leader of this branch at the beginning of the fourteenth century, sir John fitz William le Botiller, was a member of the retinue of Eustace and then Arnold le Poer. In a case of novel diseisin in 1313 he claimed that he had been a soldier of Eustace's and a member of his familia.⁸⁷ When the first earl of Ormond died in 1338, it was Maurice fitz Thomas who received the custody of his lands.⁸⁸

After James le Botiller came of age, the les Botillers began to play a much more active role in Waterford politics.

85. See Chapter 2, p. 85.

86. See Chapter 1, pp. 22-3.

87. P.R.O.I. KB. 2/5, p. 117.

88. R. F. Frame 'The Justiciarship of Ralph Ufford: War and Politics in Fourteenth Century Ireland' in Studia Hibernica, 13 (1973), p. 17.

From 1355 onwards, perhaps spurred by the opening provided by Maurice fitz Thomas' death, James le Botiller sought to build up his influence within Waterford largely through a take-over of the residue of Eustace le Poer II's retinue. The implosion of the les Poer lineage (which was by far the dominant element in their retinue) scattered the political stage with debris. In August 1355 an agreement of service was concluded between sir James le Botiller and sir John fitz Geoffrey le Poer of Ballydurne.⁸⁹ A similar agreement may also have been concluded with sir Nicholas le Poer of Kilmeadan, for in 1358 the latter joined Ormond in fighting in the Wicklow mountains in which le Poer was seriously wounded.⁹⁰

The magnates' familiars, in return for their support, were rewarded with both offices and land. In the mid fourteenth century, both the earls of Desmond and Ormond sought to consolidate his hold over Waterford politics by control of the major offices of local government. The fourteenth century marked a move towards the localisation of the personnel of the shrievalty. Maurice fitz Thomas held the shrievalty of the counties of Munster himself from 1329 to 1331, and in the late 1330s and 1340s, many of the sheriffs of the counties were his associates.⁹¹ In April 1366 when the earl of Ormond was in the ascendant, John fitz Geoffrey

89. Cal. Orm. Deeds, II, p. 28, no. 39.

90. P.R.O. E.101/244/2.

91. See Chapter 6, p. 251.

le Poer who was a member of his retinue was elected sheriff, in the presence of the earl of Ormond himself.⁹² They were also rewarded with additional landed resources, sometimes at the expense of existing members of the gentry who were not within the magnate's circle. Among those that remained hostile to the earl in West Waterford was sir Richard le Waleis whose manor of Kilmanaghan was eventually granted by fitz Thomas to sir Thomas de Mandeville.⁹³ In 1354 Thomas Russel, possibly a son of David's, accounted for the manor of Kilmanaghan, the important manor of William and Richard le Waleis that had been in Maurice fitz Thomas' hands.⁹⁴

The third element in any retinue was the sequela or following. It was made up of individuals who provided the military manpower for the magnates and their retinues. They were often similar to the magnates' parentela even though they could not claim relationship with the former. Initially, they were recruited from the Irish and Ostmen of Waterford.⁹⁵ They also included those that whose ethnic identity is unclear. For example, Richard Rudiberd was pardoned a transgression at the instance of baron John fitz Peter le

92. P.R.O.I. R.C. 8/29, p. 171.

93. Nicholls, 'Abstracts of Mandeville deeds', pp. 18-9. Mr Nicholls is probably incorrect in his suggestion that Thomas de Mandeville's wife Anestace was Richard le Waleis' daughter and that the transfer had some air of legitimacy (Ibid., p. 3). Le Waleis had complained of fitz Thomas's attempts to take his lands and grant them to his enemies. (P.R.O.I. M. 2649, p. 15; Genealogical Office Ms. 191, p. 204.)

94. P.R.O. E.101/243/4.

95. See Chapter 4, pp. 143-5, 184-5.

Poer in 1313,⁹⁶ while two years earlier his namesake and possible relative Henry Rudiberd had been a member of the baron's sequela which participated in the abortive abduction of Margaret de Berkeley.⁹⁷

There was a direct relationship between the power of a magnate and the geographical area from which he was able to draw support. Maurice fitz Thomas was able to draw upon the support of such powerful Irish chieftains as Brian bán O Bríain and Diarmaid Mac Carthaigh. Both were the victims of long-standing dynastic disputes and were also from families that were no strangers to seeking help from powerful English magnates.⁹⁸ Some of the latter's followers were billeted on the earl's land in Dungarvan for it was alleged by a Limerick jury in 1331 that one of them had been killed by William fitz Nicholas, the sergeant of the cantred.⁹⁹ A similar development occurred in the late fourteenth century when a section of the Uí Bhríain that was friendly to the third earl of Desmond were allowed to reside in west Waterford.¹⁰⁰

96. Cal. Justic. Rolls, Ire., III, p. 314.

97. Ibid., p. 190.

98. See K. W. Nicholls, Gaelic and Gaelicised Ireland, pp. 159-0; A. Nic Giollamhaith, 'Dynastic Warfare and Historical writing in North Munster' in Cambridge Medieval Celtic Studies, 2 (1981), pp. 73-89; and K. Simms, 'The Battle of Dysert O'Dea and the Gaelic resurgence in Thomond' in Dál gCais, 5 (1979), pp. 59-64.

99. 'Legal proceedings', p. 9.

100. See Chapter 4, pp. 146-7.

The first earl of Desmond looked beyond Munster for potential supporters and fighters. It was alleged by a jury of Youghal in 1332 that he had attracted kerns from Ulster and Connacht lured by the prospect of wealth.¹⁰¹ Within these areas there were many peripatetic elements, such as the deep reservoir of mercenaries of both Irish and Scottish origin and the losers of dynastic struggles within the fractious Irish lordships of Connacht and Ulster. This was accompanied in the early 1330s by the disintegration of the de Burgh lordship of Ulster which in turn had the affect of destroying the nexus of relationships established by earl Richard de Burgh,¹⁰² as well as leading to violent confrontation within the remnants of the de Burgh lineage.¹⁰³ Edmund Albánach de Burgh, apart from his violent activities in Connacht, tried to organise his distant relatives in Tipperary and Waterford in the late 1330s,¹⁰⁴ while his rival, sir Richard de Burgh, grandson of earl Richard, participated in the earl of Desmond's rebellion in 1345.¹⁰⁵

101. 'Legal proceedings', p. 9.

102. For a brief discussion of the relationship between Earl Richard de Burgh and the Irish of Ulster see K. A. Simms, "'The King's friend"; O'Neill' in J. F. Lydon (ed.), England and Ireland in the Later Middle Ages (Dublin, 1981), pp. 214-6.

103. K. W. Nicholls, Gaelic and Gaelicised Ireland, pp. 145-6; and H. Walton The English in Connacht, 1171-1332 (unpublished Ph.D. thesis, University of Dublin, 1980), pp. 315-429.

104. In 1338 Richard le Waleis stated that peace had been granted to 'Sire Omond Albanagh' by the earl of Desmond. (P.R.O.I. M. 2649, p. 16; Genealogical Office Ms. 191, p. 205.)

105. 'Legal proceedings', p. 27.

Fitz Thomas also attracted some Scottish mercenaries or gallóqlaigh. A jury at Youghal stated that among those who had been accomplices in Fitz Thomas' depredations were 'Gregorius McRyry et sequela sua'.¹⁰⁶ These were in all probability relatives of the Mac Ruaidhrí 'rí Innsi Gaill' who was killed at the battle of Faughart in 1318.¹⁰⁷

Other magnates such as the les Poers were unable to compete with Desmond in the acquisition of military assistance. Their lands were less extensive and they did not have ties with important Irish families. However, links with the Irish outside Waterford were occasionally forged, however. Baron John le Poer of Donoil had fought in the earl of Ulster's campaign of 1315,¹⁰⁸ and it is possible that numerous stragglers from the defeated army at Connor found their way into his service. In 1318 he petitioned successfully for peace to be granted to a mixed group of Irish and English: The identities of some of the Irish, though, were interesting because they apparently belonged to Ulster families. They included 'Donald, Suthry and John MacCuyr' (Mag Uídhir?).¹⁰⁹ There is no evidence that they stayed in Waterford or that they ever fought on behalf of the les Poers against Maurice Fitz Thomas.

106. 'Legal proceedings', p. 17.

107. Annals of Connacht, p. 252.

108. J. R. S. Phillips (ed), 'Documents on the early stages of the Bruce invasion in Ireland, 1315-1316' in R.I.A. Proc., 79 C (1979), pp. 263-4.

109. R.P.H., p. 24, no. 130.

The main facet which divided this group from the domestic recruitments of a lord was the difference between the quasi-tenurial or local links that existed between a family such as the les Poers and the Uí Bhric and Uí Foghladha, and the informal and transient nature of the relationship between the magnate and the satellites from Ulster or Connacht.¹¹⁰ For example, the aforementioned Mac Ruaidhrí left Desmond's service for Connacht, and by 1342 he had become the head or 'constable' of the gallóglaiqh of the Uí Chonchobhair in Connacht.¹¹¹ Some of the domestic recruitments were tenants of the magnates, and were probably the original inhabitants of their lands.¹¹² The newer adherents belonged to neither category; they were lured by the promise of payment and a share in whatever booty could be realised. The mutual advantage, which was strong, was of a short-term nature.

Both sections were used to form the military sector of the retinue. This was useful both when the magnate served in a military campaign, but especially in private warfare. In 1319 sir John fitz William le Botiller was killed by the satellites of William de Bermingham.¹¹³ In this regard, those who were recruited from further afield usually brought with them years of experience and considerable professional-

110. See Chapter 4, pp. 143-6.

111. Annals of Connacht, p. 288.

112. See the example of Ballydurne. (Chapter 4, p. 145.)

113. Butler (ed.), Clyn, Annals, p. 14.

ism in the nature of Irish warfare. The jurors of Limerick in 1331 alleged that the earl of Desmond's forces had initially been footmen but after they had stolen horses they took on a new significance. It was only then that they became known as the routi mcThomas.¹¹⁴ In their mind, the 'routi' was a mobile force at fitz Thomas' disposal and thus a specialist unit within the retinue as a whole. This mirrored developments among purely Irish forces, for as Dr Simms has written, the mounted soldiers 'constituted the real striking force in an Irish troop'.¹¹⁵

The upkeep of these fighters was the onus of the inhabitants of the country on which they were billeted. The earls of Ulster developed a body of satellites that were drawn from numerous Irish families in Ulster and north Connacht but who were subsequently stationed and maintained by the Irish rulers of the area and not by the earl's tenants.¹¹⁶ The Kilkenny parliament of 1297 enacted legislation against the billeting of private armies on land apart from the lord's demesne, and demanded that they should be supplied from the lord's own resources and not from his tenants and neighbours.¹¹⁷ This was not generally observed, as in 1331

114. 'Legal proceedings', p. 8. The term 'rote' was used in twelfth century France to describe any group of armed men. (A. Greimas, Dictionnaire de l'ancien Français jusqu'au milieu du XIVeme siècle (Paris, 1968), p. 573.)

115. K. A. Simms, 'Warfare in the Medieval Gaelic Lordships' in The Irish Sword, 12 (1975-76), p. 106.

116. G. H. Orpen, 'The Earldom of Ulster, Pt. IV' in R.S.A.I. Jn., 45 (1915), p. 141: P.R.O. C.47/210/20/14.

117. Berry, Statutes, John - Henry V, pp. 202-3.

the jurors of Limerick city complained that the earl had issued letters patent allowing his followers to seek food, drink and shelter from the inhabitants of the countryside.¹¹⁸ All lands within a particular area were subject to the billeting of the lord's followers and not even church land was exempt. In 1402, James, third earl of Ormond, undertook not to burden the tenants of the bishop of Cloyne with the upkeep of satellites in response to the tenants' complaints.¹¹⁹

The incentive for joining the retinue of a magnate like the earl of Desmond's was, first and foremost, the opportunity to acquire booty. Fitz Thomas' activities included not only attacks on the manors of opponents, but also the seizure of goods in commercial centres such as Limerick city.¹²⁰ In the midst of this plunder the seizure of horses was important not only for their economic value but also because of the greater mobility that was gained by Fitz Thomas' foot-soldiers.

More important in the short and medium term was the protection, both real and potential, offered by the magnate. At the simplest level there the grant of letters patent by the magnate allowing the bearer to seek food, drink and shelter in a particular area, thus uniting the practical necessities of billeting troops and providing legal protec-

118. 'Legal proceedings', p. 8.

119. R. Caulfield (ed.), 'The Pipe Roll of Cloyne' in Journal of the Cork Historical and Archaeological Society, 23 (1917), p. 214.

120. 'Legal proceedings', p. 11.

tion to the recipients of the letters patent.¹²¹ The most important form of protection was that of avowry whereby a lord would avow or recognise an individual as his man and therefore under his protection in court. The recipient gathered a degree of protection from retribution for his actions which was important considering that many of the 'avowed' were Irish; they were ordinarily at a disadvantage before a court if they had not received a grant of English law and were generally dependent on their lord to sue on their behalf.¹²² The avower would also stand as pledge for the payment of amercements and the compensation of the victim. It was initially a variation on the 'maintenance' offered and provided by magnates both in England and Ireland to their retainers whereby magnates used their influence on the retainers' behalf in legal proceedings. Yet this was only true of those courts where the power of the magnate was not absolute. In his own manorial courts or those of counties where a magnate such as the earl of Desmond or Ormond had acquired a preeminent position, it amounted to a legal immunity.

The origins of the system are unclear; the term itself was usually rendered in original documents as advocatio - the same as advowson of a church. The principle of advowson involved the lord's presentation of a candidate to a reli-

121. 'Legal proceedings', p. 9.

122. See G. J. Hand, 'The Status of the Native Irish in the Lordship of Ireland, 1272-1331' in The Irish Jurist, New Series, 1 (1966), pp. 102-3.

gious benefice, and implied the latter's protection for the incumbent against other claimants such as those of a local bishop.¹²³ Yet there is little to be said for seeing avowry as a form of lay advowson, only insofar as it granted a certain measure of immunity. The 'Avowries of Chester' granted by the medieval earls of Cheshire, whether of baronial or royal background, presented a greater parallel to Irish usages. According to an early fourteenth century inquisition, the earl's avowry was a custom to provide 'for the dwelling-place of foreigners, of any country, seeking the protection of the earl of Chester coming to his aid in time of war, where they might remain for a year and a day'.¹²⁴ In Ireland avowries were granted from the early fourteenth century onwards; In 1306 Theobald le Botiller granted his advocatio to an Irish tenant of his manor of Gowran.¹²⁵ The practice of granting avowries to those from outside the lord's lands is evident in the activity of Maurice fitz Thomas. The jurors of Limerick stated that many of those who flocked to fitz Thomas did so because they had learned that he would 'avow them in their malice'.¹²⁶

Apart from the various elements already mentioned as

123. Pollock and Maitland, A History of English Law, II, p. 109.

124. P. Morgan, War and Society in Medieval Cheshire, 1277-1403, (Manchester, 1987) p. 80. The custom may have originated in the need of the earls of the late eleventh and twelfth centuries to introduce tenants into uninhabited or uncleared lands.

125. N. B. White (ed.), The Red Book of Ormond (Dublin, Irish MSS Commission, 1932), pp. 41, 56.

126. 'Legal proceedings', p. 8.

forming a part of the retinue there were additional forces that were supplied by members of the gentry whose interests were parallel to that of the magnate. These were in themselves smaller retinues though the importance of family members of all social backgrounds, was greater than with a magnate's retinue. For example, in 1306, Philip Christopher's brother was termed his familiaris.¹²⁷ This was a reflection of the limited scope for recruitment suffered by smaller families; they did not have the same landed resources and were unable to provide the same degree of patronage to outsiders. Their internal organisation, comprising a member of the gentry, his younger brothers and relatives (some in clerical orders) and marginal criminal elements was similar to that of fourteenth century English criminal gangs such as that of the de Folvilles of Leicestershire.¹²⁸

As part of the broader military and political alliance of the magnate they played a very important role. No magnate relied solely on his own resources when a military necessity arose. Maurice fitz Thomas' invasion of Arnold le Poer's lands involved support from the Ketings and the St Aubins or Tobins.¹²⁹ There was an element of mutual exploitation in

127. Cal. Justic. Rolls. Ire., ii, p. 252. Mills incorrectly translated this term as 'servant'.

128. See E. L. G. Stone, 'The Folvilles of Ashby-Folville, Leicestershire, and their associates in crime, 1326-1347' in Transactions of the Royal Historical Society, fifth series, 7 (1957), pp. 117-36; See Chapter 7, p. 318.

129. Butler (ed.), Clyn. Annals, p. 19.

this relationship; the magnate was using smaller families with their own retinues in his struggle, while they for their part were pursuing their own grievances. Thus the de Cantetons who had been in dispute for many years with the Roches or Rupenses,¹³⁰ became close allies of the earl of Desmond in the 1320s.¹³¹ Similarly, the segment of the de Barrenses headed by sir Adam de Barry was in dispute with the head of the family, sir David fitz David de Barry of Castlelyons.¹³² Adam brought his following to aid the earl of Desmond, who in return participated in attacks on Castlelyons.¹³³

As with lineages, the strength and stability of a retinue depended on strong leadership. The need to maintain the support of members of the gentry was matched by the exigency of maintaining control over the other elements of the retinue. Draconian measures were always needed, for a retinue included many undisciplined elements amongst its lower layers. Indeed the willingness of fitz Thomas to deal harshly with the lawless members of his following was one of his redeeming features and even won a posthumous plaudit

130. A military confrontation, of uncertain origins, between members of the Roches and the de Cantetons occurred in 1311. (S. Mac Airt (ed.), Annals of Inisfallen, p. 404.) In October 1317 an agreement to end the dissensions between the Barrenses, Cogans, Roches and Cantetons was concluded in the presence of Roger Mortimer. (P.R.O.I. M. 2646, p. 125.)

131. 'Legal proceedings', p. 17. The same jury recounted an attack by fitz Thomas and the de Cantetons on a branch of the Roches in 1322. (Ibid., p. 18.)

132. Ibid., pp. 32-3.

133. Ibid., pp. 30-31.

from the annalist of st. Mary's Dublin.¹³⁴

The problems posed by lack of discipline were exposed in 1308 when a dispute arose between sir John le Botiller and sir Bartholomew de Kerdif. Both of these men were allied politically to the les Poers and the dispute between them was not related to any broader conflict. Matters came to a head when the two attended the county court in Waterford city and in an attempt to calm things down, a 'day of love' was arranged between the two, possibly by the sheriff. Both parties attended but one of le Botiller's men, allegedly unknown to the latter, threw a stone at the opposing faction, who duly reciprocated. The dispute consequently erupted once again with violent consequences.¹³⁵

Retinues were consequently vulnerable to a lack of effective leadership; they were initially personal creations, reflecting the ability of a magnate to attract sufficient support to underline his political ambitions. If his heir eschewed involvement in Irish politics, or was a minor, the raison d'être for a large military retinue would disappear. The retinues of the Desmond Geraldines and the Ormond Butlers were on the whole capable of enduring, like their respective lineages, the strains and distractions caused by a minority. For example, Maurice fitz Thomas' son and heir, Maurice, left no record of involvement in Irish politics. Yet the links with the de Mandevilles con-

134. Chart. St. Mary's, Dublin, II, p. 392.

135. Cal. Justic. Rolls, Ire., III, p. 140.

tinued during the reign of Gerald fitz Maurice and were still in evidence in the middle of the fifteenth century.¹³⁶ When such a strong leader was not at the helm, this was manifested in acts of violence by the retinue. In 1400, in the aftermath of the drowning of earl John fitz Gerald at Carrick-on-Suir, the les Poers of Donoil went into revolt threatening Waterford city, and its citizens were given licence to take measures for its defence.¹³⁷ The fate of John's son Thomas demonstrated that the continued existence of the affinity was placed above an individual leader who did not possess the necessary qualities of leadership and discipline. Thus in 1413 he was ousted by his uncle James fitz Gerald because of his inability to control the Geraldine affinity.¹³⁸

However, the internal logic of the retinue was slightly different from that of the lineage. While the head of a lineage was directly dependent on either government or magnate patronage,¹³⁹ the head of a retinue was able to act much more autonomously of the government, especially if he enjoyed palatine jurisdiction, like the earls of Ormond and Desmond in Tipperary and Kerry respectively. The power of a magnate like the first earl of Desmond over his retinue

136. In 1458, James fitz Gerald, the sixth earl of Desmond, granted lands in Waterford to Edmund de Mandeville. (Nicholls, 'Mandeville Deeds', p. 9.)

137. R.P.H., p. 158, no. 103.

138. See K. W. Nicholls Gaelic and Gaelicised Ireland, p. 163.

139. See Chapter 3, p. 120.

sprang from his ability to replace royal government with his own, in which he was the person who nominated officials and punished offenders. Thus the legal privileges of the guarantees for the payment of amercements became the avowry of the retaining magnate.

A retinue was also much more powerful weapon at the disposal of a magnate than the lineage, but it was also much less easy to maintain. Whereas a lineage included people who claimed a blood tie with a powerful magnate, the various layers of retinue were held together by more material motives.

The forms of retaining

The indentured retinue has long been viewed as the essential element of 'bastard feudalism'. It was the means whereby the magnate expressed his political power and the various levels from which this was drawn.¹⁴⁰ The essential element was a reciprocal agreement of service between lord and retainer, which was epitomised by a written contract, copies of which were exchanged between the parties concerned and which were sealed with each others' seals. Only a few indentures have survived from the Waterford area, and it would be a mistake to assume that the lack of such an indenture meant the non-existence of a retaining relationship. Similarly, many parts of the Irish magnate's retinue were based on a less formal documentation but were nonetheless as

140. See K. B. McFarlane 'Bastard Feudalism' in Bulletin of the Institute of Historical Research, 20 (1943-5), pp. 161-80.

strong as those based on the indenture.

There was no need for such a formal document to exist between the lord and members of his lineage, while among the lower levels of the retinue another form of agreement based on the grant of a patent letter of avowry was to be found.¹⁴¹ It is thus far from certain that all relationships were cemented by formal indentures. As Dr MacFarlane himself recognised, that which united magnate and retainer, and most important, that which underlay any indenture, were bonds of common interest that had either existed over generations or were of a more recent origin.¹⁴²

Three indentures have survived from Waterford; two come from the chartularies of individual families while only one has survived from an official administrative source, this being due to one of the parties being the Irish justiciar. The sole survivor from the sphere of the Desmond Geraldines exhibited quite a complex set of relationships. It was concluded in February 1341 between Thomas de Mandeville and sir Thomas fitz John, nephew of the first earl of Desmond. De Mandeville promised to dwell with the earl and sir Thomas fitz John, and to serve them against all men except the king. In return Thomas fitz John promised to maintain de Mandeville and his wife 'in their just causes'; to provide him with two suits of livery as well as a horse suitable for

141. See above, p. 217, n. 118.

142. McFarlane, 'Bastard Feudalism', p. 176.

battle which was apparently to take the place of a fee.¹⁴³

However, other aspects were more unusual. First, the agreement linked Thomas de Mandeville with two lords; this can be explained by the ambiguous position of authority that had been given to sir Thomas fitz John by his uncle in west Waterford.¹⁴⁴ Second, the actual indenture was couched in another agreement by which sir Thomas de Mandeville undertook to hand back the lands granted to him by the earl in Kilmanaghan, if the latter should demand them.

The indentures did not initiate the relationship between the Geraldines and de Mandevilles, which had been in existence for some years. The de Mandevilles were probably relative newcomers to the Waterford area and to the familia of the earl.¹⁴⁵ The fact that it was concluded in 1341 was also significant; fitz Thomas had enjoyed control of his lands in west Waterford for over two decades, while in April 1338 he had received the custody of the earl of Ormond's lands in Tipperary.¹⁴⁶ Yet fitz Thomas felt less than secure, especially concerning the lands of Richard le Waleis. In 1338 he had alleged that a plot existed to assassinate him and to this end he had enrolled on the justiciar's roll the letter written by Richard le Waleis which described his

143. Appendix H., Document B., p. 466.

144. See Chapter 3, p. 100.

145. See above, pp. 198-9.

146. P.R.O.I. Dep. Keeper's Rep. no. 53, pp. 42-3.

harassment of the latter.¹⁴⁷ Therefore the indenture can be viewed as an institutionalisation of an established relationship in the face of external threat. The whole tone of the agreement was defensive as de Mandeville was to receive a horse with definite military intentions for its use. Given the unusual nature of the indenture, its chance survival cannot prove that the earls of Desmond relied heavily on indentures of formal retinue, or that the other members of the earls' familia were all recipients of the earl's livery.

Indentures of retinue granting the earl's livery may also have been granted to sir David Russel and David Christopher; both were referred to as friends ('amys') of the earl in le Waleis' letter of 1338.¹⁴⁸ The two may have shown their friendship with the earl by wearing his livery. However, as this was written by sir Richard le Waleis who was well aware of the political cleavages and relationships of the area, Christopher and Russel probably did not have to advertise their proximity to the earl's interests in such a way.

There are only two other indentures from Waterford for this period. The first of these is not as long as the foregoing, though it is quite specific in its terms. In February 1310 sir John le Botiller and the justiciar sir John Wogan, reached an agreement whereby dated le Botiller undertook to

147. Frame, English Lordship, p. 230.

148. P.R.O.I. M. 2649, p. 17.

Botiller against all men except the king, at his own cost if he could return to his home within the same day. In return, le Botiller promised to assist and maintain him; pay him an annual fee of £20 silver; and to compensate him for any horses lost in le Botiller's service.¹⁵²

The relationship between le Botiller and the les Poers of Ballydurne was a product of the former's desire to increase his influence and following in county Waterford.¹⁵³ It was also the product of a new political relationship for only ten years before this John fitz Geoffrey le Poer of Ballydurne had participated in the earl of Desmond's rebellion.¹⁵⁴ An indenture between le Botiller and Nicholas le Poer was drawn up in January 1369. It included a grant of the extensive lands of Fenoagh and Femolyn to le Poer and set out the rents that were to be paid to le Botiller.¹⁵⁵ There was no reference, however, to maintenance, fees or annuities.

It is impossible to generalise about the prevalence or nature of indentures of retinue on the basis of only three examples. However, it does appear probable that while a promise of 'maintenance' was common in all retinues, the granting of a fee or livery was not. Recent research in England has questioned the absolute dominance of the formal

152. Appendix H., Document C., pp. 465-6.

153. See Chapter 3, p. 123.

154. 'Legal proceedings', p. 27.

155. Cal.Orm.Deeds, II, p. 106, no. 144.

indenture of retinue as a basis of 'bastard feudalism'. Dr John Bean, for example, has identified the importance of non-indentured 'bachelors' or household knights within the retinue.¹⁵⁶ Some marginal areas of England, most notably Cumberland, saw the growth of other forms of linkage, no less attractive to both parties, such as the grant of a once-off financial bond by the lord to a retainer.¹⁵⁷ Scotland in the fifteenth century witnessed the emergence of an even simpler system of 'manrent' which was not based on either livery or a money payment but a non-standardised promise of protection by the lord.¹⁵⁸

Although no analogous formulae of retaining have been found in Ireland, they both had their advantages to an Irish magnate who did not have the same financial resources as his English equivalent. They could also embrace a wider category of retainers. Waterford and peripheral areas of northern England and Scotland both contained extended families or surnames.¹⁵⁹ A money payment was not necessarily as important as the knowledge of a prominent lord's protection. This is not to imply, though that parts of Ireland were less integrated into the money economy. In county Waterford, as elsewhere in Ireland, where familial ties were very strong,

156. J. M. W. Bean, From Lord to Patron, Lordship in Later Medieval England (Manchester, 1989), pp. 27-30.

157. Ibid., p. 13.

158. J. Wormald, Lords and Men in Scotland: Bonds of Manrent (Edinburgh, 1985), especially Chapters 2 and 3.

159. See Chapter 3, pp. 106-7.

money could be of little use in a political sense, nor could it buy what the good offices of a magnate could not provide. Thus, the horse granted by the earl of Desmond to Thomas de Mandeville was of more use to both parties than a cash payment.

Similarly, the grant of livery was not universal in all agreements of retinue. It was important among the highest level of magnate's supporters, especially in the execution of administrative tasks in areas such as the liberties of Leinster,¹⁶⁰ while Maurice Russel stated that he had received the livery of baron Peter le Poer in the early 1280s.¹⁶¹ No reference survives from Waterford of the grant of livery to all of the magnate's supporters in a retinue. The gift of robes and the more elaborate liveries granted to more senior officials were not cheap,¹⁶² and fifteenth century England witnessed a move towards less expensive forms of livery such as badges or collars.¹⁶³ Livery was a display of where an individual's loyalty lay. Yet there is no evidence of livery being granted to any save the most prominent of a magnate's supporters in Waterford. The need of the following of a magnate to identify itself by distinctive liveries was not shared by the Irish. Instead, the exclamation of a war-cry was sufficient to identify their

160. See W. F. Nugent, 'Carlow in the Middle Ages' in *R.S.A.I. Jn.*, 85 (1955), p. 73.

161. See above, p. 201, n. 45.

162. See Nugent, 'Carlow in the Middle Ages', pp. 73-4.

163. Bean, *From Lord to Patron*, p. 178.

presence to Irish and English alike.¹⁶⁴

The formal grant of maintenance, fees and livery by means of an indenture of retinue was probably given only to the closest of retainers such as those that formed the consilium of a magnate. Another factor that must be borne in mind is that the three Waterford landholders were people of substantial social standing at local level; they were all knights and one of them also served as sheriff.¹⁶⁵ There is no evidence to suggest that indentures were concluded with minor elements of society. Outside Waterford, indentures were concluded between prominent magnates such as the earl of Ormond and neighbouring Irish chieftains.¹⁶⁶ However, the Irish in question were usually important individuals in their own right, such as the leader of the Uí Chennédigh or O'Kennedies, and they conform to the pattern of indentures being concluded at an exalted political and social level.

It is also possible that the extent of formal indentures of retinue was restricted even more: Once the bond had been forged no need existed to reformulate the relationship from one generation to the next. The political relationship between the earls of Desmond and the de Mandevilles outlived the original four people involved in the original indenture

164. In 1306, a mixed group of English and Irish robbers approached a settlement in County Kildare shouting the war-cry of the O'Tooles. The inhabitants fled their homes in terror which were then liberated of their contents. (Cal. Justic. Rolls. Ire., II, p. 242.)

165. See Appendix A., p. 366.

166. See, for example, the agreements concluded in June 1356 between James le Botiller and Mathghamhan O Cennédigh and Donncha MacConmara. (Cal. Orm. Doc., II, pp. 22-3, nos 35-6.)

and no record of any later indenture has survived. This is in contrast to the classic English indentures which were very personal documents, tying only those who concluded them and not having any bearing beyond their lives or upon their heirs.¹⁶⁷

The pervasiveness of the retinue.

It is difficult to assess the depth of either the Desmond or Ormond retinues within county Waterford, yet it is clear that this grew in its extent as the fourteenth century progressed. In the previous century the Desmond Geraldines had not established themselves securely while the les Bottillers were represented by numerous cadet branches.¹⁶⁸

Alliances between baronage and gentry existed, though they were quite fluid. Sir Maurice Russel, for example, belonged to the retinue of baron Peter le Poer but left it in favour of the Geraldines of Desmond. The friendship of powerful members of the administration such as Stephen de Fulbourne was more important to the fortunes of Robert de Stapilton than local alliances.¹⁶⁹ In the early fourteenth century, when political power was still diffused among several lineages at local level, a degree of opportunism could lead to the exploitation of one magnate while he was in the ascendant, as exemplified by sir Philip Christopher. In the later

167. McFarlane, 'Bastard Feudalism', p. 173.

168. See Chapter 3, p. 101.

169. See Chapter 6, pp. 248-9.

fourteenth century there was less flexibility. The disappearance of the les Poers as a powerful element in local politics led not to the liberation of the gentry elements contained within their retinue but to a gradual realignment according to the new, simpler network of loyalties centered on the earls of Ormond and Desmond. There was not much room for neutrality nor much scope for remaining independent of the two most important magnate retinues. The twin pillars of the le Poer influence, namely those of the barons of Donoil and Grannagh had been pulled apart by the growth of magnate competition. The lack of alternative sources of leadership led to all of the elements of the les Poers aligning themselves with either Desmond or Ormond, and their absorption into the new, more simpler, network of loyalties.

Opposition to the growth of magnate power or to the more illegal demands of such magnates was always quickly suppressed. This was demonstrated by two examples. When Maurice fitz Thomas had acquired the manor of Kilshelan in 1339 he wished to exploit to the full all the territorial and seigneurial rights of his predecessors.¹⁷⁰ This included extension of his lordship to the neighbouring manor of Isterkeran which had once belonged to the larger manor of Kilshelan but which had been withdrawn by its tenant following Walter de Burgh's exchange of Kilshelan for the earldom

170. Butler (ed.), Clyn, Annals, p. 29.

of Ulster.¹⁷¹ This manor was held by sir John de Byford, whose father had acted as an attorney for Thomas fitz Maurice during the latter's frequent absences in England.¹⁷² When fitz Thomas required de Byford to attend his court of Kilshelan, he refused. Continued obstinacy forced fitz Thomas to send his rout to the manor to eject de Byford and to seize his lands for fitz Thomas.¹⁷³

A similar fate befell sir Richard le Waleis who held the manor of Kilmanaghan. The reasons behind fitz Thomas' actions are unclear; Richard le Waleis was a tenant of the Honour of Dungarvan although confusion existed as to whether he was a tenant of Maurice fitz Thomas by virtue of the original grant made by Maurice's ancestor, Thomas fitz Anthony to William le Waleis, or whether he held of the king in capite due to the later confirmation made by king Henry in 1231 after the lands had been forfeited by fitz Anthony.¹⁷⁴ Le Waleis complained in 1338 that his lands were attacked by those who wished to take his land and lease it to his enemies,¹⁷⁵ and while the sequence of events is unclear, the manor was in fitz Maurice's hands by 1341 when

171. It was stated by a Clonmel jury in May 1279 that the rent, services and suit of court owed by Peter de Byford to the lord of Kilshelan had been withdrawn by de Byford. (Sweetman (ed.), Cal. Doc. Ire., II, no. 1520, p. 298.) This inquisition is not printed in the Calendars of Inquisitions post mortem or the Calendar of miscellaneous inquisitions.

172. See above, p. 207, n. 74.

173. 'Legal proceedings', p. 29.

174. See Chapter 2, p. 63, n. 49.

175. P.R.O.I. M. 2649, p. 15; Genealogical Office Ms. 191, p. 204.

it was granted to Thomas de Mandeville.¹⁷⁶

Among those who did not come into conflict with either Ormond or Desmond, the volume of commitment varied: There were those families who could fit into the outer familia of the retinue and who benefited politically and possibly materially through participation in office-holding. There were others who never formally belonged to either retinue and who cultivated no discernible links with them, but who found it expedient not to oppose the interests of either magnate. A jury in Limerick city in 1331 complained that all the men of county Limerick were subservient to the earl of Desmond, 'tanquam uni pro amore et bona voluntate, tanquam alii pro timore'.¹⁷⁷ The control of both magnates in Waterford meant that any form of political activity, through participation in local office-holding, for example, was impossible without first receiving the backing of a patron, and ultimately of alienating the other magnate. Thus, while the retinues of the magnates did not embrace every individual in the county into mutually hostile armed camps, they effectively dominated the political society of the county. As Dr Carpenter has observed in relation to fifteenth century Warwickshire, 'only the unimportant were without a lord'.¹⁷⁸

176. Nicholls, 'Abstracts of Mandeville Deeds', pp. 18-9.

177. 'Legal proceedings', p. 11.

178. C. Carpenter, 'The Beauchamp affinity: a study of bastard feudalism at work' in English Historical Review, 95 (1980), p. 515.

The various forms of political and military alliance were important for the preservation of magnate power at local level. They included political support which was necessary for the perpetuation of magnates' interests and the military support offered by the various satellites and other adherents. Some magnates, most notably the earls of Desmond, because of their lands and resources were able to attract greater support and from further afield, thereby being able to dominate and defeat other, less powerful magnates. The membership of retinues was not stable from one generation to a next, yet it was natural that a magnate wishing to assert and expand his power should rely on those who were most loyal and who did not fear the expansion of his power.

The links between magnate and supporter were of various forms and antiquity. Yet such links did exist in the thirteenth century and were necessary in a society dominated by magnates and their lineages. In this respect the growth of 'bastard feudalism' cannot be seen as a 'social reflex' on the part of the baronage to the growing links between the gentry and the government for the non-baronial freeholders who provided the knights and esquires could never hope to operate completely independently of the baronage.¹⁷⁹

179. See P. R. Coss, 'Bastard feudalism revised' in Past and Present, 125 (1989), p. 50.

CHAPTER 6. LOCAL GOVERNMENT IN COUNTY WATERFORD

The administration of the county provided many levels of society with the opportunity to participate in local government. Waterford, like other counties in the lordship, had developed a number of positions of an administrative and judicial nature, and this allowed greater participation of local elements in their own governance. However, the history of the shrievalty of Waterford also demonstrates the extent to which the local gentry were forced to share power with members of the baronage and their lineages, and how the former's involvement in local government was dependent on the support of the latter.

A distinct county administration emerged in Waterford in the first years of the thirteenth century, but it was some before it developed all of the various offices of local government. Sheriffs and sergeants emerged at an early stage, but other positions, such as the coronership developed much more slowly, while the custodes pacis developed in response to the particular policing requirements of the last decade of the thirteenth century.

I. The Shrievalty of County Waterford.

The first reference to county Waterford dated from 1211 when sheriff Thomas Bluet rendered an account.¹ He also accounted for sums collected three years previously, thereby

1. 'Irish Pipe Roll of 14 John', pp. 46-7.

proving that the county administration dated from 1208 at the latest. Bluet was related by marriage to Milo de Cogan, being married either to his niece or granddaughter.² Thomas Bluet was also sheriff of Cork for which he accounted separately,³ as was his successor Thomas fitz Anthony.⁴ The shreivalty of Cork and Waterford was held by one sheriff until the mid thirteenth century. In 1255 William de la Rokelle accounted for both counties Cork and Waterford,⁵ while in 1259, the revised grant to John fitz Thomas of the lands and offices of his father-in-law included the custody of the counties of Cork, Kerry and Waterford.⁶

It is unclear whether this association was of a formal nature or due to expediency. The grant of several custodies to fitz Anthony was analogous to the grants of custodies of multiple counties made to the 'baronial' sheriffs during the reign of King John in England,⁷ while joint shrievalties were not uncommon in Ireland in the thirteenth century.⁸ Other sheriffs of the 1230s, rendered accounts solely for

2. See Orpen, Normans, II, p. 49, n. 3.

3. 'Irish Pipe Roll of 14 John', pp. 48-9.

4. Appendix C. II, Document A., p. 421.

5. Cal. Carew Mss., IV, pp. 431, 432.

6. Appendix C. II, Document B., p. 423.

7. W. A. Morris, The Medieval English Sheriff to 1300 (Manchester, 1927), pp. 144-5.

8. A. J. Otway Ruthven. 'Anglo-Irish shire government in the thirteenth century' in Irish Historical Studies, 5 (1946-7), pp. 4-5.

county Waterford, without any reference to Cork.⁹ No accounts for county Cork survive, thereby making it impossible to say that individual sheriffs of Cork were in existence at this time.

County Cork certainly obtained its own sheriff in 1260 when William de Dene became sheriff,¹⁰ while John fitz Thomas remained sheriff of Waterford.¹¹ This separation of the shrievalty of Waterford and Cork continued for the rest of the medieval period, though the later thirteenth century witnessed the occasional recurrence of the association; in February 1285 Robert de Stapilton was named as sheriff of Waterford, Cork and Tipperary,¹² while Maurice Russel was sheriff of Cork on two occasions at the same time as he was sheriff of Waterford.¹³

The burden inherent on such a wide bailiwick necessitated some form of more localised supervision. An undated charter by which Thomas fitz Anthony granted lands to St Mary's abbey at Dunbrody was witnessed by Griffin fitz Griffin vicecomes de Dungarvan.¹⁴ It would appear that Griffin was a sub-sheriff below fitz Anthony whose responsibilities

9. Appendix G., p. 459; P.R.O.I. Dep. Keeper's Rep. no. 35, p. 36.

10. H. F. Berry, 'The Sheriffs of the County Cork: Henry III - 1660' in R.S.A.I. Jn., 35 (1906), p. 44.

11. Appendix A., p. 364.

12. C.P.R., 1281-1292, p. 154.

13. P.R.O.I. Dep. Keeper's Rep. no. 38, p. 30; He also received a commission of the two counties in February 1302. (C.P.R., 1301-1307, p. 19.)

14. Chart. St. Mary's, Dublin, II, p. 191.

were restricted to Waterford.

Sheriffs of Waterford in the second half of the thirteenth century, in addition to their normal administrative and financial tasks, were expected to supervise the king's lands there. Sheriffs such as sir William de la Rokelle, Walter de la Haye and Robert de Stapilton were custodes of the Honour of Dungarvan that had been taken back into the hands of the king until the re-grant made to Thomas fitz Maurice.¹⁵ Custody of a royal castle was a necessary corollary to the office of sheriff in many English counties, as it was necessary for the custody of prisoners,¹⁶ and sir Walter de la Haye and John de Baskerville were constables of the castle of Dungarvan.¹⁷ Apart from these tasks, some sheriffs had duties outside the county. In 1275, Walter de la Haye became keeper of the city of Waterford when the latter's liberties were revoked, probably due to the non-payment of its fee-farm.¹⁸ In 1276 de la Haye was keeper of the royal castle at Limerick,¹⁹ while six years later he was a justice itinerant in counties Limerick, Cork and Kerry.²⁰

15. For Walter de la Haye see P.R.O.I. Dep. Keeper's Rep. no. 26, pp. 24, 27-8, 38, 65; for Robert de Stapilton see Ibid. no. 38, p. 32.

16. Morris, The Medieval English Sheriff, pp. 151, 230.

17. C.C.R. 1272-1279, p. 180; In July 1281, John de Baskerville complained that he had not received his fee for when he was constable of Dungarvan castle. (C.C.R. 1279-1288, p. 94.)

18. P.R.O.I. Dep. Keeper's Rep. no. 36, pp. 29-30.

19. C.P.R., 1272-1281, p. 128.

20. Richardson and Sayles, Administration of Ireland, p. 82; P.R.O. E.101/230/8.

In 1303 Maurice Russel was named as a purveyor of ships in the ports of Munster for the king's Scottish campaign in the ports of Munster.²¹

The background of the sheriffs of the thirteenth century shows a mixture of magnates and their adherents, local landholders and professional officials. Thomas fitz Anthony had been William Marshal the elder's seneschal of Leinster,²² and the former probably owed his grant of Decies and Desmond to the influence that the latter had at court in the final year of King John's reign.²³ The involvement by the Marshals in Waterford continued after fitz Anthony's disgrace in 1223 when William Marshal the elder's nephew, John Marshall, was appointed sheriff.²⁴ Marshal had also served as a seneschal of the liberty of Leinster.²⁵

Local non-baronial elements were not as well represented among the shrievalty in the thirteenth century as they were to be in the fourteenth. Among the most prominent was the aforementioned Maurice Russel. Richard fitz Helyas was a member of the Prendergasts of Kilkenny, who held the knight's fee of Balichery in Wexford in 1247.²⁶ He also held

21. J. F. Lydon, 'Edward I, Ireland and the War in Scotland, 1303-04' in J. F. Lydon (ed.), England and Ireland in the Later Middle Ages (Dublin, 1980), pp. 47-8.

22. Orpen Normans, III, pp. 130-1.

23. See W. L. Warren, King John (London, 1961), p. 231.

24. Rot. Litt. Claus., I, p. 549.

25. Orpen, Normans, II, p. 207, n. 1.

26. Brooks, Knights' fees, p. 142.

lands in Waterford as he accounted for a fifth of a knight's fee in the servitium debitum of the county, though their location was never given.²⁷ A number of thirteenth century sheriffs had more ambiguous ties with Waterford. Henry de Portu, possibly a relative of sheriff Maurice de Portu, was a tenant of the manor of Dungarvan in 1262,²⁸ while the descendants of John Harald, the only Ostman to become sheriff of Waterford, were involved in criminal activity in the county in the early fourteenth century.²⁹ Sir Robert de Stapilton, a prominent landowner in Tipperary, was introduced into the landholding structure of the county through grants of land in 1281.³⁰

The professional administrators who became sheriff such as sir Walter de la Haye, held no land in Waterford prior to their appointments. Indeed, his origins are unclear. Before his appointment in Waterford, he had acted as a keeper of the temporalities of the archbishopric of Dublin.³¹ The sheriff of the late thirteenth century was a royal agent collecting the king's debts, looking after his lands in the case of Dungarvan and executing his writs. De la Haye showed great ability in the performance of this office. This was recognised as early as June 1275 when the king ordered the

27. Curtis, 'Sheriffs' accounts', p. 6.

28. Ibid., pp. 2-3.

29. See Chapter 4, p. 179.

30. See Chapter 2, p. 56.

31. H. Sweetman (ed.), Cal. Doc. Ire., II, no. 1577. p. 312.

Irish Justiciar not to commit the custody of county Waterford to anybody save de la Haye because he had performed his office well and had rendered his account at the exchequer.³² He also showed that he was neither unwilling nor unable to stand up to local magnates and the depredations of their relations, when he arrested and imprisoned of Robert le Poer, brother of the powerful Eustace le Poer.³³ For de la Haye, the shrievalty of Waterford was not the high-point of his career but merely a stepping-stone to greater things, for in August 1285 he was appointed escheator of Ireland.³⁴

The personnel of the shrievalty underwent a transition following de la Haye's departure. Some of his successors, though continuing to exercise their office, showed less subtlety either in their means or their motives. The many petitions presented against Robert de Stapilton and Maurice Russel by numerous members of local society demonstrated how the office could be abused.³⁵ De Stapilton was a recent intrusion into the landholding framework of the county, and some of his deeds were no doubt caused by frustration with an unhelpful and uncooperative locality. Oppressive behaviour was not confined to the holders of the shrievalty of county Waterford. Administrative oppression in England

32. C.C.R., 1272-1279, p. 188.

33. Cole, Documents illustrative of English History, p. 71.

34. Richardson and Sayles, Administration of Ireland, p. 126.

35. Cole, Documents illustrative of English History, pp. 71-8.

during the reign of King Stephen was rife,³⁶ while the corruption and oppressions of King John's sheriffs were, according to Morris, 'almost proverbial'.³⁷

The tasks of the sheriff were also witnessing a realignment in the late thirteenth century. Waterford, like many parts of the lordship, was suffering an increase in violence due to the growth of violence caused by lineages of both baronial and gentry families.³⁸ The reaction to these developments centered on the attempt to place greater responsibility for peace-keeping in the hands of the locality and the appointment of specialist officials such as the custodes pacis.³⁹ In Waterford where a large proportion of the disorder was caused by members of the magnates' lineage, the shrievalty, in order to reflect the greater policing role, had to reflect social and political reality as well. In August 1305 John fitz Peter le Poer was elected sheriff because, as one of the heads of the turbulent le Poer lineage, he would be most able to control it.⁴⁰ In effect, the clientelist foundation of the lineage was not alone recognised but institutionalised. The leader of a lineage was a link between the membership of the parentela and the sources of power and influence, whether they were

36. Morris, The Medieval English Sheriff, pp. 98-100.

37. Ibid, p. 154.

38. See Chapter 7, pp. 303-5.

39. See below, pp. 273-7.

40. Cal. Justic. Rolls, Ire., II, p. 119.

royal or seigneurial. This link and its possibility for the provision of patronage and pardons was the positive aspect to membership of a parentela. In return the membership could be chastised and punished for its misdeeds by the leader of the lineage through the use of forces from within the lineage itself.

The election of the baron of Donoil marked the recognition of these relationships. The leader of the most prominent lineage was himself made the agent of royal power in the locality which was thus being sub-contracted. His role of punisher and retaliator as head of the lineage was enhanced through the addition of the policing power of the sheriff.

While the appointment of local magnates had the potential of easing the law and order situation in the lordship, such a reliance on local power had many dangers, some of which were recognised at the time and others that only exposed themselves at a later date. The power and influence of a prominent member of the baronage was being augmented at the expense of royal power. This threat was referred to in legislation of the 1310 parliament whereby it was alleged that some had been appointed sheriffs 'par resoun de grantz terres'.⁴¹

The sheriff that was a local potentate was in an intimate relationship with the locality and could use his office both to protect and reward his friends, as well as victimise

41. Berry, Statutes, John - Henry V., p. 277.

his enemies. He could also protect himself from unwelcome exactions. In 1305 John le Poer was ordered to distrain John fitz Peter le Poer of Donoil, i.e. himself, for a certain sum. He returned that he had could only distrain a small amount, and it was only later that his duplicity was uncovered.⁴² Sheriffs were still expected to perform the administrative tasks expected of their predecessors, but some showed themselves disinclined to do so. For example, Theobald le Poer was amerced in 1317 because he did not provide the necessary records of pleas for Roger Mortimer, the locum tenens.⁴³ Yet the greatest danger was that individuals who were members of a violent society with an ambiguous attitude towards the law would bring these same values to the office of sheriff. The numerous instances of sheriffs acting in an illegal way during the fourteenth century demonstrated how far this danger was realised.⁴⁴

The greatest single danger attendant on localisation was that the office of sheriff would become an item of patronage. From the time of Robert de Stapilton, the personnel of the shrievalty were dependent upon the patronage of either important administrators of the lordship or powerful magnates. Robert de Stapilton owed his appointment as sheriff to the support of the justiciar, Archbishop Stephen de

42. Cal. Justic. Rolls, Ire., II, p. 161.

43. P.R.O.I. KB. 2/12, p. 71.

44. See Chapter 7, pp. 328-9.

Fulbourne.⁴⁵ In the early fourteenth century, the most important influence in the personnel of the shrievalty were the les Poers. Eustace and his nephew Arnold were associates of Richard de Burgh, earl of Ulster, and both of them were magnates in their own right, if not belonging to the first tier.⁴⁶ The les Poers also cultivated links with powerful administrators in the lordship. In 1311 John fitz Peter le Poer concluded an agreement with Justiciar John Wogan for the marriage of their son and daughter.⁴⁷ The les Poers dominated the personnel of the shrievalty in the years following 1305. When a le Poer was not sheriff, the post was held by political allies or relatives by marriage. For example, John fitz William le Botiller had been a member of the retinue of Eustace le Poer,⁴⁸ and the linkage probably continued with his nephew Arnold, while Richard le Marreis was a relative by marriage of baron John le Poer of Donoil.⁴⁹

One reason behind the les Poers' preeminence in the shrievalty was the lack of any opposition. Even when Maurice fitz Thomas came of age in 1312 he concentrated his energies in Kerry and Limerick, and thus avoided any contact with Waterford. Once this disinterest was replaced by the con-

45. H. Sweetman (ed.), Cal. Doc. Ire., III, no. 16, p. 18.

46. See Chapter 1, pp. 25-6.

47. P.R.O.I. M. 2646, p. 89.

48. See Chapter 5, p. 210.

49. See Appendix E., p. 447.

frontation of the mid 1320s, a corresponding competitiveness for the office of sheriff occurred. Maurice fitz Thomas' great-grandfather had held the shrievalty of all three southern counties, and when the former was elevated to the earldom of Desmond, a corresponding grant of the shrievalties occurred.⁵⁰ Fitz Thomas' titles were withdrawn following his imprisonment by sir Anthony Lucy in 1331, yet when his privileges were restored in May 1333 they did not include the custody of county Waterford although he apparently regained his position as sheriff of Cork.⁵¹

Sheriffs of the early and mid 1330s were either from the east of the county, where the earl's influence was weakest (and that of the earl of Ormond strongest) such as Geoffrey fitz David or sir Richard Whittey, or they were people who were openly hostile to him; Adam fitz Benedict le Poer's brother, John was killed by allies of the earl during the fighting of 1328,⁵² while sir Richard le Waleis was to be driven from his manor of Kilmanaghan through the intimidation of the earl and his friends.⁵³

After 1338 the influence of the earl of Desmond was once again on the ascendant. He was on good terms with the justiciar, bishop Thomas Charlton, and he was able to in-

50. C.F.R., 1327-1337, p. 151.

51. In Michaelmas term 1334 Maurice fitz Thomas appointed John Tybaud as his deputy for rendering the profits of county Cork. (P.R.O.I. R.C. 8/18, p. 350.)

52. Butler (ed.), Clyn. Annals, p. 19.

53. For the experience of sir Richard le Waleis see Chapter 5, pp. 227, 235-6.

crease his influence in Munster with occasional assistance from the government.⁵⁴ In April 1338 James le Botiller, the earl of Ormond died and fitz Thomas faced no opposition to his eastward expansionism. Indeed he even received the custody of much of Ormond's lands in Tipperary.⁵⁵ He also acquired the manors of Kilshelan, Kilfeacle and Clonmel which meant that his lands bordered those of the earls of Ormond.⁵⁶ The les Poers, for their part, had ceased to be a menace to Geraldine ambitions, and under the weak Eustace le Poer II they were drawn increasingly into the Geraldine orbit.

Not surprisingly, the personnel of the shrievalty reflected these shifts of fortune; they included friends of the earl from within Waterford, such as sir David Russel and David Christopher as well as an associate of the earl from Limerick, Thomas Engleis, was also sheriff.⁵⁷ The involvement of members of his retinue from beyond Waterford emphasised the extent to which the sheriff of Waterford was no longer acting in the king's or the government's interests.

Fitz Thomas' domination in Waterford was challenged when in May 1343 sir Richard de la Rokelle was appointed

54. See Frame, English Lordship, pp. 230-1.

55. P.R.O.I. Dep. Keeper's Rep. no. 53, pp. 42-3.

56. Butler (ed.), Clvn. Annals, p. 29.

57. Appendix A., p. 368. Engleis' lands were subsequently forfeited for his involvement in fitz Thomas' rebellion. (P.R.O.I. M. 2649, p. 94.)

sheriff by the Irish treasurer.⁵⁸ In 1331 he was one of a number of Kilkenny jurors who related the activities of fitz Thomas and his followers in the autumn of 1327.⁵⁹ Fitz Thomas obviously resented the intrusion of an individual who was not from his retinue as a rebuke to his own power. Confrontation soon arose when de la Rokelle seized lands that were claimed by sir Walter de Mandeville, one of fitz Thomas' closest associates in Waterford, and which the latter sought to have judged in his own court at Kilshelan.⁶⁰ The outcome of this dispute is not known but de la Rokelle's actions were a clear affront to fitz Thomas' power.

The defeat of fitz Thomas' rebellion in 1345 spelled the end of his control of the shrievalty.⁶¹ So many elements of local society had been implicated in the rebellion that some individuals with no connection with Waterford were appointed to important offices. Thomas de Bentham, a former marshal of the Irish exchequer became sheriff in 1347.⁶² Other sheriffs had taken an active role in fitz Thomas' rebellion; Adam de Barry had assisted fitz Thomas and his retinue in attacking his own relatives, the Barrenses of

58. P.R.O.I. R.C. 8/22, p. 483.

59. 'Legal proceedings', p. 6.

60. P.R.O.I. Lodge Mss, I, pp. 17-8.

61. See R. F. Frame, 'The Justiciarship of Ralph Ufford: Warfare and Politics in fourteenth century Ireland' in Studia Hibernica, 13 (1973), especially pp. 29-30.

62. See Appendix A., p. 368.

Castlelyons, while baron John le Poer of Donoil had also joined fitz Thomas' rebellion.⁶³ Their appointment can be seen against a similar phenomenon of reconciliation in other parts of Munster where former sympathisers of fitz Thomas, were integrated into the administrative system by justiciars who were just as anxious to wean them away from their Geraldine allegiance.⁶⁴

Fitz Thomas' second restoration in December 1349 did not have any marked impact on the personnel of the shrievalty.⁶⁵ Geraldine interest in the shrievalty of Waterford did not reappear until the early 1360. In January 1362 Maurice de Mandeville, a son of sir Walter de Mandeville received a commission of the shrievalty for his life, though in the event he served for less than a year.⁶⁶ After 1363 Geraldine influence over the shrievalty was in abeyance until the 1390s. This was accompanied by a general lack of involvement in their Waterford interests, which were largely left in the hands of associates such as the trusted Thomas de Mandeville.⁶⁷ Gerald fitz Maurice was less interested in expansionism than his father, concentrating most of his efforts on wars with varying members of the Uí Bhríain of Thomond in which Waterford was a place of asylum for his

63. 'Legal proceedings', pp. 27, 32-3.

64. Frame, English Lordship, p. 287.

65. C.P.R., 1348-1350, p. 434.

66. P.R.O.I. R.C. 8/28, p. 58; Appendix A., p. 369.

67. P.R.O.I. R.C. 8/28, p. 613.

allies in such disputes.⁶⁸

Greater involvement in the eastern part of Munster was also prevented by the resurgence of Ormond power. James le Botiller, the second earl of Ormond was restored to his lands and title in 1347⁶⁹ and sought to build up his political retinue in Waterford by absorbing the residue of Eustace le Poer's II's retinue. Ormond's influence in Waterford was reflected in the personnel of the shrievalty who, between 1355 and 1375, were les Poers who were members of his retinue members of the les Botillers' lineages in Waterford or citizens of Waterford city, where the earls' influence was strong.

The late fourteenth century was a time when such local influence could be reflected in the personnel of the shrievalty because of the growth of local elections. This was shown in April 1366 when John fitz Geoffrey le Poer was elected sheriff in Clonmel in the presence of the earl of Ormond who was also chief governor at that time.⁷⁰

Ormond influence in Waterford remained unchallenged by the Desmond Geraldines until the 1390s. Direct confrontation erupted in the 1390s as a result of the growing influence of earl Gerald's son, John. The implications for local government in the midst of such tensions were exemplified by the experience of sheriff Roger Franceis. In January 1393 he

68. See Chapter 4, p. 147.

69. C. A. Empey, 'The Butler Lordship' in Journal of the Butler Society, I, no. 3 (1976), p. 181.

70. P.R.O.I. R.C. 8/29, p. 171.

wrote to the Council begging them to relieve him of his position because of his 'noun poar' in the county. He alleged that all his lands and goods in Waterford had been destroyed and he was forced to live with his mother in the liberty of Wexford.⁷¹ Franceis's ancestor, Stephen, was a member of the retinue of Arnold le Poer,⁷² and the Franceises may have transferred their loyalty, along with the descendants of the latter, to the retinue of the earls of Ormond. It is probable that Franceis had been attacked either directly, by Desmond's own forces, or by his allies in the le Poers of Donoil, in a campaign to reassert Desmond influence in the county. A step towards this end was the reestablishment of Desmond influence over the shrievalty, and in February 1393 John fitz Gerald was elected sheriff.⁷³

Fighting continued in Waterford between John fitz Gerald and the forces of the earl of Ormond and in 1396 the latter's brother was killed.⁷⁴ The eventual outcome of this round of the confrontation is not known, but as the sheriffs of Waterford in the final years included Edmund le Poer, a brother of Eustace le Poer II, and Adam fitz David was a landholder in the east of the county, it would suggest that the Ormond faction in Waterford had regained the upper

71. Graves (ed.), King's Council in Ireland, 16 Richard II, p. 98.

72. See Chapter 5, p. 208.

73. Graves (ed.), King's Council in Ireland, 16 Richard II, p. 155.

74. K. W. Nicholls (ed.), 'Late Medieval Irish Annals: Two fragments' in Peritia, II (1983), p. 90.

hand.⁷⁵ The shrievalty had therefore suffered an almost continual degeneration from the professional heights of Walter de la Haye's tenure. This was accompanied by a greater localisation in its personnel.

The sheriffs of the thirteenth and fourteenth century were drawn from six groupings; these were the socio-political categories of the baronage, baronial lineages and the gentry and three geographical groupings, namely administrators with no previous ties with Waterford, members of the gentry of other counties and the citizens of Waterford city.

Although the lists of sheriffs present a picture of diversity, the post was concentrated in quite a limited sphere. The single most powerful representative in the shrievalty were the les Poers. However, lack of cohesion and integrity of the family that was evident even in the late thirteenth century meant that the frequency with which they held the shrievalty was not a reflection of their power.

The baronage sometimes exercised the office themselves. This was easiest for the Desmond Geraldines, who, because of their inheritance of the fitz Anthony grant occasionally held the custody of the southern counties of Cork, Waterford and Kerry. John fitz Thomas, his grandson Thomas fitz Maurice and subsequently Maurice fitz Thomas were all sheriffs, though for quite short periods. The son of the third earl of Desmond, John fitz Gerald, was elected sheriff in 1393 though this was not as a direct result of the fitz Anthony

75. See Appendix A., p. 371.

grant. The les Poers of Kells, despite being influential in the late thirteenth and early fourteenth centuries,⁷⁶ did not provide any sheriffs of Waterford until Edmund, the aged son of Arnold le Poer, in the final years of the fourteenth century. The barons of Donoil provided two sheriffs, firstly, Baron John le Poer in 1305 and his grandson over 40 years later.

The les Poers augmented their involvement through their various cadet branches. The les Poers of Moiset and Shanbally were the best represented, providing six sheriffs between 1269 and 1407. Strangely, they were the weakest of the three sections of the les Poers and held most of their lands outside county Waterford.⁷⁷ The minor 'gentry' elements of the les Poer lineage were well represented; four sheriffs belonged to the les Poers of Fenoagh; three to the 'Blake-man' les Poers of Islandbrick; two to the les Poers of Ballydurne and one to the les Poers of Kilmeadan. The les Botiller lineages also produced three sheriffs in the fourteenth century. Among the gentry, the post was held by a small number of families over a number of generations. Seven families produced fourteen sheriffs, while two others came from families with administrative experience in the county. The great majority of this group were drawn from the more prosperous, 'knightly' level of the gentry and only five of the nineteen sheriffs from the gentry of Waterford were not

76. See Chapter 1, pp. 19-20 and 25-6, and Chapter 5, pp. 207-8.

77. See Appendix B. II, pp. 385, 389-90, 394.

knights.

At no period were sheriffs drawn exclusively from the county's inhabitants. Many sheriffs of the thirteenth century were from outsiders though some eventually gained lands there. The origins of Walter de la Haye and William de Londres are unknown. Both received lands within the county; de la Haye gaining the manor of Kilmeadan,⁷⁸ and de Londres various lands that passed to the les Botillers of Dysert through marriage.⁷⁹ John de Baskerville had no lands in Waterford or elsewhere in Ireland, and he did not receive any lands in the manner of de la Haye or de Londres and sought only payment for his term as constable of the castle of Dungarvan.⁸⁰

Many of those who were not members of Waterford society owed their positions as sheriffs to the patronage of powerful magnates. Robert de Marreis was a landholder in Tipperary yet he was also a step-brother of John le Poer of Donoil.⁸¹ Similarly, John de Stanes was dependent on the support of sir Arnold le Poer. In 1315 de Stanes and his wife had received a grant of land in Kilbine in county Kilkenny from Arnold.⁸² Thomas le Engleis and Richard Dandon were landholders in Limerick and Tipperary and both were

78. Cal. Chart. Rolls, 1257-1300, p. 319.

79. Cal. Inq. P. M., II, p. 295, no. 484.

80. See Appendix C. I, p. 413-4.

81. See Appendix E., p. 447.

82. Cal. Orm. Deeds, I, p. 200, no. 502.

allies of Maurice fitz Thomas: Richard's kinsman Thomas was sub-escheator in county Limerick in 1356,⁸³ while Thomas le Engleis was imprisoned after fitz Thomas' revolt in 1345.⁸⁴ Members of baronial and gentry lineages from outside the county could become sheriff, such as Adam de Barry (whose family held some land in the west of the county,⁸⁵) David de Canteton and Edmund Haket.

One sheriff had no links whatsoever with Waterford before his appointment: Thomas de Bentham was a citizen of Drogheda who had been appointed marshal of the Irish exchequer in February 1338.⁸⁶ Seven years later he was a leader of troops in the army of Ralph Ufford.⁸⁷ It was no doubt as a result of this connection that he became sheriff of Waterford.

A final category that had some involvement in the shrievalty of Waterford were also technically outsiders. From the time of the grant made by King John in 1215 the city was granted its autonomy from the king's officials including the sheriffs of Waterford,⁸⁸ though the latter was usually given authority over the city when the liberties

83. R.P.H., p. 67, no. 17.

84. P.R.O.I. M. 2649, p. 97.

85. See Chapter 1, pp. 38-9.

86. C.P.R., 1334-1338, p. 544; Ibid., 1338-1340, p. 12.

87. R. F. Frame, 'The Justiciarship of Ralph Ufford', p. 47.

88. Chartae, Privilegiae et Immunitates, pp. 13-4.

were temporarily withdrawn as in 1275.⁸⁹ The sheriffs of the county in the thirteenth century therefore had a paternalistic position with regard to the city. The situation was reversed in the 1350s and 1360s when two sheriffs were appointed who were also citizens of the city. William de Sandhull, sheriff on two occasions, was a citizen of the city in 1355,⁹⁰ while Nicholas Devenysh was the son of a former mayor, Walter Devenyssh.⁹¹ As the earls of Ormond had established close links with the city as early as 1327,⁹² these sheriffs were part of their domination of the shrievalty in the later fourteenth century. In April 1371 William Sandhull granted James le Botiller the half of the manor of Polroan that he had received in June 1355.⁹³

Links between Waterford city and county of an administrative nature had existed before this date. Many of those named as the receiver of the king's debts in the county were Waterford citizens; for instance, Eymer de Godor in Michaelmas 1310;⁹⁴ Andrew Gerard in 1324;⁹⁵ and William Sandhull himself in 1360.⁹⁶ Even though the city and its citizens

89. P.R.O.I. Dep. Keeper's Rep. no. 36, pp. 29-30.

90. Cal. Orm. Doc., II, p. 13, no. 25.

91. P.R.O.I. Dep. Keeper's Rep. no. 47, p. 37.

92. See Chapter 1, p. 23.

93. Cal. Orm. Deeds, II, p. 121, no. 167.

94. P.R.O.I. R.C. 8/5, p. 229.

95. R.C. 8/13, p. 433; R.C. 8/14, p. 36.

96. P.R.O.I. R.C. 8/27, p. 527.

were outside the jurisdiction of the sheriff, the county court was held there.⁹⁷ The involvement of Waterford city in the affairs of the county grew after 1355. In April 1358 the mayor of the city was ordered to make a proclamation to the collectors whom he had appointed to speed the collection and delivery of a levy imposed on the county.⁹⁸ When John fitz Geoffrey le Poer was appointed sheriff in January 1363, he was to take his oath before the mayor of the city.⁹⁹

The mayor and citizens also imposed a veto on the choice of sheriff. In October 1368 bishop Thomas Reves objected to the election of John fitz Geoffrey le Poer as the worst thing that could occur.¹⁰⁰ Six weeks earlier the citizens had seen their mayor and the previous sheriff, Nicholas Devenyssh, killed by the les Poers of Donoil in league with the Uí hÉidirsceoill or O'Driscolls, and some anti-le Poer sentiment was understandable.¹⁰¹ Over a century later, the citizens successfully petitioned the Irish parliament for the right to choose the sheriff of Waterford themselves because the then sheriff, Richard le Poer was attacking merchants coming to the city.¹⁰² It is obvious that the

97. In 1294 the sheriff, Maurice Russel, accounted for sums that had been expended in the purchase of a court-house in Waterford city. (P.R.O.I. Dep. Keeper's Rep. no. 39, p. 30.)

98. R.P.H., p. 72, no. 32.

99. P.R.O.I. R.C. 8/28, pp. 284-5.

100. P.R.O.I. R.C. 8/30, pp. 166-9.

101. Cal. Carew Mss., IV, p. 471.

102. Tracts relating to Ireland, II (Dublin, Irish Archaeological Society, 1843), p. 18, n. 1.

citizens of Waterford, in spite of their autonomy from the county, felt they had a right to take over the latter's governance when conditions there affected their city.

A quantification of the representation of the aforementioned shows that the largest single group were the members of baronial lineages. The non-baronial gentry provided more sheriffs, but these were divided between the gentry of Waterford itself and those from outside the county, some of whom owed their position to baronial support. It is clear that the gentry had to compete not only with the baronage, but with their relatives as well. The only instance of conflict between the various groups occurred in 1368 concerning the election of John fitz Geoffrey le Poer. However, the opposition was voiced by the bishop of Waterford, who was reflecting the views of the citizenry of Waterford who were outside the bailiwick of the sheriffs and independent of their jurisdiction.

Table 1. The social background of the sheriffs of Waterford, 1250-1400.

Lineages.	22
Non-baronial Gentry from Waterford.	19
Gentry from outside Waterford	10
Baronage.	8
Administrators from outside Waterford	4
Citizens of Waterford city.	2

The appointment of the sheriff

Throughout the thirteenth century, the office of sheriff was tied to larger land grants, such as those made to Fitz Anthony and John fitz Thomas, being granted as an hereditary right. The office of sheriff, being that of the foremost royal agent in a county, was granted by the king. When these hereditary grants were not operative, appointments of the sheriff were made either by the Irish justiciar or under the great seal of England.¹⁰³ These two variations in royal choice mirrored similar developments in England at this time.¹⁰⁴

In 1293 an attempt was made to standardize the appointment procedure when it was enacted that sheriffs were to be appointed by the exchequer in Ireland, and this remained the norm for the next thirty years at least.¹⁰⁵ However, two sheriffs were appointed by the Justiciar,¹⁰⁶ and another under the English great seal.¹⁰⁷ The position between 1325 and 1350 was not clear; exchequer commissions survive in some cases,¹⁰⁸ while the many partisans of fitz Thomas in

103. A. J. Otway-Ruthven, A History of Medieval Ireland, p. 176.

104. Morris, The Medieval English sheriff, pp. 178-82.

105. Berry, Statutes, John - Henry V, p. 193.

106. Maurice Russel in February 1302 (C.P.R., 1301-1307, p. 19) and baron John le Poer of Donoil in August 1305. (Cal. Justic. Rolls, Ire., II, p. 118.)

107. C.F.R., 1307-1319, p. 398.

108. Richard de la Rokelle in 1343 (P.R.O.I. R. C. 8/22, p. 482) and Nicholas Brun in 1345. (P.R.O.I. R.C. 8/25, p. 558.)

the shrievalty may have received some form of administrative blessing, as fitz Thomas was on good terms with the then justiciar, bishop Thomas Charlton.¹⁰⁹

The mid fourteenth century marked a shift towards local elections. In 1300 provisions were made in England for election by the county and subsequent presentation at the exchequer.¹¹⁰ Nearly half a century passed before a similar phenomenon appeared in Ireland. In 1342 the Irish parliament stated that elections were to be held every year by the community of the county or their representatives in the exchequer, and that the person thus elected was to hold office for one year only.¹¹¹ While following English practice by insisting on annual elections, it wished to maintain tight supervision of the process, although in 1355 further legislation allowed for the election to take place in the county court.¹¹²

This legislation was not followed with any consistency in Waterford. No elections were recorded until November 1355 when Peter fitz Roger le Poer was elected by twenty-four men of the county who became pledges for his debts.¹¹³ In spite of this, his immediate successors owed their appointment to

109. See above, p. 250-1.

110. Morris, The Medieval English Sheriff, pp. 182-34.

111. Berry, Statutes, John - Henry V., p. 355.

112. C.C.R., 1354-60, pp. 144-5.

113. R.P.H., p. 56, no. 80.

exchequer commissions.¹¹⁴ In 1362, as part of the ordinances of Lionel of Clarence, fresh provisions were made for the election of the sheriffs in the county court, though in the presence of an exchequer official.¹¹⁵ However, as John fitz Geoffrey le Poer received a commission from the exchequer in 1363 without any reference to an election, this did not have any impact in Waterford.¹¹⁶

The remaining years of the fourteenth century were marked by a similar inconsistency. Local elections occurred in April 1366 and October 1368 though the latter complied with Clarence's ordinances insofar as William de Carlisle, a baron of the exchequer was in attendance.¹¹⁷ The sheriffs of the 1370s and 1380s were appointed by exchequer commissions though the identity of sheriffs for this period is not always known.¹¹⁸ The practices followed in the turbulent 1390s were governed more by expediency than legislation. In 1392 Roger Franceis when requesting that he be released from the post, advised that his replacement be either appointed by the council, or that they order a new election.¹¹⁹ The appointment of John of Desmond, 'ad requisicionem et postu-

114. John fitz Edmund le Poer in October 1360 (P.R.O.I. R.C. 8/27, pp. 497-8) and Maurice de Mandeville in January 1362. (P.R.O.I. R.C. 8/28, p. 58.)

115. Rymer, *Foedera*, III, no. 2, p. 606.

116. P.R.O.I. R.C. 8/28, pp. 284-5.

117. P.R.O.I. R.C. 8/29, p. 171.

118. P.R.O.I. R.C. 8/31, p. 32.

119. Graves (ed.), *King's Council in Ireland, 16 Richard II*, p. 99.

lacionem communitatis comitatus Waterfordie', suggests that they were forced by events into the latter course.¹²⁰

The personnel of the shrievalty underwent frequent changes; between 1250 and 1400 there were sixty-four sheriffs of Waterford. Adequate lists of the sheriffs of other counties are in most cases lacking. Yet where they have been compiled, they show that other counties did not experience the same turnover. For example, county Cork between 1256 and 1400 had only forty-three sheriffs (some of them, as will be remembered, were sheriffs of Waterford at the same time).¹²¹ The county of Uriel had only twenty-seven sheriffs between 1234 and 1342.¹²² The volume of sheriffs in Waterford was also high when compared with an English shire. Between 1258 and 1348 thirty-seven individuals acted as sheriff of Yorkshire, while in the same period there were forty-four sheriffs of Waterford.¹²³

The terms of sheriffs varied between the thirteenth and the fourteenth century. The Provisions of Oxford stated that the sheriffs should serve only a one-year term,¹²⁴ but this was frustrated in both Ireland and England by grants of the

120. Graves (ed.), King's Council in Ireland, 16 Richard II, p. 155.

121. See H. F. Berry, 'The Sheriffs of the County Cork, Henry III - 1660' in R.S.A.I. Jn., 35 (1906), pp. 44-5.

122. B. Smith, 'The English in Uriel: 1171-1329' (unpublished Ph.D. thesis, University of Dublin, 1990), pp. 197-8.

123. H. Jewell, 'Local Administration and administrators in Yorkshire: 1258-1348' in Northern History, 16 (1978), pp. 4-5.

124. Morris, The Medieval English Sheriff, p. 170.

shrievalty at fee, as well as by hereditary shrievalties.¹²⁵ In February 1285 Robert de Stapilton was granted the counties of Cork, Waterford and Tipperary for ten years, though in the event he served only half of this term for Waterford.¹²⁶ The sheriff who served the single longest term in the thirteenth and fourteenth centuries was sir Walter de la Haye who was sheriff for twelve years, and who did not owe his appointment to a grant in fee.

The fourteenth century was marked by much shorter terms; Richard Whittey and Richard le Waleys served only four months as sheriff. There was also support for longer terms for sheriffs and local officials on administrative grounds; in 1326, the former treasurer of England, Walter de Stapleton stated that if sheriffs and other officials served for too short a term, they would be unable to fully execute royal mandates.¹²⁷ Nevertheless the ideal of a one-year term remained, and in the Irish Parliament of 1342 an ordinance to this effect was enacted.¹²⁸ However, the terms of the Waterford sheriffs continued to be marked by inconsistency and there was no attempt to conform to the ideal enunciated in legislation.¹²⁹

The faith in a one-year term was that it would allow the

125. Morris, The Medieval English Sheriff, pp. 179-82.

126. C.P.R., 1281-1292, p. 154.

127. N. Saul, Knights and Esquires: The Gloucestershire Gentry in the Fourteenth Century (Oxford, 1981), p. 109.

128. Berry, Statutes, John - Henry V, pp. 356-7.

129. See Appendix A., pp. 368-9.

office to circulate through local society, preventing an individual from amassing too much power or influence, and limit the time during which a county had to suffer an incompetent or oppressive sheriff. Yet this failed to take account of the political reality of those areas of the Irish lordship, such as Waterford where magnate influence was strong and where the post could be rotated among their associates.

The post of sheriff, despite the problems that ensued from unpaid debts, not to mention the onerous and dangerous tasks involved, was not unpopular. No individual sought a licence of exclusion from the office. In 1352 Nicholas Brun claimed that he had been appointed sheriff without his knowledge in July 1345.¹³⁰ Such ignorance may have existed on Nicholas' part, as the appointment was made in the midst of the fighting between Ralph Ufford and Maurice Fitz Thomas. It is far more likely that Nicholas was aiming to avoid his responsibility for his debts. In 1393 January Roger Franceis petitioned the king's council in Ireland to be relieved of his office because of his poverty and lack of influence in Waterford.¹³¹ Both of these cases involved individuals who had already been chosen as sheriff.

130. P.R.O.I. R.C. 8/25, pp. 558-60.

131. Graves (ed.), King's Council in Ireland, 16 Richard II, p. 98.

II. The Chief sergeantcy.

The chief sergeant was a largely supervisory position. Its main function involved the appointment and supervision of the individual cantred sergeants and bailiffs. The chief sergeant was also responsible, through the sergeants, for the execution of individual mandates. In 1308 the sheriff, Richard le Poer explained that distraints made against Philip Christopher were not made out of malice, and that in this case, as in others, he had made out a list of estreats of the diverse debts for the chief sergeant for delivery to the individual sergeants.¹³² This was different from the English pattern where estreats for such debts were drawn up by the sheriff directly for the cantred bailiffs.¹³³

The chief sergeantcy was a hereditary fee, whose personnel often paralleled that of the shrievalty. In 1215 the chief sergeantcies of Cork and Waterford were granted to Thomas fitz Anthony, and again in 1259 to his son-in-law John fitz Thomas of Desmond.¹³⁴ In between these dates its history is obscure. After fitz Thomas' death the chief sergeantcy and all of the other lands and favours granted to him were resumed into the king's hands.¹³⁵ At some time between 1261 and 1277 it was granted at farm to William de

132. P.R.O.I. R.C. 8/4, pp. 191-2.

133. Morris, The Medieval English Sheriff, p. 247.

134. See Appendix A., p. 372, and Appendix C. II, Documents A and B., pp. 421-24.

135. Cal. Inq. P.M., II, p. 160, no. 281.

Carreu.¹³⁶ The Carreus were prominent Cork landholders with interests in Waterford,¹³⁷ who were descendants of Raymond le Gros and who also claimed to be the heirs of Robert fitz Stephen and his moiety of the kingdom of Cork.¹³⁸ It is possible that their claims to dominance in Munster were accepted, if only to counter the power of the Desmond Geraldines. The farm itself was also quite low, for in Michaelmas term de Carreu paid only 12d for the sergeantry of county Waterford.¹³⁹

In May 1284 the chief sergeantry of the Munster counties, along with John fitz Thomas' other offices, were regranted to Thomas fitz Maurice his grandson.¹⁴⁰ He did not hold it for long as in February 1285 bishop Stephen de Fulbourne stated that the custody of the chief sergeantry had been recovered.¹⁴¹ The position was then granted to a minor member of the Waterford gentry, Henry de Argentein.¹⁴² In 1290 the bishop of Waterford complained, once again, of

136. C.C.R., 1272-1279, p. 432.

137. The most important of these was Reymund de Carreu who held land at Tallow. (P.R.O. E.101/233/6.). William's heir Michael stood as a pledge for the payment of an amercement by Reymund in 1311. (Cal. Justic. Rolls, Ire., III, p. 176.

138. See Orpen, Normans, III, pp. 148-155. At some time before 1331 Thomas de Carreu also claimed descent from Robert fitz Stephen. (C.F.R. 1327-1337, pp. 206-7.)

139. P.R.O. E.101/230/16.

140. C.C.R., 1281-1292, p. 264.

141. H. Sweetman (ed.), Cal. Doc. Ire., III, no. 18, p. 18.

142. De Argentein was a tenant of the manor of Dungarvan, his family holding lands at Clashmore. (Curtis, 'Sheriffs' accounts', p. 2; P.R.O.I. R.C. 7/10, p. 51.)

wrongful distrains made by de Stapilton and de Argentein.¹⁴³

The chief sergeantcy mirrored the fortunes of the Desmond Geraldines. In 1292 Thomas fitz Maurice regained the office.¹⁴⁴ In October 1329 his son Maurice fitz Thomas gained custody of the chief sergeantcies of all the counties of Munster, even though he already held that of county Waterford.¹⁴⁵ In July 1358 the chief sergeantcies was granted to Gerald fitz Maurice, the future third earl.¹⁴⁶ During the long minority following Thomas fitz Maurice's death in 1298 the post passed back into the king's hands. Those who were appointed included local members of the gentry, such as Godebert de Rupe and the second husband of fitz Maurice's widow, sir Reginald Russel.¹⁴⁷ During his frequent absences from Ireland, the post was exercised by a locum tenens, such as Reginald Brun, a Waterford landholder with considerable administrative experience outside the county,¹⁴⁸ and Michael Carreu, probably a son of William de Carreu who had been chief sergeant in the 1270s.¹⁴⁹

143. Cole, Documents illustrative of the History of England, p. 74.

144. Appendix C. II, Document C., p. 425.

145. C.F.R., 1327-1337, p. 153; P.R.O.I. R.C. 8/15, pp. 123-4.

146. R.P.H., p. 72, no. 11.

147. Cal. Justic. Rolls, Ire., I, pp. 424, 454; Ibid., II, p. 162.

148. Cal. Justic. Rolls, Ire., III, p. 128; He had been sheriff of Connacht, (P.R.O.I. Dep. Keeper's Rep. no. 42, p. 28), Kildare (Ibid., no. 39, pp. 65-6) and Kerry. (R.P.H., p. 19, no. 26.)

149. Cal. Justic. Rolls, Ire., III, p. 284.

Maurice fitz Thomas temporarily lost the chief sergeantcy as a result of his rebellions of 1331 and 1345. Between 1331 and 1333 the office was held by three individuals, only one of whom, Geoffrey Christopher, had unambiguous connections with Waterford. Following fitz Thomas's second rebellion, the post was granted to minor members of the king's household, with no discernible Irish connections and on very favourable terms. When Henry de Welbourne received the office in 1346, he was not bound to account for its issues,¹⁵⁰ while in November 1347 the office was granted to Stephen de Wythresford, the king's porter.¹⁵¹ The office was once again exercised in their absence by a locum tenens.¹⁵²

As it was an hereditary fee, the Desmond Geraldines possessed a permanent office in the county besides the prestige that their Dungarvan lands gave them and this was potentially useful at a time when the influence of the earls of Ormond was growing in the county. Yet Gerald fitz Maurice was often occupied elsewhere, especially with the internal wrangling of the Uí Bhríain of Thomond, while his lands in Dungarvan were depleted in the short term by the provision of dower to both his mother and sister-in-law.¹⁵³ An indication of his lack of interest was shown on two occasions. In Hilary term 1366 the sheriff of Waterford stated that,

150. C.P.R., 1345-1348, p. 138.

151. Ibid., p. 421.

152. In November 1346 de Welbourne appointed Nicholas Brun, a former sheriff, as his locum tenens. (R.P.H., p. 49, no. 66.)

153. Appendix C. I, pp. 405-6.

although writs had been directed to the chief sergeant of Waterford, neither he nor his locum tenens had returned them.¹⁵⁴ Such disregard for royal writs was continued into the next decade. In Trinity term 1376, Ralph le Botiller, the earl of Desmond's bailiff, was amerced for not returning writs that had been directed to him.¹⁵⁵

The chief serjeantcy was an office that despite its relatively unimportant role gave the Desmond Geraldines an important position in Waterford. This was recognised by successive administrations in the thirteenth century who tried to seize every opportunity to wrench it from Geraldine control. In the fourteenth century it was clear that this could only occur on a short-term basis and then only after the head of the Geraldines had been defeated by a royal army.

III. The custodes pacis.

The office and nature of the keepers of the peace in medieval Ireland have been studied thoroughly by Dr Frame.¹⁵⁶ However, some observations will be made on the nature and personnel of the office in Waterford.

The custodes were introduced into Ireland in order to provide additional military and policing power for the local sheriffs, especially in the area of array of the posse

154. P.R.O.I. R.C. 8/28, pp. 613.

155. P.R.O.I. R.C. 8/31, p. 426.

156. R. F. Frame, 'The judicial functions of the medieval keeper of the peace' in The Irish Jurist, New Series, 2 (1967). pp. 308-26.

comitatus and the pursuit of felons. The sheriff was burdened with many responsibilities and the establishment of this office in Waterford and in the lordship as a whole was a response to the growth of disorder. As Dr Frame stated, they 'added weight rather than novelty to the structures of local government'.¹⁵⁷

The first list of custodes pacis listed the names of thirty-seven men who were amerced in Michaelmas term for the non-performance of their duties.¹⁵⁸ These were divided according to individual cantreds. The large cantred of Offath, that included much of east county Waterford had no less than nine custodes.

Much of the disorder in county Waterford was caused by the activities of the parentelae of baronial and gentry families, yet such people were among the first custodes pacis in Waterford. As with the shrievalty, any peace-keeping mechanism that relied on local manpower for its personnel naturally reflected the norms of local society. Some custodes were tainted by involvement in the disorders they were designed to combat. The list included Philip Christopher, himself the leader of a turbulent lineage,¹⁵⁹ and Baldwin fitz Philip Hodinet who had been accused of assisting the Uí Chuív in an attack on east Cork in

157. R. F. Frame, 'The judicial functions of the medieval keeper of the peace', p. 309.

158. P.R.O.I. Dep. Keeper's Rep. no. 38, p. 64; N.L.I. Ms. 761, pp. 232-3.

159. See Chapter 3, p. 116, and Chapter 7, p. 317.

1295.¹⁶⁰.

Little is heard of the custodes during the first half of the fourteenth century, though they certainly did not disappear. Sir Richard le Waleis, in his denunciatory letter concerning Maurice fitz Thomas, stated that the latter saw himself as being in charge of peace-keeping in general during the sheriff's absence.¹⁶¹

The remainder of the fourteenth century was marked by a return to greater local involvement. Six custodes were named in 1358, and while they were still based on the cantred, three of them were responsible for four cantreds.¹⁶² Yet a certain fluidity remained in their organisation. In 1365 John fitz Geoffrey le Poer owed an account for the time he was custos and it is unclear whether he was custos of the whole county, and if so, whether he had subordinates.¹⁶³ In the final decades of the century, a return to numerous custodes occurred. In 1384 and 1386 four and three were appointed respectively. No indication is given as to whether their responsibilities were divided among the cantred, though as two of those appointed were from different areas of the county, some localisation of duty probably occurred.¹⁶⁴

160. Cal. Justic. Rolls, Ire., I, p. 68.

161. P.R.O.I. M. 2649, p. 17.

162. R.P.H., p. 74, no. 84.

163. P.R.O.I. R.C. 8/32, pp. 204-5.

164. Ibid., p. 127, no. 241; P.R.O.I. Lodge Mss. 'Irish Chiefs (articles with), Denizations etc.' p. 149.

The late fourteenth century also witnessed the growth of the powers of the custodes pacis and their involvement in areas outside their original policing functions. In April 1365, for example, David Cogan, custos pacis, was present at the election of John le Poer as sheriff in Clonmel.¹⁶⁵ They also acquired greater judicial powers. In January 1386, the keepers that were appointed were given power not just simply to array the county levies but were also given a commission of oyer et terminer.¹⁶⁶ The custodes normally did not have such terminal judicial powers, but this should be seen against the background of the near impossibility of visits to the area by justices itinerant unless in the company of a military force. Furthermore, the custodes that were appointed in November 1384 were to account not at the exchequer in Carlow but with the bishop of Waterford.¹⁶⁷ This was obviously an attempt to create a form of juridical and administrative self-sufficiency based on the co-operation of a small number of local land-holders and Waterford city churchmen.

The personnel of the custodes reflected the complete spectrum of Waterford, including some of the most important members of the gentry, such as Reginald Russel, and the baronial lineages such as John fitz Geoffrey and Nicholas le Poer. These were the groupings from which most sheriffs of

165. P.R.O.I. R.C. 8/29, p. 173.

166. P.R.O.I. Lodge Mss, 'Irish Chiefs (articles with), denizations etc.', p. 149.

167. R.P.H., p. 121, no. 84.

the county were drawn and seven custodes subsequently became sheriffs. The first custodes, because of their number and their cantred-based organisation, included those from a lesser social background and with a less exalted record in local administration. Hamo Gascoin, was briefly a custos of the manor of Dungarvan following Maurice fitz Thomas' imprisonment,¹⁶⁸ while Simon Edward was the bailiff of the small Geraldine manor of Comeragh in 1298.¹⁶⁹ Others had not acted in any other administrative capacity, such as Richard Ryth.

Those of the fourteenth century were drawn from the cadet branches of the les Poers of Kilmeadan and Ballydurne, even though some members of the gentry, such as Roger Francis and Richard Aylward were also appointed. They also included Thomas fitz John, nephew of the first earl of Desmond. Fifteenth century custodes were drawn either exclusively from the baronage, such as the earls of Ormond and Desmond, or the citizenry of Waterford city.¹⁷⁰

IV. The Escheator.

The escheator, either of the lordship or the county, was employed with the custody of lands and goods that had come

168. P.R.O.I. Dep. Keeper's Rep. no. 44, pp. 25-6.

169. P.R.O. E.101/233/6.

170. For a list of the custodes pacis of fifteenth century Waterford, see R. F. Frame, 'The Office of Keeper of the Peace in Medieval Ireland' (unpublished B.A. (Mod.) thesis, University of Dublin, 1966), p. 82. I am indebted to Professor James Lydon for allowing me to use his copy of this thesis.

into the king's hands either through normal feudal processes or as a result of forfeiture.¹⁷¹ The office was not established until the middle of the thirteenth century, before which custody of escheats was in the hands of the justiciar or important barons.¹⁷² In 1215 Thomas fitz Anthony was granted custody of the escheats of counties Cork and Waterford.¹⁷³ However, the escheats that were granted to fitz Anthony were of a more limited nature, being only those that were escheats at the time of the grant, and not a permanent custody. It was fitz Anthony's willingness to exploit this confusion that finally led to his disgrace in 1223.¹⁷⁴

In the last decades of the thirteenth century, the relationship between Waterford and the escheatry was close, largely because the escheator from 1285 to 1308, Walter de la Haye, had previously been sheriff.¹⁷⁵ While de la Haye showed some liberality towards his own tenants, especially those of the vill of Kilmeadan,¹⁷⁶ he showed no favour towards those lands that came to him by way of escheats in

171. For a brief description of the responsibilities of the escheator see A. J. Otway-Ruthven, A History of Medieval Ireland, p. 161.

172. Richardson and Sayles, Administration of Ireland, pp. 28-9.

173. Appendix C. II, Document A., p. 421.

174. *Ibid.*, I, pp. 397-8.

175. See above, pp. 244-5.

176. Cal. Justic. Rolls, Ire., II, p. 2.

Waterford as a whole.¹⁷⁷ In 1308 Baron John fitz Peter le Poer complained that his lands had been wasted by the custos appointed by de la Haye,¹⁷⁸ and that the latter had imposed royal service on the lands, even when le Poer was still a minor.¹⁷⁹ Apart from the custodes that held individual escheats, the escheator was assisted by sub-escheators. In Michaelmas term 1308 Stephen Franceis, the sub-escheator of county Waterford, was ordered to render his account at the exchequer,¹⁸⁰ while in Easter term 1339, Egidius le Engleis, no doubt a relative of the sheriff Thomas le Engleis, was sub-escheator in county Waterford.¹⁸¹

The mid fourteenth century marked a move away from an escheator of the lordship towards the localisation of the post. The parliaments of 1342 and 1344 ordained that sheriffs were to be escheators as in England,¹⁸² It was not until November 1355 that this legislation had any impact on Waterford. In November of that year Peter fitz Roger le Poer was elected both to the shreivalty and escheator of the county,¹⁸³ while his successor William de Sandhull was

177. Cal. Justic. Rolls, Ire., II, p. 6.

178. P.R.O.I. R.C. 7/10, pp. 464-5.

179. P.R.O.I. R.C. 8/4, pp. 195-6.

180. P.R.O.I. Ex. 2/2, p. 658.

181. P.R.O. E. 101/240/17

182. Berry (ed.), Statutes, John - Henry V, p. 357; C.P.R., 1343-1346, p. 455.

183. R.P.H., p. 57. no. 98.

also named escheator of the county.¹⁸⁴ One of the ordinances issued by Lionel of Clarence after his arrival in Ireland in 1361 sought to uphold this process.¹⁸⁵ However, his ideals were soon overtaken by a desire to heap benefits on his friends, for in October 1361 Nicholas de Bekenesfeld, a retainer of Lionel's, was named escheator of Ireland,¹⁸⁶ and in the following year, Nicholas was granted the barony of Donoil, to hold with his other post.¹⁸⁷ However, his position as escheator had been annulled by trinity term 1365 when the sheriff of Waterford was ordered to levy his debts.¹⁸⁸

The later years of the fourteenth century marked a reduction in the area amenable to the escheator's activity. In 1377, a former sheriff and sub-escheator, John fitz Geoffrey le Poer, claimed that there were no escheats in the county, a claim that was disputed by the treasurer.¹⁸⁹ More and more, the area of effective royal influence in Waterford was confined to the very eastern part of the county, and even there it was weak. Thus in 1381, the escheator's deputy in Munster, William Lumbard was active in Waterford. However, most of his work involved the holding of

184. P.R.O.I. R.C. 8/28, p. 3.

185. Rymer, Foedera III, no. 2, p. 606.

186. N.L.I. Ms. 761. pp. 156-7.

187. Ibid. p. 185; P.R.O.I. R.C. 8/28, p. 277.

188. P.R.O.I. R.C. 8/28, p. 682.

189. P.R.O.I. R.C. 8/32, pp. 141-3.

inquisitions regarding the alienation of lands without licence of the crown or to the escheator. The response to these inquisitions was invariably to pardon retrospectively these infringements and to accept them as faits accomplis.¹⁹⁰

V. The minor officials.

The sub-sheriff

It is difficult to establish whether the sub-sheriff was a permanent official. The tasks of the sheriff were many and varied, especially when the sheriff was in control of more than one county. A sub-sheriff was probably in existence from an early period when the shrievalty of Cork and Waterford was held by one official. In 1221 Griffin fitz Griffin was named as a vicecomes de Dungarvan;¹⁹¹ he was not a sub-sheriff but a deputy of Thomas fitz Anthony in county Waterford, probably acting as castellan of Dungarvan castle. Sub-sheriffs did not appear at all times and it is thus difficult to trace their personnel with certainty.

The role of the sub-sheriff was to act as the sheriff's deputy when he was detained on other administrative business, or when the sheriff was ill. At some time in 1305 a plea came before the Justiciar at Waterford between Margery de Whitley and the abbot of Dunbrody. The sheriff came 'by David Brun his sub-sheriff, who performs the office for

190. P.R.O.I. Lodge Mss, I, pp. 42-3.

191. Chart. St. Mary's, Dublin, II, p. 191.

Maurice Russel the sheriff'.¹⁹² This was shortly before the latter's removal on grounds of ill health.¹⁹³ Russel's was also sheriff of Cork and briefly employed in the provision of ships for the king's army.¹⁹⁴

The sub-sheriff was also the sheriffs' administrative assistant. In 1290 John fitz Philip claimed that a number of his beasts had been distrained by Geoffrey Brun, the 'clerk' of sheriff Robert de Stapilton.¹⁹⁵ In the same year he rendered de Stapilton's proffers on his behalf as his sub-sheriff.¹⁹⁶ In 1306 David Brun was described as the attorney of the sheriff, on whose behalf he paid £8 of gold.¹⁹⁷

The sub-sheriff did not have the same administrative background as the sheriff. David Brun had been the sergeant of the cantred of Offath, a minor office, in Hilary term 1291.¹⁹⁸ However, his attachment to the retinue of John fitz Peter le Poer of Donoil eventually led to his advancement in another location when he was appointed seneschal of the liberty of Kilkenny.¹⁹⁹ This family continued to provide sub-sheriffs in the fifteenth century, for in 1407 the

192. Cal. Justic. Rolls, Ire., II, p. 118.

193. Ibid., p. 119.

194. See above, p. 243, n. 21.

195. Cole, Documents Illustrative of the History of England, pp. 80-1.

196. P.R.O.I. Dep. Keeper's Rep. no. 37, p. 43.

197. P.R.O.I. Ex. 2/1, p. 154.

198. P.R.O. E.101/231/6.

199. See Chapter 5, p. 194, n. 20.

sheriff of Waterford was ordered to attach Nicholas Brun of Offath, sub-sheriff to Walter fitz Nicholas le Poer, a former sheriff.²⁰⁰ They were also active in other administrative fields, providing at least one coroner.²⁰¹

The Coroner

The Office of Coroner was comparatively late in its development in England as it was not created until 1194.²⁰² The details of its transmission to Ireland are unknown, as the earliest known reference to a coroner in Ireland was in 1264, though its presence in Ireland was probably much older.²⁰³ The duties of the coroner were varied. He was expected to view the body of an individual who had been slain; to maintain a roll of pleas that were to be dealt with by the justiciar or his locum tenens during his visits; and to witness abjurations by outlaws when the latter had taken sanctuary. For example, in 1311 Roger Andrew was present at the abjuration made by Walter and Alexander Cadwoladar from the church of St Lawrence in Waterford city.²⁰⁴ He was also expected to act as a foil to the activities of the sheriff, if the latter defaulted in the rendering of his account, it was the coroner who was ordered to

200. P.R.O.I. R.C. 8/33, p.

201. See below, p. 284, n. 208.

202. R. N. Hunnisett, The Medieval Coroner (Cambridge, 1961), pp. 1-3.

203. A. J. Otway-Ruthven, A History of Medieval Ireland, p. 179.

204. Cal. Justic. Rolls, Ire., III, p. 177.

distrain him. On a number of occasions in the 1320s the coroner was ordered to distrain the then sheriff, Theobald le Poer, to render his account.²⁰⁵ In a session of the justiciar's court in October 1313 it was found that a summons involving a case of novel disseisin had been wrongly worded by the sheriff. The latter was amerced in 40s and the coroner of Offath was ordered to distrain the amount.²⁰⁶

When the office was established in England, it was ordered that three knights and one clerk should exercise the office in each county, although its structures had been changed by the time it was established in Ireland.²⁰⁷ At the apex of the coronership in Waterford was the coroner of the county or king's coroner. For instance, Adam Brun stated in 1290 that he had been king's coroner of Waterford for sixteen years.²⁰⁸ There were also coroners for the individual cantreds; in 1316 Adam fitz William le Poer, coroner of Offath, was ordered to seize the goods of a felon into the king's hands and transport them to Waterford city.²⁰⁹ The city of Waterford, though outside the normal jurisdiction of the sheriff, had its own coroners. In Hilary term 1321 John Fastolf, a Waterford burgess, was referred to as a

205. P.R.O.I. R.C. 8/13, pp. 112-3; R.C. 8/14, pp. 657, 685.

206. P.R.O.I. KB. 2/5, p. 123.

207. Hunnisett, Medieval Coroner, p. 173.

208. H. Sweetman (ed.), Cal. Doc. Ire., III, no. 770, pp. 349-50.

209. P.R.O.I. KB. 2/5, p. 123.

coroner,²¹⁰ while in 1338 Elias Goding, relative of a former mayor of Waterford city was also named as a coroner.²¹¹

Any involvement by an official with the goods of others tended to lead to corruption. This was even more likely with the office of coroner, which was very demanding in terms of time, and was not remunerated by any payment. In 1313 Roger Andrew, king's coroner, admitted that he had concealed an afer from the goods of an outlaw, John Latrath.²¹² The activities of the coroner could also expose him to dangers. It was no doubt in the pursuit of his office of coroner that William fitz Nicholas came into confrontation with members of the Maurice fitz Thomas' retinue in Waterford and was rewarded for his activity by being blinded.²¹³

Because of the demands of time and the lack of concomitant payment, the coroner was expected to be a man of some means. In England no formal property threshold was demanded, except that he should have sufficient lands in the county wherein he was coroner.²¹⁴ In Ireland, the problems concerning the 'sufficiency' of coroners were common, apparent, though some form of property qualification was in existence. In 1308 coroners in counties Limerick and Meath were removed because they were 'insufficient'; namely, they had

210. P.R.O.I. M. 2646, p. 179.

211. P.R.O.I. Dep. Keeper's Rep. no. 45, p. 39.

212. Cal. Justic. Rolls, Ire., III, p. 250.

213. 'Legal proceedings', p. 9.

214. Hunnisett, Medieval Coroner, pp. 174-7.

insufficient resources to meet the property qualification.²¹⁵ In 1310 the sheriff of Limerick was ordered to elect somebody with lands worth more than £20.²¹⁶ Yet there is no evidence that the person subsequently elected was any more 'sufficient' in wealth than his predecessor.

The identity of the coroners of county Waterford is frequently unknown and it is quite difficult to see how far any concept of a property qualification was applied. The one exception to this is Roger Andrew. In 1262 the Andrew's lands at 'le Fithis' (Fews, Par. Kilrossanty, Bar, Middlethird), were recorded as containing thirteen and a half carucates rendering 63s 4d rent,²¹⁷ while in 1299 they containing two villates.²¹⁸ It is impossible to state how much his lands were worth based on their rent alone, but while prosperous they were unlikely to have been worth anything near the £20 demanded in Limerick.

The social background of other coroners is vaguer. Adam Brun was apparently a member of the family that provided a number of other minor officials.²¹⁹ William fitz Nicholas had been a sub-sheriff of Kildare in 1298,²²⁰ while in 1305

215. R.P.H., p. 9, no. 102; p. 10, no. 156.

216. Ibid., p. 15, no. 235.

217. Curtis, 'Sheriffs' accounts', p. 7.

218. P.R.O. E.101/233/6; H. Sweetman (ed.), Cal. Doc Ire., iv, p. 262.

219. See above, pp. 281-3.

220. Cal. Justic. Rolls, Ire., I, p. 282.

he was sergeant of the cantred of Dungarvan.²²¹ Of his land-holding position, little is known. He held two carucates in east Cork, though these were claimed and successfully recovered by James Keting in 1307,²²² while in Waterford he held an unknown quantity of land at an unidentifiable location named Ballygagin.²²³

The coroners of county Waterford belonged to the lower level of the gentry. The administrative experience of coroners was also confined to minor, non-shrieval administrative activity, both within and without the county. Such a phenomenon was not confined to an Ireland. While the coroners of Sussex were drawn from the 'knightly and near knightly' strata of society, Dr Hunnisett still recognised a hierarchy within this group between those providing the sheriffs, escheators and justices of the peace, and those who became coroners and sub-sheriffs.²²⁴ Fourteenth century Bedfordshire and Yorkshire witnessed a similar phenomenon whereby coroners rarely acted as knights of the shires, and never as sheriffs.²²⁵

221. P.R.O.I. R.C. 7/10, p. 322; Ex. 2/1, p. 167.

222. Cal. Justic. Rolls, Ire., II, p. 261.

223. William fitz Nicholas, his brother Michael and son Reginald were mentioned in one of Betham's brief genealogical extracts from the roll of Common Pleas. (P.R.O.I. M. 2648, p. 27.)

224. Hunnisett, Medieval Coroner, pp. 170-1.

225. A coroner did become deputy sheriff of Bedfordshire (K. Naughton, The Bedfordshire Gentry in the Thirteenth and Fourteenth Centuries (Leicester, 1976), p. 45) while a Yorkshire coroner became sheriff of Dunbarton (H. Jewell, 'Local Administration and administrators in Yorkshire, 1258-1348' in Northern History, 16 (1978), pp. 11-2.)

The Cantred or bailiff sergeants

Within each of the eight cantreds into which Waterford was divided, there existed at least one sergeant or bailiff.²²⁶ There were also subordinate sergeants within some cantreds. In 1305 Benedict le Poer was termed the chief sergeant of Offath,²²⁷ while the sergeant of the cantred of Imokilly in Cork also had assistants.²²⁸ While the English cantred sergeants had become subservient to the sheriff of the county by the beginning of the thirteenth century,²²⁹ their relationship with Irish sheriffs was less clear-cut. Their main responsibility was the physical delivery of writs and the distraint of goods.²³⁰ Their role involved a close working relationship with the sheriff but they were ultimately responsible to the chief sergeant who was in turn responsible for their behaviour. They were also responsible for the arrest of felons. In 1313 John Russel, sergeant of the cantred of Oweath, was ordered to distraint John Gascoin and his goods but the latter fled attachment.²³¹

The chief sergeantry changed hands frequently in the late thirteenth and early fourteenth centuries, and this led

226. See C. A. Empey, 'Waterford in the Thirteenth Century' in *Decies*, 13 (1979) pp. 6, 13-4.

227. *Cal. Justic. Rolls, Ire.*, II, pp. 11, 120.

228. P.R.O.I. KB. 2/12, pp. 17-9.

229. Morris, *The Medieval English Sheriff*, p. 146.

230. H. Jewell, *Local Administration*, pp. 198-9.

231. *Cal. Justic. Rolls, Ire.*, III, p. 259.

to a confusion of responsibility. In 1305 the abbot of the Cistercian abbey of Dunbrody sued Margaret Wittey for full payment of a debt. She complained that the full amount had been distrained from her by Benedict le Poer, chief sergeant of Offath, but that he had only given a portion to the abbot. She therefore sought compensation from Reginald Russel, chief sergeant of Waterford and his locum tenens, Reginald Brun who answered that Benedict had been appointed by Maurice Russel who was then sheriff.²³² Yet this did not imply that the sheriff had usurped responsibility for the appointment of sergeants; Maurice Russel had apparently held the sergeantry of the cantred of Offath and had appointed Benedict as his attorney.²³³

In social terms the sergeants were generally drawn from both the lower levels of the gentry and the minor elements of the magnates' lineages. The sergeants of the cantreds of Oweath and Offath were members of the Russels and les Poers respectively. Benedict le Poer was either the father or brother of John le Poer of Kilmeadan.²³⁴ His kinsman, Nicholas le Poer of Kilmeadan became sheriff of the county in 1365²³⁵ and inherited the preeminent position held by the les Poers of Donoil following the latter's' demise in the

232. Cal. Justic. Rolls, Ire., II, p. 120.

233. Ibid., I, p. 424.

234. See Appendix B. I, p. 380.

235. Appendix A., p. 369.

1360s.²³⁶ This mirrored the experience of other families that produced minor officials in the county. David Brun, the sub-sheriff of Waterford, was father of sheriff Nicholas Brun,²³⁷ while the 1262 pipe roll of Waterford recorded a fine paid by William fitz David the sergeant.²³⁸ He was almost certainly an ancestor of Geoffrey fitz William fitz David, a sheriff of the 1330s.²³⁹

The administration of county Waterford changed to meet varying needs. While the county was relatively peaceful, the demands in administrative terms were primarily those of a manager of the king's affairs at local level and a collector of his debts. As the county became more turbulent, suffering from the growth of magnate and gentry lineages and subsequent magnate competition, there was a need for an officer who could perform a greater peace-keeping role in addition to his existing duties. The selection of sheriffs was marked by varying criteria of suitability as royal and seigneurial agent.

Local office-holding, though, remained the most important means of playing an active role in local society, and the varying officerships within a late medieval county allowed participation to a wide social spectrum from members of the baronage to prominent non-gentry freeholders whose

236. See Chapter 1, pp. 20, 49.

237. See Appendix A., p. 368.

238. Curtis, 'Sheriffs' accounts', p. 5.

239. Appendix A., p. 367.

participation in minor duties entitled them to be seen as a 'sub-gentry'. There was a division within local office-holding between the higher administrative positions of the shrievalty and the minor positions such as the cantred bailiff, and this was reflected in a division of personnel. As Dr Given-Wilson has noted in his study of the English nobility there was a division between a 'county gentry' and a 'parish gentry' that was reflected in office-holding.²⁴⁰ However, the diverse socio-political backgrounds of all local officials meant that the gentry of Waterford were only one group that competed for the power and influence of local office.

240. C. Given-Wilson, The English Nobility in the Later Middle Ages (London, 1987), pp. 73-4.

CHAPTER 7. VIOLENCE AND DISORDER

In the preceding chapters the various socio-political and ethnic groupings and the officers of local government have been examined. This chapter will attempt to examine the negative impact that all of these had on the locality of county Waterford and the disruptive tendencies that were unleashed.

Medieval Waterford was afflicted, as all areas of the lordship, by a high level of violent crime and disorder. Unfortunately no adequate study of this phenomenon has been attempted for the lordship as a whole. There exists no parallel either to the studies of John Bellamy¹ or Barbara Hanawalt² for English crime, nor the many valuable local studies.³ While the sources for the investigation of crime and its political linkages may not be as rich for the lordship and its localities as for a corresponding English shire, a coherent assessment of crime and disorder in a

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1. See J. G. Bellamy, Crime and Public Order in the Later Middle Ages (London, 1973). (Hereafter cited as 'Bellamy, Crime and Public Order'.)
 2. See, for example, 'Fur-Collar Crime: The pattern of crime among the Fourteenth Century English Nobility' in Journal of Social History, 8 (1975), pp. 1-17; Crime in East Anglia in the Fourteenth Century: Norfolk gaol delivery rolls, 1306-1317 (Norwich, Norfolk Record Society, 1976); and Crime and Conflict in English Communities, 1300-1348 (Cambridge, 1979).
 3. See for example, S. Waugh, 'The Profits of Violence: The Minor Gentry in the Rebellion of 1321-22 in Gloucestershire and Herefordshire' in Speculum, 52 (1977), pp. 843-65; and S. M. Wright, The Derbyshire Gentry in the fifteenth Century (Derbyshire Record Society, 8, 1983), Chapter 9.

locality can be made. The prerequisite for such a study is an adequate methodology. The nature, extent and motivation of violence in the later medieval period was so varied that some form of classification has to be attempted.

Numerous types of violence and disorder can be observed. On the one hand there were the criminal acts of random, uncoordinated violence that were not apparently prompted by a desire for material gain. They were closely bound up, however, with the differing desires of various people to consolidate or expand their position within political society. Such violence was animated by a political motive. This must be set apart from criminal acts that were prompted by a desire for more immediate gain in the form of money, food or goods that could be converted into money through resale. Such violence was apolitical. Much of this comprised the larceny of goods that was sometimes accompanied by violence. Apolitical crime was more prevalent than politically motivated murders or assaults in many medieval societies and county Waterford was no exception.⁴ What set them apart though, was the question of motive; they were not prompted by the desire of a magnate to increase his own standing at the expense of another or by the Irish struggling to drive settlers from lands which they viewed as theirs. Apolitical

4. See Appendix D., p. 432. Waterford was more violent than many areas of England. Dr John Bellamy has stated that in fourteenth century England, 'the total of presentments for felony comprised approximately twenty-five per cent for homicide and fifty percent for larceny'. (Bellamy, Crime and Public Order in England, p. 33.) Of 204 criminal cases in Waterford, 108 involved the use or threat of violence.

criminality was prompted by the desire for plunder, or by more immediate human needs such as hunger.⁵

This criterion can be applied to available sources and the category to which individual cases belonged can be deduced at a prima facie level. For example, the murder of John de Valle by Philip Christopher and his accomplices in the early 1290s would appear to have been a politically motivated act. Both perpetrator and victim were prominent members of the local gentry, and even though de Valle was carrying money to the exchequer at the time of his murder, it was unlikely that Christopher would have had to resort to highway robbery.⁶ The act was no doubt perpetrated to help Christopher's political and social advancement, and not his economic well-being. Similarly attacks by thieves on the granges of the isolated manor of Hamo Gascoin, can be placed in the apolitical orbit, as the goods stolen were for either direct consumption or resale, and the robbery was not part of a plan to starve Gascoin into a state of submission or drive him from his manor.⁷

However, a neat division between apolitical and political crime is not always possible. Firstly there were those criminal acts that appear to be no more than quite dramatic outbursts of apolitical lawlessness. The murder of John le

5. In 1295, John Martyn, who was accused of stealing goats, was pardoned because he had stolen them through hunger. (Cal. Justic. Rolls, Ire., I, p. 5.)

6. Ibid., pp. 32-3.

7. Ibid., p. 5.

Grant in 1311 had all the symptoms of a violent attack by an unusually large group of ruffians on an isolated manor. Not alone was the owner of the manor killed, but large amounts of goods and money were taken.⁸ Yet four of those who were subsequently pardoned for their involvement, all members of the Irish family of O'Foley or Uí Foghladha, had been similarly pardoned as 'men of baron John le Poer' for their participation in an abortive abduction of Margaret de Berkeley.⁹ The attack took place at the procurement of Theobald le Poer. However he was not a landless member of the les Poers' parentela but a prominent member of the les Poers of Fenoagh and a future sheriff of the county.¹⁰

In addition, the scale of the episode was suspicious; while Waterford was well endowed with individuals who lived by larceny, the size and varied nature of the mob that attacked Grant's manor was unusual. No less than forty-eight people were indicted for the offence.¹¹ This list included members of the local gentry such as Nicholas Edward and John de Norragh, and Irishmen from county Waterford and

8. Cal. Justic. Rolls, Ire., III, p. 261.

9. Ibid., pp. 190. They were Stephen, Malaghlyn (Mael Sechlainn), Murthut (Murchadh or Muircheartach) and Doncon (Donnchadh?) Offoul-lithe (O Foghladha).

10. Appendix A., p. 366-7. He was also a tenant of sir Arnold le Poer. (Chapter 3, p. 94.)

11. Dr Hanawalt has shown that the seriousness of a crime was usually reflected in the number of criminals involved, and that a group of fifty or more was viewed as necessary by medieval criminals for murdering a well-guarded person or for the commission of a large-scale robbery. (B. Hanawalt, Crime and Conflict in English Communities, 1300-1348 (Cambridge, 1979), p. 188.)

beyond.¹² The most important question to pose itself against a mere apolitical reading of the event was why such a motley group would assemble to attack that particular individual. Far from being isolated, his manor stood in the vicinity of the city of Waterford and there must have been other, more defenceless places where the lust for spoils could have been satisfied. Problems are also presented by those accused of extracting food and drink under a pretext of 'seeking a courtesy'.¹³ As Dr Simms has said: 'It would seem that a very thin line divides the "courtesy" begged by a vagrant from the overlord's claim to billeting rights for his servants'.¹⁴

Far from being a simple or simply-applied classification, the difference between political and apolitical crimes can only be ascertained if the motive that lay behind them is clear. The accounts that have been preserved in the surviving Justiciary Rolls as well as the Manuscript Calendars of Plea Rolls, while adequate and much fuller than other collections, do not always divulge the deeper reasons underlying these acts and may sometimes deliberately conceal them.

One of the by-products of the politicisation of violence was that the its perpetrators were not always confined to

12. They included Maurice O'Ryan, possibly from Carlow. (Cal. Justic Rolls, Ire. III, p. 264.)

13. See below, pp. 312-3.

14. K. Simms, 'Guesting and Feasting in Medieval Ireland' in R.S.A.I. Jn., 108 (1978), p. 78.

acts that belonged exclusively to the political or economic category. The members of both magnate and gentry retinues as well as the members of lineages committed political and apolitical crimes.¹⁵ With regard to retinues the decisive factor was whether they were acting as the satellites or the adherentes of a magnate, or as a wandering thief operating on his own account or with a group of associates. The former could be recruited, when occasion demanded, from the latter, to which he could return once the need for his particular type of service lessened. It was all too easy for the petty criminal to migrate into the magnate's sequela where his activities would gain a measure of respectability. In 1313 William O'Kelly was charged with the slaying of Richard Landefey.¹⁶ In 1316 he had joined the baron of Donoil's military retinue,¹⁷ and in 1317 he was among a large group for whom pardons were gained at the behest of the same baron.¹⁸ Similarly many ordinary crimes could be committed by members of seigneurial retinues who expected the aid of their masters in the event of the victims seeking legal redress, they turned for help to their masters. This was at the heart of the relationship between lord and retainer.¹⁹ Where these bonds did not exist they could be created by a

15. See Appendix D., pp. 433-40.

16. Cal. Justic. Rolls, Ire. III, p. 252.

17. P.R.O.I. KB. 2/8, p. 87.

18. R.P.H., p. 24, no. 130.

19. See Chapter 5, pp. 218-20.

lord or prominent member of the gentry becoming a pledge for the payment of an amercement. In 1313 baron John le Poer became a pledge for Moriartagh (Muircheatach) and 'Geoffrey' O'Brike.²⁰ Whether such payments were ever made or not, the theoretical debt still existed.

The members of lineages were also likely to indulge in all forms of criminal activity. While the various layers of lineage were used to political ends by their leaders,²¹ they embraced multifarious elements from all levels of society. One of the most important consolidating mechanisms in a lineage was the knowledge or the assumption that the leader could and would use his position to protect his members from legal redress, no matter what crimes they committed. The parentelae were capable of transforming themselves from economic to political criminals as occasion demanded.²²

The Origins of Disorder

When considering crime and disorder in Waterford, much of what can be said refers to the picture of Waterford society presented by the published Calendars of Justiciary rolls as well as later depositions concerning the Earl of Desmond's rebellions. Yet crime and disorder, while exacerbated and exploited by the political instability of the later thirteenth and early fourteenth centuries, existed

20. Cal. Justic. Rolls, Ire., III, p. 300.

21. See Chapter 3, pp. 112-7.

22. Cal. Justic. Rolls, Ire., III, p. 67.

before this period.

It is impossible to assess the impact that the arrival of the English had on crime and violence in Ireland. It certainly led to the importation of new foreign legal concepts of what constituted crime and who was responsible. The arrival of the English coincided with greater definition of the Common Law in England.²³ The Irish legal concept of legal personality and indemnity based upon the collective kin-group or fine²⁴ was confronted by a different legal mentality that laid much greater emphasis on the legal personality of the individual and which did not recognise the corporate legal personality or persona ficta.²⁵

It would be highly unlikely and unusual if Waterford city in the eleventh and twelfth centuries, as an important port, did not have its share of petty crime and the occasional murder. Indeed, the very presence of an important commercial centre caused a centripetal outflow of criminal activity. In more political terms, the twelfth century was a turbulent period in Irish politics. Waterford was in a similar position to that which emerged in the later fourteenth century, where the area of the Deise was a zone of competition between the Mac Carthaigh rulers of Desmond and

23. See W. L. Warren, Henry II (London, 1973), especially Chapter 9; A. L. Poole, Domesday Book to Magna Carta, 1087-1216, second edition, (Oxford, 1955), Chapter 12.

24. See K. W. Nicholls, Gaelic and Gaelicised Ireland in the Middle Ages (Dublin, 1972), pp. 53-5.

25. Pollock and Maitland, A History of English Law, I, p. 489.

Diarmaid Mac Murchadha of Leinster.²⁶

The arrival of the English was accompanied by violence and the initial resistance of Waterford city was suppressed by the execution of its leaders.²⁷ A certain level of military resistance occurred in the years following the arrival of the English, though this took the form of sporadic assassinations and attacks on fortifications rather than widespread fighting.²⁸ The settlers may have brought with them some criminal elements as Giraldus Cambrensis made passing references to petty larcenies and one case of rape.²⁹

Criminal and violent activity in Waterford were to leave their mark on one of the earliest pipe rolls to survive from the county. In 1232 the sheriff of Waterford accounted for the goods of an outlaw who was executed.³⁰ Unfortunately the account does not name the victim, so it is impossible to discern the ethnic group to which he belonged. Petty criminal activity was a feature of the thirteenth century, for the next Pipe roll to survive, namely that of 1261-2, details a number of instances of amercements for

26. M. T. Flanagan, Irish Society, Anglo-Norman Settlers, Angevin Kingship: Interaction in the later twelfth century (Oxford, 1989), p. 178.

27. Giraldus, Expugnatio, pp. 65-6.

28. See Chapter 4, pp. 135-6.

29. 'Giraldus Cambrensis in Topographia Hibernie; Text of the first recension' edited by J. J. O'Meara in R.I.A. Proc., 52 C (1949), pp. 153-6.

30. See Appendix G., p. 459.

offences including unlawful killings as well as references to thieves.³¹ In the mid thirteenth century the first instances of the involvement of prominent members of the baronage in petty crime were recorded. In 1261, John le Poer of Donoil and David O'Kenagh were indicted for having illegally entered the Lord Edward's forests in the manor of Dungarvan.³²

The origins of political disorder are more problematic. The detailed calendars of justiciary rolls do not exist for the period before 1295. The political disputes that affected the lordship as a whole in the thirteenth century had some impact on Waterford. Earl Richard Marshal's revolt of 1233 certainly led to divisions in local society. Richard held no lands within county Waterford, though three of the recipients of fitz Anthony's inheritance, Stephen le Ercedekne, Geoffrey de Norragh and Gerald de Rupe were also tenants of the earl³³ and they suffered temporary forfeitures as a result of their participation with earl Richard at the Curragh.³⁴ The bishop of Lismore, Griffin Christopher, also suffered the temporary confiscation of his temporalities,

31. Curtis, 'Sheriffs' accounts', pp. 4, 6, 9.

32. P.R.O.I. R.C. 7/1, pp. 28-9.

33. De Rupe held the five knights' fees of Fernegel in Wexford (Brooks, Knights' fees p. 145.) Stephen le Ercedekne held the barony of Galmoy in Kilkenny (Ibid., p. 176,) while Geoffrey de Norragh held the barony of Norragh as well as lands in Wexford. (Ibid., pp. 154-7.)

34. See Chapter 1, pp. 31-2.

though the nature of his links with the earl are unclear.³⁵ It is probable that in order to return to the king's favour, and regain possession of his temporalities, he, like the other Marshal adherents in the area, had to pay a large amercement.¹ The financial burdens placed upon him would have provided a pressing reason for the large-scale alienations made by him from the temporalities of his see.³⁶

Other prominent landholders such as the baron of Donoil, John le Poer, supported the king.³⁷ John fitz Thomas increased his lands at the expense of the other fitz Anthony beneficiaries.³⁸ Another individual who used his loyalty to his advantage was Robert Whittey: Robert was a lessee of Richard Belet, a tenant in chief of the king in Waterford. As Belet had taken earl Richard's side in the confrontation at the Curragh, seisin of his lands was granted to Whittey.³⁹ While the events did lead to the acquisition of landed resources at local level, there is no evidence to suggest that the cleavages in local society were accompanied by fighting.

The events surrounding the dispute between Walter de

35. P.R.O.I. Dep. Keeper's Rep. no. 35, p. 36.

36. See Chapter 2, pp. 64-5.

37. In August 1235 he received a letter of thanks for his loyalty. (H. Sweetman (ed.), Cal. Doc. Ire., I, p. 340, no. 2285.) While Sweetman included John le Poer among those who received such letters of thanks, no letter to le Poer is mentioned in the Calendar of Close Rolls for that period.

38. See Chapter 1, p. 31.

39. C.C.R., 1234-1237, p. 306.

Burgh and John fitz Thomas of Kildare must have had an impact on the area. Among those that were arrested at Castledermot was Richard de la Rokelle, who held lands at Langport in east Waterford,⁴⁰ while the burgesses of Ross repaired the town's wall to counter the fear of attack.⁴¹ Such a response was akin to the fear of attack caused by Maurice fitz Thomas' war with Arnold le Poer in the late 1320's when fears were expressed that the warring parties would attack towns such as Waterford or Clonmel.⁴² It is thus likely that disturbances of one form or another accompanied the political disturbances of the 1260s.

In the second half of the thirteenth century there emerged the first evidence of disorder by members of prominent lineages. In 1268, the bishop of Lismore was kidnapped by Matthew le Poer,⁴³ while in the early 1280s there occurred the feud between sir Robert le Poer and sir John Aylward.⁴⁴ Robert was a brother of Eustace le Poer who at this stage was acting as a justice itinerant.⁴⁵ At some

40. In 1302 his widow, Margaret, held the small manors of Athlangport and Polsnekill in east Waterford. (N.L.I. Ms. 760, p. 259.)

41. See Chapter 5, p. 191.

42. Chart. St. Mary's, Dublin, II. p. 365.

43. Aquilla Smith (ed.), Annales de Monte Fernandi, pp. 14-15 in Tracts Relating to Ireland (Dublin, 1842). This event is also mentioned in the Annals of Inisfallen under 1269, where Matthew le Poer is described as 'gilla óg'. (S. Mac Airt, The Annals of Inisfallen (Dublin Institute for Advanced Studies, 1952), pp. 366-7.)

44. Cal. Justic. Rolls. Ire., II, pp. 219-20.

45. In 1282, Eustace le Poer received £20 as part payment of his fee as an itinerant Justice. (P.R.O. E.101/231/1.)

time in 1285 he was conducted to the king in Wales, thereby beginning a process of removing troublesome elements from local circulation that was to continue into the fourteenth century.⁴⁶ However, in June 1290 he and his brother were pardoned their misdeeds at the instance of earl Richard de Burgh.⁴⁷

The involvement of lineages in kidnapping was also to be seen in the abduction of Amelicia, daughter of Richard fitz Ralph de Carreu and a descendant of Raymond le Gros, by Philip Christopher.⁴⁸ In 1291 the vill of Clonea was amerced for the escape of Richard Christopher.⁴⁹ The growth of parentelae caused a greater institutionalisation of violent elements into political forces at the disposal of magnates and other leaders of lineages. Apolitical violence and crime continued, sometimes as a result of the activities of these parentelae, but from this period, an upsurge in political violence occurred.

An effect of this politicisation of violence was that no section of society was safe from such violence. A number of prominent members of the gentry died in violent circumstances, John fitz William le Grant died at the hands of a

46. In 1285 the sheriff of Dublin, Ulfram de Bendeville received payment for conducting Robert le Poer to the king in Wales. (P.R.O. E.101/231/1.)

47. C.P.R., 1281-1292, p. 379.

48. See below, p. 326, n. 135 and p. 329, n. 152.

49. P.R.O. E.101/231/6.

mob that was probably incited by the les Poers.⁵⁰ At some time before 1311 sir William le Waleis, lord of the manor of Kilmanaghan, also died as a result of a feud with the Rupenses of west Waterford.⁵¹ In 1319 sir John le Botiller, head of the most important branches of the les Botiller lineage in Waterford and a former sheriff,⁵² was killed by the satellites of William de Bermingham.⁵³ Reginald Brun, the former locum tenens of the chief sergeantry of county Waterford,⁵⁴ died at the hands of the parentela of the les Botillers at around the same time.⁵⁵ This phenomenon came to a head in 1327 when John fitz Benedict le Poer head of the Kilmeadan les Poers, and Peter fitz John le Poer, the baron of Donoil's son were killed in the Geraldine invasion of Waterford⁵⁶ and the baron himself fled for his life to Waterford city where he died.⁵⁷

Violence was indeed chronic in medieval Irish society. The lordship, because of the incomplete nature of the

50. See above, pp. 294-5.

51. Cal. Justic. Rolls. Ire., III, p. 251.

52. Appendix A., p. 366.

53. Butler (ed.), Clyn Annals, p. 14.

54. Chapter 6, p. 271.

55. In 1319 Baron John le Poer received a commission to arrest those of the following of Theobald le Botiller who were responsible for Brun's death (R.P.H., p. 26, no. 10.)

56. Butler (ed.), Clyn, pp. 19-20.

57. Ibid, Clyn Annals, p. 20; Chart. St. Mary's, Dublin, pp. 365, 367-8; Both accounts stated that Arnold and baron John le Poer fled to Waterford city in 1327 but no mention was made as to whether John attempted to accompany Arnold to either Dublin or England.

military conquest, had always contained an element of the frontier society, with all of the dangers that had to offer. Some of its most prominent magnates had died in battles with the Irish. John fitz Thomas and his son Maurice who had died fighting Finghín Mac Carthaigh in 1261.⁵⁸ Other 'heroic' figures included sir Nicholas de Verdon who was killed by the Mac Eochagáin of west Meath⁵⁹ and William de Burgh, brother of earl Walter de Burgh who died at the battle of Ath an Chip while fighting Aedh O Conchobhair in 1270,⁶⁰ to say nothing of the less exalted members of lordship society who died in local skirmishes. Yet the victims of Waterford violence did not die fighting the Irish (even though their physical slayers may well have been Irish) but as a result of private warfare among the English of the county. This coincided with a growing danger to prominent English magnates in the lordship as a whole. Sir John de Bermingham⁶¹ and earl William de Burgh,⁶² were to die at the hands of English assassins.

Waterford became a battle-ground on a number of occasions in the fourteenth century. As has been noted, much of the fighting between Maurice fitz Thomas and Arnold le Poer occurred in Waterford. In 1333 a rebellion by the les Poers

58. Orpen, Normans, III, p. 141.

59. Butler (ed.), Clyn. Annals, p. 9.

60. Annals of Connacht, pp. 156-7.

61. See J. F. Lydon, 'The Braganstown massacre, 1329' in Louth Archaeological Society Journal, 19 (1977), pp. 5-16.

62. Butler (ed.), Clyn. Annals, pp. 24-5.

led to the diversion of a royal army that was destined for Thomond.⁶³ In 1345, Maurice fitz Thomas' revolt was preceded by a rebellion by the les Poers that was put down with savage expedition. The revolt itself included most sectors of the les Poers, though the county saw little direct fighting, although Maurice fitz Thomas retreated from his first encounter with Ralph Ufford into west Waterford.⁶⁴

During such fighting, the exercise of normal administrative tasks was almost impossible. Indeed, It was alleged in 1333 that no office could be executed in Waterford during the shrievalty of Richard Dandon (1328-29) 'owing to the war between Maurice fitz Thomas and his adherents and Arnold le Poer and others of his family'.⁶⁵ The links between Waterford and Dublin were also disrupted, for those ordered to make an inquisition concerning the Knights Templars' lands in Waterford and Kilkenny claimed in February 1328 that they were unable to come to the exchequer to render their extent because of the 'guerram inter quosdam magnates terre Hibernie motam in partibus predictis'.⁶⁶

Tension flared up once again in the last decade of the fourteenth century, especially after John fitz Gerald, the son of the third earl, attempted to reassert Desmond inter-

63. P.R.O.I. Dep. Keeper's Rep. no. 43, pp. 56-7.

64. R. F. Frame, 'The Justiciarship of Ralph Ufford: Warfare and Politics in fourteenth-century Ireland' in Studia Hibernica, 13 (1973), pp. 29-30.

65. P.R.O.I. Dep. Keeper's Rep. no. 44., p. 27.

66. G. Mac Niocaill (ed.), 'Documents relating to the suppression of the Templars in Ireland' in Analecta Hibernica, 24 (1967), p. 185.

est in Waterford. In 1396 fighting between the latter and the earls of Ormond erupted. In the ensuing conflict Thomas le Botiller, the brother of the earl of Ormond was killed.⁶⁷ This escalation of conflict between two of the most prominent magnates of the lordship led to a royal rebuke for Gerald fitz Maurice and a threat of judicial and military retaliation against him for the misdeeds of his relatives.⁶⁸ In 1398 following his father's death, John fitz Gerald launched an attack against the les Botillers in south Tipperary. A truce was arranged before serious fighting occurred, but the new earl was drowned shortly afterwards while crossing the river Suir into county Waterford.⁶⁹

Violence and disorder were further heightened in the latter half of the fourteenth century by a lack of stability within the land-holding framework. New elements were introduced into Waterford, the de Mandevilles from Ulster⁷⁰ and a segment of the Uí Bhriain from Thomond,⁷¹ both at the initiative of the earls of Desmond. These had a concomitant impact on existing society. The intrusion of the de Mandev-

67. K. W. Nicholls (ed.), 'Late Medieval Irish Annals: Two fragments' in *Peritia*, II (1983), p. 90.

68. D. Johnston, 'The Interim Years: Richard II and Ireland, 1395-1399' in J. F. Lydon (ed.), *England and Ireland in the Later Middle Ages* (Dublin, 1980), p. 183.

69. Nicholls (ed.), 'Late Medieval Irish Annals', pp. 90, 92. The two fragments place John fitz Gerald's death under the years 1399 and 1400 respectively. However, Juries in Ardrahan and Clonmel stated in 1420 and 1421 that he had died on October 24th 1398. (*Cal. Orm. Deeds*, III, p. 31, no. 45.)

70. See Chapter 2, pp. 84-5.; Chapter 5, pp. 198-200.

71. See Chapter 4, p. 147.

villes certainly occurred at the territorial expense of existing families such as the Walenses of Kilmanaghan,⁷² and a branch of the les Poers.⁷³ The latter were probably able to fall back on their other lands in east Waterford, but for others who were deprived of their lands, there was no other solution but to eke out an existence on the margins of society. Following the execution of William le Grant for supporting the first earl of Desmond in his rebellion, the lands of the Grants were handed over to sir Fulk de la Freigne in 1346.⁷⁴ Their subsequent fate is unclear. Certainly, by 1447 the Grants ('Graunteyn') Walenses ('Walshmen') and fitz Davids were listed by the mayor and citizens of Waterford as among those that were harassing the city and its citizens.⁷⁵

The 'Walshmen' were presumably descendants of Richard le Waleis who had been driven from his manor by the first earl of Desmond.⁷⁶ Even though he may have regained custody of his lands by 1358.⁷⁷ However his position with regard to the earls of Desmond must have been difficult; in February 1355,

72. See Chapter 5, p. 236.

73. See Chapter 3, pp. 99-100.

74. See Chapter 1, p. 38, no. 92.

75. Berry, Statutes, Henry VI, p. 84.

76. See Chapter 5, pp. 235-6.

77. In that year Richard le Waleis was a custos pacis in the cantreds of Offath and Obride. The manor of Kilmanaghan lay within the latter, thereby implying that le Waleis had regained possession. (R.P.H., p. 74, no. 84.)

Richard's son John was pardoned undefined transgressions,⁷⁸ and by 1368 Richard was residing within Waterford city, in whose defence he was killed.⁷⁹ His relatives, once they were deprived of their leader, were forced into a life of violence.

While crime and disorder were largely apolitical and endemic to medieval society, it is necessary to assess the degree to which various levels in society contributed to crime and disorder and used the latter to further their political ends. All elements within society were guilty of participation in one form of disorder or another.⁸⁰ However, it is apparent that a sociological scale of criminality, similar to that discussed by Dr Hanawalt in late medieval England, occurred.⁸¹ Members of the baronage and gentry were not well represented among the perpetrators of crime in the early fourteenth century. This was due to an ability to escape legal process due to legal subversion, but it was also due to an unwillingness to involve themselves in the

78. R.P.H., p. 55, no. 11.

79. The account of the offensive by the citizens of Waterford against the les Poers in 1368, refers to one of the victims as 'Richard Walsh, master of the house of stJohn of Jerusalem' (Cal. Carew Mss., IV, p. 471.) As no reference exists to a Richard Walsh in this capacity, the reference was to two different people, one of whom was the Richard le Waleis of Kilmanaghan and the other an unnamed superior of the Order of St John.

80. See Appendix D., especially pp. 433-40.

81. B. Hanawalt, 'Fur-Collar Crime: The pattern of Crime among the Fourteenth century English Nobility' in Journal of Social History, 8 (1975), pp. 2-5.

physical execution of crime. The activities of sir John fitz Thomas of Desmond in particular, included those that were advantageous to his brother, the future first earl, but which were not of a nature that could be openly perpetrated by the earl himself.⁸² Thus the statistics for crime and disorder were bound to be weighed in favour of those from a less exalted social or political position. No imbalance occurs when the ethnic backgrounds of criminals and victims is examined.

Magnates seldom became directly involved in the perpetration of violent crime, and even during rebellions and internecine fighting their will was carried out by their retinues. Between period of utilisation, either for rebellion or for military service in Ireland or abroad, the more undisciplined elements of the retinue were a cause of disorder. Naturally, elements that were employed as fighting men found it difficult to come to terms with a more pacific way of life, no matter how temporary that might be. This was true of soldiers in a royal army, for Dr John Bellamy has pointed to an increase in crime corresponding to the demobilisation of Edward III's troops following the conclusion of the treaty of Brétigny in 1362.⁸³

In Ireland, the practice of billeting fighting men on the countryside was already causing problems in the last decade of the thirteenth century. The Parliament of 1297 forbade

82. See Chapter 3, pp. 114-5.

83. Bellamy, Crime and Public Order, p. 6.

great lords from maintaining more men than they could support from their own resources.⁸⁴ In 1310, the problems were spelt out in more detail by another statute that complained of the 'prises' of great lords and forbade in a very naive manner the taking of food or victuals by such kaerniae, without the consent of the individual concerned.⁸⁵ The ineffectiveness of this legislation was highlighted by yet another statute of 1320 which once again forbade the taking of victuals against the will of the people of the country.⁸⁶

This phenomenon existed in county Waterford and it is thus possible to see how weak such statutes were in preventing these practices. A number of those indicted before the justiciar were accused of stealing under the pretext of seeking a 'courtesy' by those who saw themselves as having a right to either ask, and if refused, to take victuals, with no regard to the wishes of the owner of the goods involved. For example, in 1313 Henry Mey was accused of taking food, drink, fallings, silver and other things against the will of the country under pretence of seeking a courtesy. Griffin MacSitric was also accused of wandering through the countryside seeking sustenance for his dogs, and beating anybody who refused.⁸⁷ Both of these reflect a perceived right to refectations for man and beast from the countryside.

84. Berry, Statutes, John - Henry V, pp. 202-3.

85. Ibid., pp. 266-9.

86. Ibid., pp. 282-5.

87. Cal. Justic. Rolls, Ire., III, p. 180-1.

Dr Simms considers that the term 'courtesy' was a translation of the Irish foighdhe signifying variously a simple request for alms as well as a demand for sustenance and entertainment.⁸⁸ She correctly draws the conclusion that these were laid off members of baronial retinues who were acting in the knowledge that, even if they were brought to court, jurors from the les Poers would help to acquit them while more prominent members of the lineage would act as pledges for any amercements imposed.

Not all seekers of courtesy in Waterford were linked to the les Poers. One of them, Henry Mel, seems to have been closer to John fitz William le Botiller, who stood as a pledge for the payment of his amercements.⁸⁹ Griffin's relative, Richard MacSitric, enjoyed the friendship of sir Arnold le Poer as in 1316 he petitioned for MacSitric to be granted the use of English law.⁹⁰ The strength of family ties was shown in the case of one Walter fitz David le Poer who wandered through the country taking food and drink. No less than seven les Poers stood as pledges for his future behaviour.⁹¹

A right to billeting was not officially recognised out-

88. K. Simms 'Guesting and feasting in Medieval Ireland' in R.S.A.I. Jn., 108 (1978), p. 77-8.

89. Cal. Justic. Rolls, Ire., III, p. 184.

90. Sayles, Affairs of Ireland, p. 81, no. 105.

91. Cal. Justic. Rolls, Ire., III, p. 185. The most influential of them was sir Richard le Poer, a former sheriff, and head of the small Islandbrick segment of the le Poer lineage. (See Chapter 3, pp. 96, 98 and Appendix B. I, p. 381.)

side a lord's demesne lands and magnates had to act within some restraints especially when their actions were under the scrutiny of the justiciar. It would appear that those who were seeking courtesies were attempting to exploit a right which they had in the past, and would have in the future, but which they were unable to enjoy freely at that moment. Exactions often had to be placed in a light that was more acceptable to legal norms. In 1317 one William O'Broghill was reported to have taken part in military operations against the king's Irish and Scottish enemies. Before setting out he had commandeered an afer to carry his food supplies, but on returning from the war, had restored it to its owner.⁹² O'Broghill's participation was as part of Baron John le Poer's contingent and the latter was attempting to colour the exactions of his retinue in the different light of a right of purveyance. However such a situation was short-lived, for in the gradual lessening of official intervention in Waterford and the growth of magnate power, there was little to prevent the gradual transformation of what had been an extraordinary right into a general one.

Another socio-political phenomenon that contributed to lawlessness and disorder was that of the parentelae. Their development was due to a familial format or structure which did not allow itself to be adequately absorbed into the

92. P.R.O.I. KB. 2/8, p. 87.

traditional feudal land-holding structure.⁹³ Similarly the strength of the leader of lineages stemmed from his ability to draw upon the reservoir of the parentelae that included landless and marginal elements.⁹⁴ The lineage leader also had to try and maintain some form of order among all of its various layers. Members of individual parentelae were involved in ordinary, non-political criminal activity. This could include involvement in sheep-stealing, as well as 'affrays' with members of other parentelae. For example, in 1305, a fight broke out between members of the de Norragh parentela and Christophers on the one hand and segments of the Russel lineage on the other.⁹⁵ In the early fourteenth century, interestingly, these affrays never occurred in a rural environment nor did they led to wide-scale private wars in the countryside between various affinities. Instead, all instances occurred in the urban environments of Waterford city, Dungarvan and the vill of the Crook. The close proximity of violent and armed groups in the confined space of medieval towns obviously sparked off such encounters. Two of the affrays, including the one mentioned above, occurred outside taverns, so the communal consumption of alcohol in this environment was also partly to blame.⁹⁶

93. See Chapter 3, pp. 108-9.

94. Ibid., pp. 117.

95. Cal. Justic. Rolls. Ire., II, p. 519.

96. See also the murder of Griffin Brun by Geoffrey de Valle in a tavern in Crookhaven in 1311. (Cal. Justic. Rolls. Ire., III, p. 182.)

Some lineages, especially the smaller ones headed by members of the gentry, devoted a lot of their energy to economic crime. An example of this grouping, which was very close to the criminal groupings to be discussed below, were the Rupenses of east Waterford and southern Kilkenny, who were related to their kinsman of the Rower on the opposite side of the river. In 1303 Henry Lyder accused them of attacking his manor, seriously wounding him, stealing goods from his house and abducting his wife, who was brought back to Henry de Rupe, the head of the grouping, where all, including Henry took their share of the plunder.⁹⁷

Retinues and lineages were not two mutually exclusive groups. While membership of lineages depended on relationship with the leader, retinues, such as those of the earls of Desmond and Ormond, included lineages and their parentelae.⁹⁸ A degree of cooperation outside the confines of the retinue could also occur. One of the affrays that occurred in Waterford city involved a dispute between sir William le Botiller, the leader of the Dunmore branch of the le Botiller lineage in Waterford, and Geoffrey Christopher, brother of sir Philip. One of Christopher's pledges to prosecute his suit was a citizen of Waterford, Walter Rous. Le Botiller then enlisted the support of 'sir John fitz John and his kerns' who were in the city at the time, to assault Rous and

97. Cal. Justic. Rolls, Ire., I, p. 464.

98. See Chapter 5, pp. 195-7.

his wife.⁹⁹ They could also be recruited on a temporary basis to help in special tasks such as kidnappings. Before 1307, Margaret, the widow of James Russel and sister-in-law of the former sheriff Maurice Russel, was kidnapped while on her way to the exchequer in Dublin. The attack was instigated by Herbert de Marreis, the son-in-law of the Irish escheator, sir Walter de la Haye, with the assistance of the Rupenses of the Rower.¹⁰⁰

There was little that could be done to curb the depredations of parentelae apart from relying on the innate control mechanism of the lineages provided by their leaders. Thus, sir Philip Christopher was granted a special licence, probably by the Justiciar, to arrest those of his surname who committed felonies.¹⁰¹ Yet this did not always provide even a short-term solution for the influence of the leader over his lineage depended to a large extent on his ability to gain pardons for misdeeds that were committed by his relatives.¹⁰² Indeed, Philip Christopher merely used the powers of imprisonment given to him to pursue a temporary grievance with his brother.

Other perpetrators of criminal activity were not organised in either of these two socio-political groupings. A proportion of the ordinary larcenies committed in

99. Cal. Justic. Rolls, Ire., I, p. 299.

100. Ibid., II, p. 505.

101. Ibid., pp. 251-2.

102. See Chapter 3, pp. 119-23.

Waterford in the early fourteenth century were the work of Irish and English elements that were not linked to any retinue and who often suffered severe punishment as a result.¹⁰³ However, it is impossible to be categorical that an isolated individual or group of malefactors did not at some time form part of a retinue. A third form of organisation, dedicated solely to criminal pursuits was the family grouping living entirely by the profits of crime, and partitioning their spoils according to a prearranged division. This was a common enough feature of medieval English society,¹⁰⁴ though many of the organised 'gangs' of medieval England, such as the Cotterels¹⁰⁵ or the de Folvilles,¹⁰⁶ had more in common in social terms with the Christophers as they headed by minor members of the gentry. The most prominent example of this phenomenon in Waterford were the Crumpes. In 1310, Geoffrey fitz Adam Crumpe was charged with stealing his father's bed because he refused to give him his share of the corn which had been stolen throughout the county. It is also worthy of note that the thefts and subsequent apportionment by the Crumpes took place in the autumn, after the corn had been harvested and stored and

103. See Appendix D., pp. 433-40.

104. See Bellamy, Crime and Public Order, especially Chapter 3, pp. 69-88.

105. See J. G. Bellamy, 'The Cotere[el] Gang: An anatomy of a band of fourteenth century Criminals' in English Historical Review, 79 (1964), pp. 698-717.

106. See E. L. G. Stones, 'The Folvilles of Ashby Folville, Leicester, and their associates in Crime, 1326-1341' in Transactions of the Royal Historical Society, Fifth Series, 7 (1957), pp. 117-36.

when longer nights gave sufficient cover to the thieves.¹⁰⁷ Such a preference for autumnal activity was also found in fourteenth century Cumberland, where the movement of sheep down from summer pastures provided yet another target for theft, as it must have done in west and north Waterford.¹⁰⁸

Apart from the family devoted to crime, an element of co-operation among outlaws existed. Many malefactors were claimed to have had 'art and part' in robberies, even though they did not actually participate in the physical act of robbery themselves. Thus John O'Molmorath was accused in 1313 of having had art and part in all robberies committed in the county.¹⁰⁹ Even families who were devoted to crime like the Crumpes did not operate in a social and political vacuum separate from the magnates of the county. In 1306 for example, sir Roger fitz John le Poer gained a grant of the king's peace for a member of the family.¹¹⁰

Criminality was produced by social and economic structures that were moulded by political needs. However, there were other structural weaknesses that exacerbated crime, that stimulated criminal activity. The classical model of Irish rural organisation based on a manorialised countryside, was

107. Cal. Justic. Rolls, Ire., III, pp. 144-5.

108. H. Summerson, 'Crime and Society in Medieval Cumberland' in Transactions of the Cumberland and Westmoreland Antiquarian and Archaeological Society, 82 (1982), p. 16.

109. Cal. Justic. Rolls, Ire., III, p. 259.

110. Ibid., II, p. 293.

incapable of absorbing everyone at all times.¹¹¹ Western and northern Waterford contained woodlands and non-profitable and inaccessible land that could provide sanctuary for all outlaws, both apolitical thieves and political rebels.¹¹²

The problems posed by inaccessible forests were viewed as a serious threat and the 1297 parliament made provisions for the cutting of passes through them to enable easier access.¹¹³

Wooded areas often occurred along the divisions between counties. The wooded area of west Waterford and the uplands of the Comeragh and Slieve Gua or Knockmealdown mountains straddled the border between the medieval and modern counties of Waterford and Tipperary.¹¹⁴ Whatever method of coercion could be applied for dealing with disorder was often rendered futile by the ability of the miscreant inhab-

111. See A. J. Otway-Ruthven, A History of Medieval Ireland, pp. 108-9.

112. In 1345 it was alleged that Maurice fitz Thomas had retired into the 'boscus domini regis' after his first encounter with Ralph Ufford. ('Legal proceedings', p. 28.) This has been incorrectly interpreted as a placename, 'Kingswood' by Professor Sayles (Ibid., 'The rebellious first earl', p. 221) and Dr Frame (The Justiciarship of Ralph Ufford', pp. 29-30). It refers to the wooded areas of west Waterford that had been referred to as a royal forest in 1219. (See below n. 114 and Appendix C. I, p. 399.)

113. Berry, Statutes, John - Henry V, pp. 208-9.

114. See Introduction, Map 1. The western part of the county had apparently been designated as a royal forest, for in 1219 the keeper of royal forests in Ireland, Thomas fitz Adam, expressed his displeasure that anybody else should be appointed as keeper of the forest of Decies. (H. Sweetman (ed.), Cal. Doc. Ire., I, p. 133, no. 892.) This letter (no. 825) was not included in the Rolls Series collection of royal correspondence from the reign of Henry III. (W. A. Shirley (ed.) Royal and other Historical letters illustrative of the reign of Henry III, I (London, 1862))

itants of these areas to slip from one jurisdiction to another. In 1311 one David of Kilruncyn (Kilrossanty) on the southern slopes of the Comeragh mountains, was accused of stealing an afeer from Thomas Cowll and leading it to Clonmel in county Tipperary.¹¹⁵ In January 1309 a group of thieves was indicted of leading the cows of Hamo Gascoin into county Tipperary.¹¹⁶

County Waterford was also bound on the east by the river Suir and on the west by the Blackwater river. Neither of these rivers presented as great an obstacle to the agents of crime as to the agents of order. In 1295 Peter fitz David, a member of a minor gentry family, was accused of having led a stolen cow from the parts of Ossory to Waterford.¹¹⁷ Members of the fitz Davids who were in advantageous position holding lands on both sides of the Suir,¹¹⁸ were heavily involved in the transit of stolen material. In 1311 it was alleged that they operated a ferry from Portlaw in Waterford that transported the stolen material from Waterford to Ossory and vice versa,¹¹⁹ while in the same year members of the same family were accused of stealing goods as far away as Wexford and

115. Cal. Justic. Rolls, Ire., III, p. 260.

116. Ibid., p. 123.

117. Cal. Justic. Rolls, Ire., I, p. 67.

118. See Chapter 2, pp. 76-7.

119. Cal. Justic. Rolls, Ire., III, p. 183. The malefactors were referred to simply as 'William de Portnouill' and 'Philip de Portnouill'. These were almost certainly William and Philip fitz David mentioned in the next reference.

bringing them to Waterford.¹²⁰ The opportunities for escape presented by separate jurisdictions was also exploited by the perpetrators of more political crimes. It was related by the jury of the case involving the death of Philip de Valle that Philip Christopher enabled the perpetrators of a murder, who were of his own family, to escape into another jurisdiction.¹²¹ The problem of separate jurisdictions was addressed by legislation in 1320 when the seneschals and sheriffs of all counties and liberties were ordered to be intente to mandates directed to one of them.¹²² This was really too little, too late, for it only related to administrative procedures and not to the 'hot pursuit' of malefactors.

Similar problems were encountered along the Anglo-Scottish border in the fourteenth century, though on a greater scale, where the existence of two, usually hostile jurisdictions, led to the growth of a border mentality, whose most quintessential representatives were those who exploited the legal and jurisdictional ambiguity to indulge in the robbery and resale of goods.¹²³ Even where the border was only between counties, England could experience a similar disregard for law. In the mid thirteenth century some

120. Cal. Justic. Rolls, Ire., III, pp. 184-5. Although it is not specifically stated that the goods were brought to Waterford, all of the jurors were from the county.

121. Ibid., I, pp. 32-3.

122. Berry, Statutes, John - Henry V, pp. 288-9.

123. See H. Summerson, 'Crime and society in Mediaeval Cumberland', p. 1

influential land-holders in Sussex were able to act with impunity for many years, robbing travelers on the royal highway along the border with Dorsetshire. Their activities were only ended through the personal intervention of Henry III in 1250.¹²⁴

Many of the petty larcenies and violent robberies that were committed in county Waterford were prompted by the commercial activities of urban centres. County Waterford was the hinterland for two important commercial centres. Waterford, despite its perennial complaints about its imminent extinction caused by a multitude of enemies stretching from the les Poers of Donoil to Castilian corsairs, maintained its commercial vitality throughout the medieval period.¹²⁵ Dungarvan, though much smaller, was involved in coastal trade but this was not immune to crime.¹²⁶ Youghal, though lying outside of county Waterford, included areas of south west Waterford in its commercial hinterland. In 1311, Maurice O'Lathnan was charged with waylaying Adam Keyr, a burgess of Youghal, on the king's highway near Kinsalebeg.¹²⁷ All of these attracted their fair share of

124. Mathaei Parisiensis ... Chronica Majora, Edited by H. R. Luard, V (London, Rolls Series, 1880), pp. 56-60. For a discussion of this incident, see Bellamy, Crime and Public Order, 42-5.

125. See J. F. Lydon, 'The City of Waterford in the Later Middle Ages' in Decies, 12 (1979), pp. 6-15.

126. In 1310 a number of criminals were accused of robbing the sailor of a ship from Cork in Dungarvan. (Cal. Justic. Rolls, Ire., III, p. 281.)

127. Ibid., pp. 181-2.

criminals, some from outside the urban centres themselves to prey upon ships and merchants, or others to traffic in the profits of their larcenies. In 1316 John Lyder was accused of stealing sheep in west Waterford and transporting them to Waterford city for sale.¹²⁸ Waterford city was, of course, a separate jurisdiction from the county and therefore subject to the same facility for criminals to avoid capture.

The eastern part of the county lay alongside two important trade routes to the interior. The river Suir was navigable as far as Clonmel, and the estuary formed by the confluence of the Suir with the Barrow, and which thus formed an input point for trade with a vast hinterland spreading throughout the south-east. The fishermen who operated along the Suir near Kilmeadan were the prey of the extortions of John Olav, an Ostman.¹²⁹ The estuary formed by the confluence of the two rivers, especially between Waterford and Crookhaven was menaced by members of the Aylwards, a prominent gentry family, who in the early fourteenth century extorted money from fishermen and other merchants passing near their lands.¹³⁰

Having examined the contributions made by political, social, economic and geographical factors to crime and violence it is necessary to stress how far the use of crime

128. P.R.O.I. KB. 2/8, p. 34.

129. His name was transcribed by Mills as the apparently Irish John O'Layve, yet he was an inhabitant of the villa Ostmanorum. (Cal. Justic. Rolls, Ire., III, pp. 313-4.)

130. Ibid., III, pp. 183-4.

both crime and the law. A callous disregard pervaded the attitude of many inhabitants, both English and Irish, towards stolen goods. settled elements in society towards crime. In 1309 Hamo Gascoin complained that Nicholas Leynagh, an inhabitant of county Tipperary knew that cows he had bought were stolen (though he was ignorant that they were Gascoin's) but who nevertheless kept them for his own use.¹³¹ There was also a complacent acceptance of crime and disorder; indeed, it was viewed as a corollary of man's sinful state by medieval commentators.¹³² The degree to which Waterford was accustomed to violence was demonstrated in February 1311 in a case involving the murder of Griffin Brun by Geoffrey de Valle in a tavern-fight. The jurors, stating that the murder was in self-defence, added that Griffin was a notorious felon and that the whole community was better off because of his death.¹³³

Another element that facilitated the growth of violence was that its use was no longer viewed as illegal or as an alternative to the legal process but as a supplement to it. It is easy to link violence to impatience with the procedures offered by the law, at both local and central level. There was still a demand for law by Irish magnates from many parts of the lordship as late as the 1330s as has been point-

131. Cal. Justic. Rolls, Ire., III, pp. 323-4.

132. See Bellamy, Crime and Public Order, p. 32.

133. Cal. Justic. Rolls, Ire., III, p. 182.

ed out Dr Frame,¹³⁴ yet this did not represent unwillingness to engage in violence to pursue grievances. Legal process was slow and the possibility for partial judgments existed at all levels. Sir Philip Christopher had prosecuted his claims to the wardships of Amelicia de Carreu in the court of the exchequer before resorting to the more direct method of abduction.¹³⁵ It is also noteworthy that in 1326 and 1327 Maurice fitz Thomas was busily engaged through his attorney in writs of novel disseisin against John le Poer of Kilmeadan,¹³⁶ while at the same time he was sending his retinue to ravage the lands in dispute and ultimately kill le Poer.¹³⁷

The control of crime

Crime whether of an apolitical or political nature, did not occur in an anarchic world devoid of administrative and policing structures. It is thus important to examine the mechanisms for dealing with crime in Waterford and the extent to which they were unequal to the task. The forces of supervision that were empowered to constrain disorders and felonies were either physically or politically unable to stand up to the breadth of the problem, or were themselves seriously compromised by involvement in criminal activities of one form or another.

134. Frame, English Lordship, p. 21.

135. P.R.O.I. R.C. 7/2, pp. 310-2.

136. P.R.O.I. R.C. 8/15, pp. 87, 99, 157.

137. Butler (ed.), Clyn, Annals, p. 19.

The most important local official was the sheriff. His tasks included the collection of debts, the supervision of the attainder of felons and the forfeiture of goods. He was also in charge of the local judicial mechanism of the county court. Yet from the early years of the fourteenth century, he was expected to carry out a more active policing role.¹³⁸ The thirteenth century marked a high point in terms of the standards of the county's sheriffs. Sir Walter de la Haye, for example, arrested Robert le Poer after he had engaged in a private war with the Aylwards of Faithlegg.¹³⁹ This was despite the fact that Robert was the brother of a prominent local magnate, Eustace le Poer, and a relative of sir Richard de Burgh earl of Ulster.¹⁴⁰ De la Haye was a professional administrator who had no lands in Waterford prior to his appointment and who subsequently became escheator of Ireland.¹⁴¹

The standards of behaviour provided by other sheriffs of the thirteenth century were not as high. Sir Robert de Stapilton, for example, was accused in a number of petitions to the English parliament of extortionate practices, including the imprisonment of Hugh le Fleming in order to force him to transfer lands to de Stapilton.¹⁴² De Stapilton

138. See Chapter 6, pp. 246-7.

139. See Chapter 3, pp. 115-6.

140. Cole, Documents illustrative of the History of England, p. 71.

141. See Chapter 6, pp. 242, 244-5.

142. Cole, Documents illustrative of the History of England, p. 74.

was sheriff of three counties,¹⁴³ and that the accusations, while no doubt based on fact, were coloured by de Stapilton's connections with the disgraced treasurer, bishop Stephen de Fulbourne.¹⁴⁴ He was also an outsider, having only gained a territorial foothold in Waterford five years before his appointment as sheriff, and who therefore lacked the backing of relatives and political allies.¹⁴⁵

The standards of many fourteenth century sheriffs were even lower and a number had a history of involvement in both political and apolitical crime before their appointment. For example, John fitz William le Botiller was appointed sheriff in November 1312.¹⁴⁶ In 1304 he was involved, together with the Rupenses of the Rower in an assault on Thomas le Bret in Waterford city,¹⁴⁷ while in 1306 he was indicted for abducting the heir of Thomas de Northampton.¹⁴⁸ In 1308 it was alleged that he had lain in wait with his brothers to attack Bartholomew de Kerdif, once again in Waterford City.¹⁴⁹ Sir Philip Christopher succeeded le Botiller as sheriff in 1314.¹⁵⁰ At some time before 1290, he kidnapped Amelicia,

143. See C. A. Empey, 'County Waterford in the Thirteenth Century' in Decies 13 (1980), p. 12.

144. See Chapter 6, pp. 248-9.

145. See Chapter 2, p. 56.

146. Appendix A., p. 366.

147. Cal. Justic. Rolls, Ire., II, p. 153.

148. P.R.O.I. R.C. 7/11, p. 476.

149. Cal. Justic. Rolls, Ire., III, p. 140.

150. Appendix A., p. 366.

the heiress of Richard fitz Ralph de Carreu who was a descendant of Raymond le Gros.¹⁵¹ As with le Botiller, many of his crimes were committed with members of his lineage. He had been implicated in John Christopher's murder of sir John de Valle in 1295,¹⁵² while in 1311, he was accused of being a common robber who went through the countryside in the company of Stephen, his brother, breaking houses and assaulting their inhabitants.¹⁵³ He did not cease his taste for abductions even when he was sheriff for in 1315 while attending a court case in Dublin, he kidnapped the wife of a Dublin merchant and detained her in his manor in Waterford pending the payment of a ransom.¹⁵⁴

It is difficult to assess how far the sheriffs of the later fourteenth century were involved in criminal activity prior to their appointment. Henry fitz Walter le Poer who became sheriff in 1351,¹⁵⁵ was granted the king's peace in April 1340, possibly for his involvement in the murder of the sheriff of Tipperary.¹⁵⁶ Edmund Haket was elected sheriff of county Waterford in 1375,¹⁵⁷ while in 1359 he was accused of cattle-rustling in the palatine court of the

151. P.R.O.I. R.C. 7/2, pp. 310-2.

152. See above, pp. 294, 322.

153. Cal. Justic. Rolls, Ire., III, p. 189.

154. P.R.O.I. KB. 2/8, p. 13.

155. Appendix A., p. 369.

156. P.R.O. E.101/240/17. For the murder of sheriff de Valle see Chapter 3, p. 122.

157. Appendix A., p. 370.

Liberty of Tipperary.¹⁵⁸ The holders of lesser offices such as those of cantred bailiffs and coroners, whose tasks involved the physical forfeiture and attachment of goods, sometimes used the opportunities provided for personal enrichment. In 1305 it was disclosed that Benedict le Poer, sergeant of the cantred of Offath, had kept most of the money he had been ordered to distraint from Margaret Wittey.¹⁵⁹

It would be wrong to state that the sheriffs of Waterford were any worse than those of other counties. Examples of sheriffs abusing their position included Hugh de Less in Limerick,¹⁶⁰ Nicholas Sampford and Richard de Cantilupe in Kerry¹⁶¹ and William de Canteton in Cork.¹⁶² They could only reflect the social and political structures of the society from which they were drawn. Elements from the 'gentry' segment of the lineages of county Waterford were prominently represented among the personnel of the shrievalty.¹⁶³ The leaders of these lineages, as well as their lesser members, owed their continued position to their ability to provide protection and privileges for their

158. Cal.Orm.Deeds, II, p. 46, no. 49.

159. Cal. Justic. Rolls, Ire., II, p. 11. See also the case of Roger Andrew. (Chapter 6, p. 285.)

160. Cal. Justic. Rolls, Ire., I, pp. 48-52.

161. Ibid., pp. 24-7.

162. In November 1317, de Canteton was accused of allowing prisoners to 'escape' from custody in return for unspecified 'presents'. (P.R.O.I. KB. 2/12, pp. 66-7.)

163. See Chapter 6, p. 257 and table 1, p. 262.

lineages' members.¹⁶⁴ It is thus not surprising that such people misused their offices.

Little could be done to prevent this. There had been a move in the early fourteenth century towards a localisation of local administrative positions.¹⁶⁵ The parliament of 1310 expressed concern about the way in which larger landholders were dominating the personnel of the shrievalty sheriff and were both unwilling and unable to carry out their tasks.¹⁶⁶ However, it did not express any reservations about administrative oppression by sheriffs, though in the parliament of 1320 it was enacted that a panel consisting of a 'man of court' and two knights should be appointed to oversee the activities of the sheriff and to hear any complaints about him.¹⁶⁷

Such legislative solutions were of little benefit in alleviating the problems posed by corrupt local officials. The 'ideal solution' according to Dr Bellamy, was to appoint 'a royal representative, who had no local ties there, sent to a region equipped with strong judicial powers to take up residence for an extended period.'¹⁶⁸ But would that would not have been ideal in Waterford. Sheriffs with a long tenure was preferable to the extremely short terms that were

164. See Chapter 3, pp. 119-23.

165. Chapter 6, pp. 246-7.

166. Berry, Statutes, John - Henry V, p. 276-7.

167. Ibid., pp. 286-7.

168. Bellamy, Crime and Public Order, p. 36.

to be found in the fourteenth century.¹⁶⁹ Robert de Stapilton was hampered, however, by his lack of local connections.¹⁷⁰ At a much broader level, it would have been difficult to find an Irish magnate who was not involved in the factional politics of the fourteenth century lordship. The alternative would have been an individual from outside the lordship. Yet apart from the difficulties of persuading anybody to take up such a brief, there was the possibility that an 'outsider', challenging the attitudes of the establishment, would not have received the necessary co-operation in a manner similar to the experience of Lionel of Clarence.¹⁷¹

Inadequate suppression of crime was not always the fault of the sheriff and his officials. Crime often went unpunished for even when malefactors had been brought to trial they often evaded conviction through 'friendly' juries. A certain amount of suspicion surrounds the accuracy or veracity of the findings of many juries. In 1311, for example, Alice le White was accused of receiving Milo fitz Benedict le Poer and of having 'art and part' in his felonies. A jury that comprised six les Poers among its twelve members acquitted her and stated that she was not suspected of the felony.¹⁷² In 1307 Maurice fitz John le Poer and Balduk

169. See Chapter 6, p. 267.

170. See above, p. 328.

171. A. J. Otway-Ruthven, A History of Medieval Ireland, p. 290.

172. Cal. Justic. Rolls. Ire., III, p. 181.

Omakkasill were indicted of various trespasses: the two were acquitted. It was added that two jurors who were elected to replace the original indictors were 'near kinsmen of Maurice'.¹⁷³

Yet the case was not as simple as members of the *les Poers* being acquitted of serious criminal activity by a jury composed entirely or partly of family or lineage members. Important relationships between plaintiffs and jurors such as those of marriage remain hidden. There were also strong ties of loyalty between inhabitants of the one locality. For example, in 1313 Maurice fitz Alfred de Bendeville was accused of taking food and drink from the inhabitants of the country. He was acquitted by a jury that did not comprise a single namesake, but which included individuals from the area of south-west Waterford where de Bendeville lived.¹⁷⁴ Whether he was guilty or not, a jury drawn from the neighbours of those indicted was just as unlikely to find the latter guilty as one that had been 'laboured' by a magnate.

Such intimidation occurred in Waterford, though it is sometimes only referred to obliquely. In 1313 Richard Aylward was accused of receiving Irish felons who had robbed cattle from Edward de Brus. Both Aylward and the felons were found not guilty, but it was added that since the same jury had previously found them guilty and had changed their mind,

173. Cal. Justic. Rolls, Ire., II, pp. 520-1.

174. Ibid., III, p. 280.

they were to be heavily amerced.¹⁷⁵ In 1311, sir Philip Christopher was amerced for 'tumult and insulting words said in court'¹⁷⁶ This was probably not as serious an attempt to interfere in the legal process as preventing the court from taking place in the first place as occurred in Lancashire in 1323.¹⁷⁷ Another method of avoiding conviction through the exploitation of quite legal means was through the use of a legal technicality. The common law, which placed so much emphasis on form provided many opportunities for this. The wrong orthography for the location of a message of land in a case of novel disseisin,¹⁷⁸ or an incorrect wording in a writ, led to the defendant winning by default and the amercement of the plaintiff.¹⁷⁹

Convictions were only serious in certain cases. While an Irishman suffered no greater chance of conviction than any other ethnic group, but if convicted he was far more likely to be hanged. It was more common for a convictions to be set aside and pardons granted on payment or promise of an

175. Cal. Justic. Rolls, Ire., III, pp. 281-2.

176. Ibid., p. 250.

177. Bellamy, Crime and Public Order, p. 20.

178. Cal. Justic. Rolls, Ire., III, p. 137. In 1304 Stephen Myagh's widow failed in a plea against her son for the provision of dower because the lands were in Ballygort and not Ballygore as stated in the writ. (P.R.O.I. R.C. 7/10, p. 151.)

179. Such technicalities were also exploited by criminals to evade justice in England. See C. J. Neville, 'Gaol delivery in the Northern counties 1439-51: some preliminary observations' in Northern History, 19 (1980), pp. 55-6.

amercement.¹⁸⁰ Even these were often bartered against services provided in times of war. In 1304, Stephen and Roger le Poer were both pardoned amercements for transgression because of the service they had provided while fighting in the Scottish war of 1303.¹⁸¹ Others could use their past services on behalf of their friends and allies. In 1311 sir Richard le Waleis in gratitude for unspecified services that he had provided, gained pardons for a group of Irish, English and Ostmen,¹⁸² while in 1318 baron John le Poer of Donoil and one hundred and two other people, were pardoned any misdemeanours they had committed up to that date because of the baron's faithful service against the Irish and Scots.¹⁸³

There were other ways of mitigating punishment, such as through claiming benefit of clergy. In this event the local bishop appointed a priest to test the veracity of the claim by means of a reading test, and if the claimant was successful, the bishop would demand his transfer to his own jurisdiction and prison until the claimant purged himself of his guilt.¹⁸⁴ On one occasion the claims were shown to be false

180. Appendix D., p. 432.

181. C.C.R., 1302-1307, p. 168.

182. Cal. Justic. Rolls, Ire., III, p. 283.

183. P.R.O.I. KB. 2/8, pp. 36-8.

184. For a discussion of the use of this claim and its consequences see Bellamy, Crime and Public Order, pp. 151-54.

but the claimants were amerced and let go.¹⁸⁵

Some convicted felons pursued the more drastic method of remaining mute and not putting himself on the country which amounted to a non-recognition of the court. On four occasions where this occurred, the jurors stated ritually that the person could speak and remained silent through malice.¹⁸⁶ In all circumstances, the individuals were committed to gaol 'ad dietam' where they were progressively deprived of food and water.¹⁸⁷ The thirteenth century marked a progressive toughening of the stance towards those who did not put themselves on the country, with the development of the penalty of peine forte et dure.¹⁸⁸ The fact that the chattels, where they existed, of the punished were confiscated, demonstrated that this was an indirect sentence of death.¹⁸⁹ However, at least one person sentenced to the dieta seems to have avoided death. In November 1312 John Gascoin, who had been accused of numerous robberies, remained mute and was sentenced to the diet.¹⁹⁰ Seven months

185. In 1311, Raymund de Carreu and Gregory Ohassonagh claimed to be clerks, though no episcopal official claimed them. (Cal. Justic. Rolls, Ire., III, p. 176.) It is not clear whether this was due to failure of the test on their part.

186. Ibid., pp. 261-2, 283.

187. For a description of the dieta see Dr. Cowell's Law Dictionary (London, 1727) under 'paine forte et dure'.

188. Pollock and Maitland, History of English Law, II, pp. 651-2.

189. In fourteenth century England, the peine forte et dure was considered to be unsurvivable. See R. B. Pugh, Imprisonment in Medieval England (Cambridge, 1968), p. 25.

190. Cal. Justic. Rolls, Ire., III, p. 260.

later John Gascoin received a grant of the king's peace at the instance of his brother, Hamo.¹⁹¹

The machinery for dealing with individual criminals was inadequate. Disputes between groupings, especially lineages was also ineffective. The only form of settling these disputes was through some means of arbitration, especially the 'Day of love'. Yet one of the two instances of this form of arbitration demonstrated its weakness. In 1304, a dispute had arisen between Gerald de Rupe and William de Stapleton that concerned their hibernici or betaghs. William accused that Gerald and his hibernici had invaded his lands, and that with threats, he had intimidated William's hibernici into leaving his lands. A day of agreement was arranged by sheriff Maurice Russel, but the fact that it still came before the justiciar in his court, and the incidental detail that 'tumult and insulting words' had occurred there, demonstrated the inefficacy of the 'day of agreement'.¹⁹²

A dispute of unknown origin had arisen between Bartholomew de Kerdif and sir John fitz William le Botiller. Matters came to a head in 1308 when the latter, with members of his parentela had attacked de Kerdif in Waterford. The sheriff, sir John fitz John le Poer was holding the county court in the town, and through his efforts a day of love was arranged between the two parties, but the day soon turned into a day of hatred when one of the parties started throwing stones at

191. Cal. Justic. Rolls, Ire., III, p. 282.

192. Ibid., II, p. 2.

the other.¹⁹³ The 'day of love' did not add to a solution to the problem because of the lack of discipline of the parentela elements of le Botiller's following. Such arbitration, while possibly helpful between individuals, was of little avail when attempting to reconcile undisciplined lineages.

Criminality and violence, while being endemic to medieval society, were exacerbated by social and political forces that aimed to utilise their violence for political ends. Thus, while there was a division between apolitical and political crime, the personnel of both forms became increasingly the same. Thus, any attempt to curb crime and disorder had to attack those elements upon whom the power of local magnates depended.

193. Cal. Justic. Rolls. Ire., III, p. 140.

CONCLUSION

Waterford was a locality where a resident baronage, with the help of extended lineages and suppliant elements of the gentry, mirrored its territorial and political preeminence at national level. Waterford was only one local society within the lordship and comparison with other localities demonstrates similarities as well as points of departure that highlight the unique nature of county Waterford. The county also demonstrated a pattern of diversity and similarity with the lordship as a whole.

The baronage of county Waterford, despite its preeminence, was not homogeneous, and two different groupings existed within it. The first was a political and landholding elite of the lordship, many of whom were descendants of participants in the military conquest of the lordship and who were still engaged in military activity both in Ireland and overseas. Their landed interests were never confined to one area although the amount of land that was held in Waterford by families such as the Desmond Geraldines and the de Burghs differed considerably. The secondary baronage comprised those whose interests were more regional. The foremost example in Waterford were the les Poers. Although they participated in military campaigns along with the higher baronage, they were never granted an important military command themselves. They were also excluded from the government of the lordship. Because of their exclusion from political power in the lordship they were dependent on cultivat-

ing links with the higher baronage, both in Ireland and England. Like the higher baronage, their lands were distributed throughout many counties and liberties, but they were not as extensive.

The les Poers of Donoil held the dignity of baron, probably from the early thirteenth century. This gave the les Poers of Dunhill a certain primacy over the les Poers. Yet the les Poers were weakened by the disparate nature of their lineage. It comprised three families with numerous collateral branches. This did not lead to any large-scale friction in the thirteenth and early fourteenth centuries, but it did lead to a dissipation of leadership. When the les Poers suffered political decline following the deaths of baron John and Arnold le Poer, they became increasingly dependent on the higher baronage, thus highlighting the internal structures of the baronage as a whole. After the execution of Eustace le Poer II in 1345 the les Poers were bereft of any effective leadership. The remnants of Arnold le Poer's retinue were absorbed into the political orbit of the earls of Ormond while the baron of Dunhill entered into an uneasy relationship with the earls of Desmond.

The les Poers were also dependent on their own extended lineage for both political and military support. The lineage of the les Poers defied easy socio-political categorisation for it included those who were related, albeit distantly, to members of the baronage, and who were socially and politically similar to the gentry, and members of the parentela whose relationship was less clear. The lower social ele-

ments of the lineage bore some resemblance to similar social groupings in the north of England, especially the 'surnames' of Northumberland. However, the Irish parentelae claimed affinity with members of the baronage and gentry and as such were an important part in the exercise of power and prestige at local level. The parentela included violent elements who needed strong leadership to be kept in check. However the leader of a lineage had to have the ability to reward as well as chastise.

In the case of the les Poers, such leadership was effective until the third decade of the fourteenth century. After the deaths of the two most powerful leaders of the les Poers, the impetus of the lineage was increasingly dictated by the parentela which consequently became resistant to discipline. This was related to the weak leadership of sir Eustace le Poer II and his increasing alienation from the administration of the lordship. The need for patronage with which to control his lineage pushed Eustace le Poer into the camp of Maurice fitz Thomas, the man who was responsible for driving his father from the south-east. This relationship spelled the end of the les Poers as a political force, for while Maurice fitz Thomas, was a necessary, if unlikable controlling influence in Munster in the eyes of the administration of the lordship, the les Poers and their leaders were expendable.

The other important political grouping in the county was the gentry, comprising both knights and esquires. Many members of the gentry held their land in capite of the king,

though others, especially the tenants of the Honour of Dungarvan, whose tenurial position changed between royal and mesne tenants as the Honour itself oscillated between royal and seigneurial hands. There were some families who occupied a transitional zone between the baronage and gentry, having certain aspects in common with both groups. Similarly, at the opposite end of the gentry existed those who were neither knights nor esquires but who, because of their involvement in minor administrative tasks formed a 'sub-gentry' category.

The lands of the gentry were much less extensive than those of the baronage, and they were also more confined in geographical terms. The gentry like the baronage, was also surrounded by extended lineages, though these were not as socially broad-based as those of the baronage. While the higher members of the baronial lineages were involved in local administration as sheriff, those of the gentry lineages only provided minor officials such as cantred bailiffs.

The gentry's position in Waterford suffered a decline in the fourteenth century. In the preceding century the baronage was in a strong, but not dominant position. Their position was held in check by a number of extended minorities and the lineages that were to form such an important part of their influence in the later part of the thirteenth century had not begun to develop. This position changed in the fourteenth century when the gentry, in order to maintain any input into local politics as well as to receive patronage, had to rely more heavily on the baronage. Yet even this was

not enough for Maurice fitz Thomas who relied on the support of elements from outside Waterford who were rewarded for their loyalty by the grant of lands there. A 'new gentry' emerged who were creatures of the earls of Desmond. As a result of their relative weakness, the gentry were not able to become an independent force in the locality.

The members of both baronage and gentry were, with the exception of the MacGillemorries, the descendants of the settlers of the late twelfth century. The descendants of the original inhabitants of Waterford were occasionally able to overcome legal disabilities and ethnic distrust to attain a respectable position within local society as churchmen and manorial officials. Some links were also established between specific English and Irish families. The manner in which these relationships grew can only be conjectured, though tenurial links were sometimes evident. A mutuality of dependence existed between both groupings. The Irish and Ostmen needed the patronage and protection of important members of the local baronage, who in turn found the Irish and Ostmen useful both for minor administrative tasks, but more importantly as members of their retinue. In the eyes of many Irishmen the strong position of the baronage made them more necessary as patrons than as enemies.

All of these were political groupings who made an input at various levels into local politics. The lines dividing different categories become blurred as the social ladder is descended and the realm of the non-political groupings is entered. The lower, parentela elements of lineages were

socially indistinguishable from others who could not claim agnatic relationship, and the growth of Irish adjectival suffixes exemplified how they had become indistinguishable from the Irish. Yet all of these elements, despite their exclusion from political power, were necessary as assistants in the preservation and consolidation of political power.

The politics and society of Waterford were marked by competition and exploitation. The members of the baronage, because of its need to maintain a regional and national presence, could not devote all of their time to the cultivation of interests in Waterford and expediency demanded delegation to local agents. The les Poers and to a lesser extent the les Botillers had ready-made local allies within their own lineages, yet the search for local support eventually passed beyond membership of baronial lineages towards the gentry. The latter accepted baronial patronage, especially when it took the form of advancement to positions of local influence such as the shrievalty or the custody of escheats. The members of the les Poers' gentry were relatively minor gentry families from a restricted geographical area in east Waterford.

The Desmond Geraldines had a very extensive network of lineage elements throughout Munster, but these had not developed in Waterford. They gained support from numerous members of the gentry, some of whom were tenants of the Honour of Dungarvan. The balance of interests between baronage and gentry was upset, however, by Maurice fitz Thomas who expanded his lordship both in the lands he already held

as well as over others where his claim was less precise. Any lack of cooperation or resistance to him was dealt with summarily, as in the cases of Richard le Waleis and John de Byford.

The need for the institutionalisation of links between the baronage and the gentry led to the growth of retinues and political interest groups headed by the les Poers in the early fourteenth century and following their decline by the earls of Desmond and Ormond. Tenurial ties were augmented by goals of self-interest. For members of the baronage, retinues were a necessary means of preserving and where possible expanding their interests in a competitive political environment, yet for the members of the gentry they offered protection. Thus the growth of retinues in Ireland, especially in Munster, was not caused by a 'social reflex' on the part of the magnates when faced with the growth of royal power and a concurrent increase in contact between the gentry and the government.¹ Such an eventuality in Ireland was unlikely to occur, as the baronage was an integral part of the government.

The political heterogeneity of Waterford was reflected most of all in the office of sheriff. The Desmond Geraldines and the les Poers of Donoil exercised it in person, while various members of the les Poer lineages were frequently represented. The gentry had to contend, therefore, with these groupings and rely on the friendship of local mag-

1. See P. R. Coss, 'Bastard Feudalism Revised' in Past and Present, 125 (1989), p. 50.

nates in order to participate. Other positions in local government such as the offices of sub-sheriff, coroner and cantred sergeant allowed minor landholding elements such as freeholders and younger brothers of members of the gentry, to participate. Thus local government reflected broader social divisions.

The most visible symptom of the relationship between social groupings within Waterford was the persistence of violence and disorder. The power structure of local magnates depended on the support of violent and unruly elements. Crime and disorder were chronic in Waterford since an effective and impartial policing mechanism as well as a popular concept of objective legality and justice were absent. All sectors of society participated in crime, although the members of the baronage and higher gentry were less likely to indulge in violence directly. The nature of the lineage and retinues also contributed to crime. The control mechanism of the former relied upon the its leader to obtain pardons for the transgressions of relatives. The latter as well as containing the same clientelist dynamic as the former, contained many elements who relied for their sustenance on force. Violence became more politicised through its utilisation by magnates and as a result the victims of crime included prominent local landholders such as sir John Grant.

Waterford was but one local society within the lordship and its historical experience was not necessarily typical of developments elsewhere. Naturally, it contained political

and social similarities with other counties in the south of the lordship, especially Cork and Limerick. It had grown out of a larger administrative unit embracing both it and County Cork. It was also similar because it too took its name from a city that remained outside the normal control and jurisdiction of the sheriff. Cork also retained its integrity in administrative terms throughout the thirteenth and fourteenth centuries, with no area being set aside as a palatine liberty despite the power of local magnates. Cork, and to a lesser extent Limerick witnessed the development of lineages and retinues in the early fourteenth century, and witnessed an even greater tendency for private warfare between the Roches, Barries and Cantetons.

The Irish and Ostmen of Cork were also allowed some measure of participation in local society through holding minor offices. In 1334 Thomas MacOtir was sheriff of the county,² while in 1380 an Irishman was responsible for the mustering of archers.³ However, it is in their relationship with the Irish outside the land of the peace that Cork and Waterford were separated in their historical experience. Cork (and also Limerick) was on the frontier of the land of peace, and was thus continually subjected to the raids of the Mac Carthaigh and lesser Irish chieftains in Cork and

2. H. F. Berry, 'The Sheriffs of the County Cork: Henry III - 1660' in R.S.A.I. Jn, 35 (1906), p. 45.

3. R.P.H., p. 113, no. 168.

the Uí Bhríain in Limerick.⁴ Furthermore, Cork was also the victim of an erosion of the land of peace, as the above-named Irish chieftains sought to regain some of the territory they had lost. By the end of the thirteenth century the area where the English retained control had shrunk to the eastern part of the county and the southern coastline.⁵

The balance of magnate control also varied. Fitz Thomas had acquired the shrievalty in 1329 of Cork in 1329,⁶ though the Geraldines had little land within the county, apart from the manor of Mallow.⁷ As a result Maurice Fitz Thomas had to try even harder to consolidate his control, especially through acquiring the rich lands of Richard de Clare in south-east Cork.⁸ The earls of Ormond also maintained an interest in Cork, especially in a purparty of the de Clare lands near Youghal.⁹ However, the position of the earls of Desmond was always greater because of the proximity to Geraldine centres of power in Limerick and Kerry. There existed no source of opposition to Geraldine power as the

4. S. O hInnse (ed.), Miscellaneous Irish Annals (Dublin Institute for Advanced Studies, 1947), pp. 102-5, 106-7, 110-1; S. Mac Airt (ed.), Annals of Inisfallen, pp. 414-5.

5. The border between the two areas is clearly represented by the distribution map of rectangular earthworks within County Cork. (See T. B. Barry, The Archaeology of Medieval Ireland (London, 1987), p. 86.)

6. C.F.R., 1327-1337, p. 153.

7. P.R.O. E.101/233/6; H. Sweetman (ed.), Cal. Doc. Ire., IV, no. 551, p. 263.

8. Sayles, 'The rebellious first Earl', pp. 217-8.

9. C. A. Empey, 'The Butler Lordship' in Journal of the Butler Society, I, no. 3 (1976), p. 174. Hereafter as 'Empey, 'Butler Lordship'.

families of the secondary baronage in Cork, such as the Barries, Roches and de Cogans were divided among themselves, and more likely to indulge in internecine conflict as in 1316.¹⁰

Geraldine control over Limerick was always much more secure. Indeed west Limerick formed the heartland of Geraldine power, containing the castle of Shanid and other important manors.¹¹ Furthermore, numerous cadet branches of the lineage such as the ancestors of the White knights and the knights of Glin developed in the fourteenth century.¹² The power of the Geraldines was opposed by some elements of the local gentry as shown by the charges made against Maurice fitz Thomas by the jurors of Kilmallock.¹³ However, fitz Thomas did have the support of others, such as the Dandons and the de Valles.¹⁴ The one real threat to Geraldine power in Limerick came from sections of the Uí Bhriain of Thomond. Friendly relations with either of the perpetually feuding segments of the family were maintained throughout the fourteenth century, but this had the corollary of causing the hatred of the other competing branch. As a result, much of Gerald fitz Maurice, the third earl's energies were devoted

10. Annals of Inisfallen, pp. 424-5.

11. Orpen, Normans, III, pp. 115-6. P.R.O. E.101/233/6; H. Sweetman (ed.), Cal. Doc. Ire., IV, no. 551, pp. 255, 257-9.

12. K. W. Nicholls, Gaelic and Gaelicised Ireland in the Later Middle Ages (Dublin, 1973), p. 165.

13. 'Legal proceedings', pp. 41-2.

14. R.P.H., p. 67, no. 17.

to fighting in Limerick, to the extent that he had not much interest in his Waterford lands.¹⁵

Kerry was, with the settled areas of Ulster, the most distantly situated region of the lordship. While sheriffs of the county proffered at the exchequer and thereby maintained a linkage with the centre of the lordship,¹⁶ many used the isolated position of the county, and its freedom from official supervision, to indulge in widespread administrative oppression.¹⁷ Kerry was also under the influence of the Geraldines, containing the important manors of Killorglin and Castleisland (de Insula),¹⁸ and the preeminence of Maurice fitz Thomas was recognised in 1329 when he was granted Kerry as a palatine liberty.¹⁹ Geraldine power was further augmented by the presence of the Fitz Maurices of Kerry, a cadet branch, in the vicinity of Lixnaw.²⁰ Yet even here, opposition was voiced both by members of the gentry, such as the Cantillons and de Huseys, as well as from the Fitz Maurices themselves.²¹

Both Cork and Kerry, apart from being distant from

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15. A. J. Otway-Ruthven, A History of Medieval Ireland, pp. 298, 300.
16. P.R.O.I. Dep. Keeper's Rep. no. 36, pp. 58-9.
17. Cal. Justic. Rolls, Ire., I, pp. 24-7.
18. Orpen, Normans, III, pp. 117, 132; P.R.O. E.101/233/6; H. Sweetman (ed.), Cal. Doc. Ire., IV, no. 551, pp. 256-7.
19. Cal. Chart. Rolls, 1327-1341, p. 123.
20. K. W. Nicholls, 'The Fitzmaurices of Kerry' in Journal of the Kerry Historical and Archaeological Society, 3 (1970), pp. 23-43.
21. 'Legal proceedings', pp. 42-3.

Dublin, were also frontier areas in contact with the mountainous territories of west Cork and south Kerry still controlled by the Mac Carthaigh and other Irish families. The power of the Desmond Geraldines was sufficient to intervene in their internal affairs, not necessarily in the interests of the English settlers and to absorb them into his retinue as demonstrated by the presence of numerous members of the Mac Carthaigh as well as members of lesser Munster Irish families, alongside the first earl of Desmond during his revolt of 1345.²² The presence of these areas so close to the Irish also meant that their defence was left in the hands of the Desmonds. The ill-fated army of 1261 was led by the justiciar, William de Dene and included many members of the gentry and secondary baronage of Munster apart from John fitz Thomas of Desmond and his son Maurice.²³ So long as the earls of Desmond did not seek to challenge royal government in Ireland the latter was prepared to allow them an almost unfettered licence for the defence of the south-west.

In Connacht English Lordship was established in the wake of the military conquest of the 1230s. It was beset by hostility; from the descendants of the Uí Chonchobhair within north Roscommon, the Irish of Ulster and those who inhabited enclaves within the lordship of Connacht itself, such as the Uí Cheallaigh of Uí Mháine or the Uí Fhlaithear-

22. 'Legal proceedings', pp. 21-3, 40.

23. Annals of Connacht, pp. 134-7; A. J. Otway-Ruthven, A History of Medieval Ireland, p. 195.

taigh.²⁴ The power of the de Burghs was as extensive in Connacht as that of the earls of Desmond in west Munster, although no evidence existed of parentelae. Connacht was also the victim of internal dissensions caused by the dispute between the de Burghs and the Kildare Geraldines which came to a head in 1295.²⁵ The dispute was settled in Richard de Burgh's favour, so that his only opposition came from the Irish. However, the Bruce invasion and the consequent weakening of the influence of Richard, the 'red earl', had a fateful impact on Connacht.²⁶ Internal dissensions boiled over after his death and the murder of William de Burgh in 1332 and Connacht was divided into hostile de Burgh camps, each utilising Irish allies.²⁷ Contacts between the English and Irish were not solely of a confrontational nature. Some families, most particularly the Uí Mhathadáin of east Galway, maintained friendly relations with the de Burghs throughout the fourteenth century. Contacts with the Irish also led to a great degree of cultural assimilation, as witnessed by the currency of names such as the aforementioned William Liath de Burgh.

To the north of Waterford lay Tipperary and Kilkenny. Unlike Waterford, absenteeism was a serious problem, especially after the death in 1314 of Gilbert de Clare and the

24. H. Walton, 'The English in Connacht: 1171-1332' (unpublished Ph.D. thesis, University of Dublin, 1982), p. 430.

25. Orpen, Normans, IV, pp. 16-7.

26. Walton, 'English in Connacht', pp. 429-32.

27. K. W. Nicholls, Gaelic and Gaelicised Ireland, pp. 146-7.

descent of his interests to his three daughters and their absentee husbands.²⁸ At this time no baronial family had succeeded in achieving dominance. The les Poers, especially those of Kells and Grannagh, were powerful in the county but the decline that was evident among the les Poers in Waterford was also evident in Kilkenny.²⁹ Throughout the fourteenth century the powers of the les Botillers was steadily growing. Yet it was not until 1391 that they finally managed to attain primacy in the landholding structure following their acquisition of the Despenser purparty of the de Clare inheritance.

The power of the les Botillers was much greater in Tipperary in the early fourteenth century than in Kilkenny. This was partly due to the acquisition of the manor of Carrick in 1315,³⁰ and the subsequent creation of a palatine liberty there for the first earl of Ormond in 1328, and even though the intention was that this should be only for his life, his heir eventually received a regrant of the liberty.³¹

Le Botiller influence was not uncontested. The 1330s witnessed the acquisition by the first earl of Desmond of the manors of Kilfeacle, Kilshelan and Clonmel that had

28. Empey, 'The Butler Lordship', p. 181.

29. Appendix B. II, pp. 384-5.

30. C. A. Empey, 'The manor of Carrick in the Middle Ages' in Journal of the Butler Society, II, no. 2, (1982), pp. 206-7.

31. A. J. Otway-Ruthven, A History of Medieval Ireland, p. 175, fn. 124.

formerly belonged to the absentee de Grandisons.³² The two most powerful magnates in the lordship were thus neighbours. The uneasy tension of the later fourteenth century eventually erupted into fighting in 1398.³³ Within Tipperary as a whole, the influence of the les Botillers was bound to be the stronger, both because of their possession of the liberty of Tipperary and because of the geographical proximity of their lands in Kilkenny. Le Botiller control in the area was also consolidated through the intrusion of several cadet branches of the family, such as the Butlers of Cahir and Dunboyne.³⁴

However, Tipperary was in many respects very similar to Waterford. In the thirteenth century no great magnate had sufficient lands or interest in the county to predominate and instead political and social power was shared among a group of prominent members of the gentry such as the Brets and the Hakets some of whom consolidated their position through the expansion of their lineages.³⁵ The northern parts of the latter was also bordered by various Irish families such as the Uí Chennéide and Uí Mhaoilríain.³⁶ The

32. Butler (ed.), Clyn. Annals, p. 29.

33. K. W. Nicholls, 'Late Medieval Irish Annals: Two fragments' in Peritia, 2 (1983), pp. 90, 92.

34. *Ibid.*, Gaelic and Gaelicised Ireland, pp. 167-8.

35. C. A. Empey, 'The Butler Lordship: 1185-1534' (unpublished Ph.D. thesis, University of Dublin, 1972), pp. 134-9. Hereafter cited as 'Empey, 'The Butler Lordship: 1185-1534' '.

36. *Ibid.* 'The Norman Period: 1185-1500' in T. G. MacGrath and W. Nolan (eds.), Tipperary: History and Society (Dublin, 1985), pp. 86-9.

position of the Irish in Tipperary was possibly more important than in Waterford, for in 1357 complaints concerning the use of Brehon law in Tipperary presupposed the employment of some Irish judges.³⁷ In the early fifteenth century Kilkenny and Tipperary were the hosts to the earl of Ormond's Irish troops in a manner that was probably similar to the intrusion of the Uí Bhriain into west Waterford in the late fourteenth century.³⁸ While the rule of the earls of Ormond was heavy-handed, it brought about a stabilising effect on society and private warfare between members of the gentry was very rare. The earls' powers were not completely dependent either on the utilisation of Gaelic supporters and legal concepts, for in urban parts of the liberty at least, English law was utilised until the end of the fifteenth century.³⁹

The greatest contrast to Waterford was provided by Uriel. Geographically it was much nearer to Dublin, and therefore more amenable to administrative surveillance. Its political society was dominated by the gentry, who had a strong sense of political cohesiveness that was able to outweigh occasional internal dissensions.⁴⁰ This was due to

37. Empey, 'The Butler Lordship', p. 185.

38. C. A. Empey and K. A. Simms (eds.), 'The Ordinances of the White Earl of Ormond and the problem of Coign in the Later middle ages' in *R.I.A. Proc.*, 75 C (1975), especially pp. 162-78.

39. See Empey, 'The Butler Lordship: 1185-1534', pp. 497-502.

40. B. Smith, 'The English in Uriel: 1171-1329' (unpublished Ph.D thesis, 1990), pp. 174-6.

the lack of a resident baronage as from the late thirteenth century, members of the two largest baronial families, the Pippards and de Verdons were absentees. In 1302 Ralph Pippard severed his links with Uriel altogether when he exchanged his lands there for those of equal value in England.⁴¹ This consequently precluded the possibility of extended lineages or the absorption of elements of the gentry into baronial retinues, even though some retaining did occur.⁴² The weakness of baronial influence also ruled out the need for the employment of Irish fighters, either from Uriel itself or further afield. However, the elevation of John de Bermingham to the earldom of Louth in 1318 radically changed this situation and for the first time the gentry had to deal with the introduction of kerns from west Leinster.⁴³ Yet no event demonstrated the strength of the gentry within society more graphically than the murder of de Bermingham and many of his family and followers at Bragans-town by members of the Uriel gentry, and the eventual exoneration of those involved. This was an event hardly paralleled in its violence by any of the politically motivated murders of Waterford. The death of John le Poer of Kilmeadan and the son of the baron of Donoil were the result of antagonisms within the baronage. The gentry played their part, but it was always the role of accomplice and at no time did

41. B. Smith, 'The Concept of the March in Medieval Ireland: The case of Uriel' in *R.I.A. Proc.*, 88 C (1988), pp. 206-7.

42. *Ibid.*, 'The English in Uriel', pp. 177-8.

43. *Ibid.*, pp. 102-4.

they ever attempt to challenge the political supremacy of the former.

The factor that gave rise to such difference between Uriel and Waterford was, as has been said, the absence of a resident baronage. Consequently, the form of government that was best suited to the area was that of the political supremacy of the gentry and their dominance of the military and policing tasks of a frontier area. By contrast, the paternalistic rule of magnates such as the earls of Ormond and Desmond provided stability in areas that were less amenable to the supervision of the lordship's administration. Just as the exoneration of the instigators of John de Bermingham's murder was a recognition of political reality, so too was the eventual pardon and reinstatement of Maurice fitz Thomas in 1349.

When Waterford is compared to the lordship as a whole, a number of unique features emerge. Firstly, Waterford was an area that was untroubled by Irish raids as it was distant from the land of war. It was consequently spared the erosion of the land of peace by Irish families. That is not to say that the lands held by the Irish in Waterford did not grow in the fourteenth century. However, the Uí Bhriain gained their land not as the result of constant attrition but due to the patronage of the then earl of Desmond. Absenteeism by prominent members of the baronage and gentry was of a less extensive nature than in other parts of the lordship. This was in part due to families such as the de Clares having no lands in Waterford. The absentee problem was exacerbated by

grants of land to favourites such as Nicholas de Bekenesfield, but these were of a short duration. Waterford, because of its geographical position in the south of the lordship, was also spared the type of destruction caused by the Bruce invasion in Uriel and Tipperary.⁴⁴ However, it was affected in more indirect terms. Baron John le Poer who had played an important role in the early part of the invasion, suffered great financial losses as a result and this probably contributed to the control he was able to exercise over his lineage.

When making a comparison between developments in Waterford and the lordship, it is possible to see the decline of the centre being compensated for by the growth of regional and local forces. The magnates and members of the baronage had enjoyed a powerful territorial position within county Waterford in the early thirteenth century. This was not the result of conquest or military enterprise but of royal favour, as exemplified by the grants made to Thomas fitz Anthony and John fitz Thomas. The fact that they were able to exercise this fully in the thirteenth century was due to two factors. Firstly, the problem of inheritance and lack of male heirs led to a break in continuity. Secondly, there existed resistance on the part of the administration to this concentration of local power in the hands of one person. The grant to John fitz Thomas was made by lord Edward without

44. See B. Smith, 'The Bruce Invasion and County Louth, 1315-18' in County Louth Archaeological and Historical Journal, 22, no. 1, (1989), pp. 8-9, and Empey, 'Butler Lordship', pp. 176-7.

proper consultation and while he was under age, and at the first opportunity it was revoked.

The later thirteenth century coincided with the long minority of Thomas fitz Maurice, and it was at this time that the county was under the control of administrators of the calibre of sir Walter de la Haye. The thirteenth century especially the first half, was a time of expansion with inroads being made into Connacht and east Ulster. Waterford, though one of the first areas to be brought under direct English control in the 1170s, witnessed its own contribution to the reduction in the lands of the Irish in the 1250s when many of the areas that had remained in Irish hands were forfeited to the crown. However, the cause and effect of this process has left no trace, and Waterford appears as a tranquil backwater when compared with other areas, such as Connacht or indeed further west in Desmond.

In the later thirteenth century Waterford was faced by the growth of baronial and gentry lineages wherein the ties of family assumed a political and eventually military complexion. This process was paralleled by the growth of factionalism among the most important magnates of the lordship. The government was initially ambivalent to such developments. Political and financial resources were increasingly directed towards external needs in Scotland and in this regard baronial and gentry retinues, far from being seen as a threat, were a valuable source of fighting men. When their membership became a cause of disorder in Ireland, there was little to be done except depend on the control mechanisms

of the lineages and retinues themselves. This naturally meant a devolution of still more power into local baronial hands.

In Waterford the main beneficiaries of this devolution were the les Poers, yet they proved unable, because of the nature of their lineage to use it for their own ends. They were thus incapable of resisting the greater power of more magnates with a wider geographical following. The growth of local power increased the desire for political expansionism by the latter, whose power-bases were not confined to one county. The control of the les Poers over local affairs lasted only as long as the two leaders of the family who were relatively influential in the lordship were still alive and able to control their lineages.

Waterford in the fourteenth century was politically unstable as two of the most powerful magnates in the lordship sought to pick up the remains of a magnate lineage that was in terminal decline. Whereas the dominance of a single magnate within an area could lead in the medium term to stability, the potential for conflict was much greater in an area where the two zones of magnate influence converged. For most of the late fourteenth century this threat to political peace was only potential, as one of the magnates concerned, the third earl of Desmond, was involved in political and military activity elsewhere. Yet this potential was transferred into reality once Geraldine interest reemerged in the last decade of the century.

Waterford was also a microcosm of events in the lord

ship as a whole in the fourteenth century. At the beginning of the century members of the baronage and gentry participated in the king's wars in Scotland. As the fourteenth century progressed, this phenomenon was reversed. The lordship of Ireland was the recipient of four military interventions in the late fourteenth century, the last of which passed through Waterford because the port of Waterford city was the point of landing and disembarkation.⁴⁵ Military campaigns directed towards Waterford were also organised from within the lordship, firstly to deal with disorders caused by the les Poers and secondly to chastise the first earl of Desmond.

The value of a local study lies in its ability to make such comparisons possible. They do not attempt to supplant a study of larger political units but to enhance them by developing research in areas that would be physically impossible on a larger political canvas. Comparisons between different regions can highlight similarities and differences and these may be important in themselves. Yet effective comparisons demand the availability of suitable studies. Nowhere is the need for such local studies greater than in the southern counties of Munster. When these are completed and comparisons attempted, a greater understanding of the relationship between political power and local society will emerge.

45. J. F. Lydon, 'Richard II's expeditions to Ireland' in *R.S.A.I. Jn.*, 93 (1963), p. 142; A. J. Otway-Ruthven, *A History of Medieval Ireland*, pp. 327, 333, 338.

APPENDIX A. OFFICE-HOLDERS OF COUNTY WATERFORD

A list of the sheriffs of the county for the period 1270-1380 can be given but a number of difficulties in assigning precise terms of office exist. On some occasions a commission was granted by the exchequer or notice of an election was enrolled on the memorandum rolls. On other occasions the actual dates for which a sheriff was bound to account were given on the Irish Pipe roll. It is usually possible, though, to give the years when a sheriff served, if not the precise dates, since the memoranda rolls recorded their proffers (or non-proffers). There were, however, five instances when all of these dating mechanisms are absent. The reference itself may contain some clues, but these are sometimes of little help except in narrowing down the possible period during which the sheriff may have served. For example, John Harald, a thirteenth century sheriff, witnessed a document at some time when Geoffrey de Turberville was treasurer, but this still leaves a fourteen year period. The possession of firmer evidence for other sheriffs can also contribute to the assignment of dates; however, these can only be approximate and any dates that are doubtful have been followed by a question-mark.

The list gives the names of all sheriffs arranged in chronological order. The date on the left, if it is not that of the appointment or the stated date for the beginning of the sheriff's term, is the earliest reference to that sheriff. Similarly, the date on the right is the last reference

to that individual as sheriff. It has not been assumed automatically that a sheriff served until the appointment of his successor, unless a clear reference to this having been the case exists. 'Michaelmas' and 'Easter' refer to the terms themselves, and not to the individual feasts. When only one reference to a sheriff is known, that date alone is given. Approximation is indicated by two dates separated by a cross.

Sheriffs of County Waterford.

Thomas Bluet	April 1208 - 1212 ¹
Thomas Fitz Anthony	3 July 1215 ² - 3 June 1223
John Marshal	3 June 1223 ³
Richard fitz Helyas	1231-32 ⁴
Maurice de Portu	Rendered account for 1234-5 ⁵ .
John Harald	1236 x 1250 ⁶
William de Rupella	October 1254 - 1255 ⁷
John fitz Thomas	11 Nov. 1259 - 22 July 1261
William le Ercedekne	22 July 1261 - 12 Oct. 1261
Robert fitz Warin	12 Oct. 1261 - 6 April 1262 ⁸
William de Rupella	6 April 1262 - Easter 1263 ⁹
John le Poer	October 1268 - 1269 ¹⁰
William de Londres	1270 - 1272
John de Baskerville	1270 - 1272 ¹¹

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1. 'Irish Pipe roll of 14 John', pp. 46-9.
 2. Rotuli Chartarum, p. 210.
 3. Mandate to the Irish Justiciar to deliver custody of Decies and Desmond to Marshal. (Rot. Litt. Claus., I, p. 549.)
 4. Appendix G., p. 459.
 5. P.R.O.I. Dep. Keeper's Rep. no. 35, p. 36.
 6. A charter granted during the time when Geoffrey de Turbeville was Treasurer of Ireland was witnessed by John Harald, sheriff of Waterford. (R.P.H., p. 3, no. 35.)
 7. Rendered account for the period from the feast of the Invention of the Holy Cross a.r. 38 Henry III to the same feast a.r. 39. (Cal. Carew Mss., IV, p. 431.)
 8. Curtis, 'Sheriffs' accounts', p. 8.
 9. *Ibid.*, p. 9.
 10. P.R.O.I. Dep. Keeper's Rep. no. 37, p. 38.
 11. Both rendered sums for the period from Michaelmas 1270 to June 1272. (P.R.O. E.101/230/2.)

Walter de la Haye	Michaelmas 1272 ¹² -
	29 June 1284 ¹³
Thomas fitz Maurice	Michaelmas 1284 ¹⁴
Robert de Stapilton	23 February 1285 ¹⁵ -
	Michaelmas 1290 ¹⁶
Maurice Russel	Before April 1290 ¹⁷
Richard de Antone	Hilary 1291 - 11 Nov. 1293 ¹⁸
Maurice Russel	11 Nov. 1293 - 21 Dec. 1297 ¹⁹
John Baret	21 Dec. 1297 - 24 Nov. 1300 ²⁰
Richard de Valle	24 Nov. 1300 - 28 Aug. 1301 ²¹
Jordan d'Exeter	Michaelmas 1301 ²²
Maurice Russel	15 Feb. 1302 ²³ - 9 Aug. 1305
John fitz Peter le Poer baron of Donoil	9 Aug. 1305 ²⁴ - 8 Feb. 1306

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12. De la Haye accounted for the first regnal year of Edward I. (P.R.O.I., Dep. Keeper's Rep. no. 36, p. 24.)
 13. Arrested Robert le Poer on feast of St. Peter ad vincula. (Cal. Justic. Rolls, Ire., II, p. 220.)
 14. Rendered diverse debts of the county in Michaelmas 1284. (P.R.O. E.101/231/2.)
 15. C.P.R., 1281-1292, p. 154; H. Sweetman (ed.), Cal. Doc. Ire., III, no. 16, p. 18.
 16. P.R.O. E.101/231/6. He was stated to be 'lately deceased' on 18 January 1291. (H. Sweetman (ed.), Cal. Doc. Ire., III, no. 845, p. 385.)
 17. In 1290 David Cradoc complained that Maurice Russel, when sheriff, had wrongly distrained his goods for debts that the former owed. (Cole, Documents Illustrative of the History of England, p. 76.) Another of Cradoc's complaints occurred when William fitz Roger was locum tenens of the justiciar (Easter 1284 - June 1285), though it is impossible to say whether it was at this time that Russel was sheriff or whether he had briefly replaced de Stapilton in 1290. (Richardson and Sayles, Administration of Ireland, p. 32.)
 18. P.R.O.I. Dep. Keeper's Rep. no. 37, p. 51.
 19. Ibid., no. 39, p. 49.
 20. Ibid., p. 64.
 21. Ibid., p. 65.
 22. P.R.O. E.101/233/16. See Chapter 1, p. 34, n. 79.
 23. Given custody of Counties Cork and Waterford as sheriff for his services in Scotland. (C.P.R. 1301-1307, p. 19.)
 24. Cal. Justic. Rolls, Ire., II, p. 119.

Richard Blakeman le Poer	8 February 1306 ²⁵ - Michaelmas 1308 ²⁶
John fitz John le Poer	Easter 1309 ²⁷ - Michaelmas 1311 ²⁸
John fitz Peter le Poer baron of Donoil	14 January 1312 ²⁹ - Michaelmas 1312 ²⁹
John fitz William le Botiller	19 November 1312 ³⁰ - 30 April 1314 ³¹
Philip Christopher	12 Dec. 1314 - 13 Nov. 1315 ³²
Robert de Marreis	Before Michaelmas 1317 ³³
Theobald le Poer	6 Dec. 1316 - 6 Dec. 1318 ³⁴
Roger fitz John le Poer	December 1318 - May 1319? ³⁵

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25. Received a commission of the Irish exchequer. (P.R.O.I. Ex. 2/1, p. 157.)
26. P.R.O. E.101/235/11.
27. P.R.O. E.101/235/19.
28. P.R.O. E.101/235/25.
29. P.R.O.I. Dep. Keeper's Rep. no. 45, p. 24.
30. Received a commission of the Irish Treasurer. (P.R.O.I. R.C. 8/7, p. 72.)
31. P.R.O.I. Dep. Keeper's Rep. no. 44, p. 24.
32. Ibid. no. 39, p. 68.
33. The exact term of Richard de Marreis cannot be given because no commission has survived. In Easter term 1320 he accounted for his debts (P.R.O. E.101/237/11) though he had been sheriff before Michaelmas 1317 since in that term Robert de Conway accused him of falsehood and deception in the execution of his office. (P.R.O.I. R.C. 7/12, p. 294.) It is probable that he served between sir Philip Christopher and Theobald le Poer.
34. P.R.O.I. Dep. Keeper's Rep. no. 39, p. 68.
35. Roger fitz John le Poer also accounted for his debts in Easter 1320. (P.R.O. E.101/237/11.) The Pipe Roll account for the period Michaelmas 1318 to Easter 1322 contained payments made by Theobald le Poer, John de Stanes and Roger fitz John le Poer (P.R.O.I. Dep. Keeper's Rep. no. 42, p. 39). This term between Theobald le Poer and John de Stanes is the only time he could have served.

John de Stanes	30 May 1319 ³⁶ - 31 July 1320 ³⁷
Theobald le Poer	12 August 1320 ³⁸ - Easter 1326 ³⁹
Stephen Franceis	Hilary 1327 ⁴⁰
William fitz Richard le Botiller	17 March 1327 - 28 Jan. 1328 ⁴¹
Richard Dandon	1328-9? ⁴²
Maurice fitz Thomas earl of Desmond	29 October 1329 ⁴³
Richard le Waleis	19 Nov. 1331 - 25 Feb. 1332 ⁴⁴
George le Poer	25 Feb. 1332 - 14 June 1333 ⁴⁵
Richard Whittey	14 June 1333 - 10 Sep. 1333 ⁴⁶
John de Stapilton	19 Oct. 1333 - 2 June 1335 ⁴⁷
Adam le Poer	24 June 1335 - 25 May 1336 ⁴⁸
Geoffrey fitz William fitz David	25 May 1336 - 20 July 1337 ⁴⁹
Geoffrey Gascoin	20 July 1337 - 22 Apr. 1338 ⁵⁰

36. Appointed under the English Great seal. Calendar of Fine Rolls, 1307-1319, p. 398.

37. Paid diverse debts. (P.R.O. E.101/237/11.)

38. P.R.O.I. Dep. Keeper's Rep. no. 42, p. 40.

39. Ibid., p. 68.

40. P.R.O.I. Ferguson Mss, I, fol. 277.

41. P.R.O.I. Dep. Keeper's Rep. no. 44, p. 26.

42. Dandon was among eight sheriffs who accounted for the period July 1326 to February 1335, though unlike the others, he did not account for any specific dates. (P.R.O.I. Dep. Keeper's Rep. no. 44, p. 27.) It was stated that during his term he was unable to exercise his office because of the war between Maurice fitz Thomas and sir Arnold le Poer.

43. C.F.R., 1327-1337, p. 153.

44. P.R.O.I. Dep. Keeper's Rep. no. 44, p. 27.

45. Ibid., p. 26.

46. Ibid., p. 27.

47. Ibid. no. 45, p. 40.

48. Ibid., p. 39.

49. Ibid., pp. 39-40.

50. Ibid., p. 39.

Andrew le Poer	22 April 1338 - Michaelmas 1338 ⁵¹
Thomas le Engleis	Michaelmas 1339 ⁵²
David Russel	Easter 1340 ⁵³ - Hilary 1343 ⁵⁴
Richard de la Rokelle	Before July 1343 ⁵⁵ - Easter 1345 ⁵⁶
David Christopher	Early 1345? ⁵⁷
Nicholas Brun	1 July 1345 ⁵⁸
John fitz Peter le Poer	Easter 1346 ⁵⁹
Thomas de Bentham	Hilary 1347 ⁶⁰
Adam de Barry	Michaelmas 1347 ⁶¹ - Hilary 1349 ⁶²
Richard le Botiller	Easter 1349 ⁶³ - Easter 1350 ⁶⁴
Matthew le Poer	Easter 1351 ⁶⁵

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51. P.R.O.I. Dep. Keeper's Rep. no. 45, p. 40.
52. Rendered his account. (P.R.O. E.101/240/17.)
53. P.R.O. E.101/240/17.
54. P.R.O. E.101/241/9.
55. Appointed by an undated writ of the Irish echequer. (P.R.O.I. R.C. 8/22, p. 482.)
56. During this term a day was given to Richard de la Rokelle to render his account. (P.R.O.I. R.C. 8/23, pp. 3, 5.) In December 1344 he was ordered to provide hay and corn towards the works of the justiciar. (Ibid., pp. 392-3.)
57. His debts as a former sheriff were mentioned in Michaelmas term 1347 and Trinity term 1348. (P.R.O.I. R.C. 8/24, pp. 132-3, 179.) He may have been sheriff between Richard de la Rokelle and the appointment of Nicholas Brun, though the lack of accounts for early 1345 makes this impossible to verify.
58. Nicholas Brun claimed in 1352 that he had not received the writ of appointment. (P.R.O.I. R.C. 8/25, pp. 558-60.)
59. Named as a sheriff who did not proffer his account. (Ibid., p. 581.)
60. P.R.O. E.101/241/14.
61. Ibid.; P.R.O.I. R.C. 8/24, p. 1.
62. P.R.O. E.101/241/17.
63. Proffered account. (P.R.O.I. R.C. 8/24, p. 575.)
64. P.R.O. E.101/241/20.
65. Proffered account. (P.R.O.I. R.C. 8/25, p. 243.)

Henry fitz Walter le Poer	21 June 1351 ⁶⁶ -
	Michaelmas 1355 ⁶⁷
Peter fitz Roger le Poer	19 November 1355 ⁶⁸
William Sandhull	11 Nov. 1356 - 6 June 1357 ⁶⁹
Peter fitz Roger le Poer	Michaelmas 1357 ⁷⁰
Peter fitz Roger le Poer	24 Nov. 1358 - 13 Jan. 1360 ⁷¹
Richard fitz John le Poer	28 March 1360 - 8 Nov. 1360 ⁷²
John fitz Edmund le Poer	19 October 1360 ⁷³ -
	10 July 1361 ⁷⁴
William de Sandhull	Michaelmas 1361 ⁷⁵
Maurice de Mandeville	19 January 1362 ⁷⁶ -
	28 October 1362 ⁷⁷
John fitz Geoffrey le Poer	12 January 1363 ⁷⁸ -
	16 March 1365 ⁷⁹
Nicholas le Poer	Easter 1365 ⁸⁰ - 20 April 1366
John fitz Geoffrey le Poer	20 April 1366 ⁸¹

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66. Received commission of the Irish Treasurer. (P.R.O.I. R.C. 8/25, p. 263.)
67. Renders diverse debts of his account. (P.R.O. E.101/243/10.)
68. Elected in the county court. (R.P.H., p. 56, no. 79.)
69. P.R.O.I. R.C. 8/27, p. 231-2.
70. *Ibid.*, p. 217.
71. P.R.O.I. R.C. 8/28, p. 195.
72. *Ibid.*, p. 226.
73. Received commission from the Irish treasurer. (P.R.O.I. R.C. 8/27, pp. 497-8.)
74. P.R.O.I. R.C. 8/28, p. 195.
75. Proffered an account as sheriff and escheator. (P.R.O.I. R.C. 8/28, p. 2.)
76. Appointed sheriff for life by commission of the Irish Treasurer. (*Ibid.*, p. 58.)
77. *Ibid.*, p. 195.
78. Received a commission of the Irish Exchequer. (*Ibid.*, pp. 284-5.)
79. P.R.O.I. R.C. 8/29, p. 21.
80. Rendered account. (P.R.O. E.101/244/9.)
81. Elected in the presence of Earl James le Botiller at Clonmel (P.R.O.I. R.C. 8/29, p. 171.)

Richard le Botiller	Trinity 1367 ⁸²
Nicholas Devenysshe	4 September 1368 ⁸³
John fitz Geoffrey le Poer	15 Oct. 1368 ⁸⁴ - 9 Feb. 1371 ⁸⁵
Nicholas le Poer	9 Feb. 1371 - 12 Aug. 1373 ⁸⁶
John fitz Geoffrey le Poer	12 Aug. 1373 - 3 July 1375 ⁸⁷
Edmund Haket	1 July 1375 ⁸⁸ - 29 Jan. 1376 ⁸⁹
David Canteton	Michaelmas 1376 ⁹⁰
Edmund Haket	Easter 1377 ⁹¹
Walter le Poer	1377 x 1378 ⁹²
Richard Aylward	1380-1 ⁹³
Philip de Crafford	24 November 1384 ⁹⁴
Roger Franceis	1392? - 25 January 1393 ⁹⁵
Sir John fitz Gerald of Desmond	17 February 1393 ⁹⁶

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82. Paid diverse debts at the exchequer. (P.R.O. E.101/244/9.)
83. Killed by the Uí hÉidirsceoil or O'Driscolls before he could render his account. (P.R.O.I. R.C. 8/30, pp. 66-7.)
84. Elected in the Guildhall of Waterford in the presence of William de Carlisle, baron of the exchequer. (P.R.O.I. R.C. 8/30, pp. 166-9.)
85. P.R.O.I. R.C. 8/32, pp. 131-2.
86. P.R.O.I. R.C. 8/30, p. 189.
87. P.R.O.I. R.C. 8/32, p. 132.
88. Appointed by a commission of the Treasurer. (P.R.O.I. R.C. 8/31, p. 32.)
89. Given a day to render his account within the quinzaine of Hilary a.r. 50. (P.R.O.I. R.C. 8/32, p. 321.)
90. Writs directed to him to hold an inquisition concerning concealment of debts and other extortions. (Ibid., p. 503.)
91. Ordered to render his account within the quinzaine of Easter. (Ibid., p. 656.)
92. Appointed (presumably by a commission of the Treasurer) in a.r. 1, Richard II. (P.R.O.I. Ferguson's Mss. I, p. 119.)
93. Ibid., p. 90.
94. Appointed one of the custodes pacis for the county. (R.P.H., p. 121, no. 84.)
95. Appointed (presumably by the Irish Treasurer) but unable to exercise his office because his lands had been wasted. (Graves (ed.), King's Council in Ireland, 16 Richard II, p. 98.)
96. Elected by the community of the county. (Ibid., p. 155.)

Adam fitz David	Michaelmas 1396 ⁹⁷
Edmund le Poer	Michaelmas 1397 ⁹⁸
Adam fitz David	Hilary 1400 ⁹⁹
Peter fitz John fitz Geoffrey le Poer	1403 x 1404 ¹⁰⁰
Nicholas fitz Walter fitz Peter le Poer	Michaelmas 1407 ¹⁰¹ - Easter 1408 ¹⁰²
Nicholas Walsh	Easter 1416 ¹⁰³ - Sep. 1420 ¹⁰⁴
Peter fitz Peter le Poer	1422 x 1423 ¹⁰⁵
Patrick fitz Peter le Poer	Michaelmas 1423 ¹⁰⁶ - Easter 1424 ¹⁰⁷
Nicholas fitz David rothe le Poer	1428 x 1429 ¹⁰⁸
Milo le Poer baron of Donoil	1434 x 1435 ¹⁰⁹
Richard fitz David rothe le Poer	1455 x 1476 ¹¹⁰
Peter fitz Peter le Poer	Easter 1493 ¹¹¹

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97. Did not proffer his account. (P.R.O.I. Ex. 2/4, p. 1.)
98. He did not render his account in the aforesaid term. (P.R.O.I. R.C. 8/33, p. 175.)
99. Did not proffer his account. (P.R.O.I. Ex 2/4, p. 8.)
100. P.R.O.I. Ferguson's Mss, XV, p. 75.
101. Did not proffer his account. (P.R.O.I. R.C. 8/33, pp. 187-8.)
102. Did not proffer his account. (Ibid., p. 191.)
103. Proffered in Easter term. (P.R.O.I. R.C. 8/36, p. 4.)
104. Did not proffer in Michaelmas term. (P.R.O.I. R.C. 8/38. p. 4.)
105. P.R.O.I. Ferguson's Mss, XV, p. 160.
106. Amerced for not proffering his account. (P.R.O.I. R.C. 8/40, pp. 253-4.)
107. Ibid., p. 266.
108. P.R.O.I. Ferguson's Mss, III, p. 115.
109. Appointed sheriff, though no indication of by whom. (P.R.O.I. Ferguson Mss, XVI, p. 115.)
110. In the Drogheda Parliament of 1476 complaints were levelled against Richard le Poer who had been sheriff for 'twenty years and more'. (Tracts relating to Ireland, II (Dublin, Irish Archaeological Society, 1843), p. 18, n. 1.)
111. Proffered his account. (P.R.O.I. R.C. 8/43, p. 52.)

Chief sergeants of county Waterford

Thomas fitz Anthony	5 July 1215 ¹¹²
John fitz Thomas	11 November 1259 ¹¹³
William de Carreu	24 November 1277 ¹¹⁴ - Michaelmas 1280 ¹¹⁵
John de Carreu.	Easter 1284 x June 1285 ¹¹⁶
Thomas fitz Maurice?	June 1284 ¹¹⁷
Robert de Argentein	Before April 1290 ¹¹⁸ .
Thomas fitz Maurice	6 February 1292 ¹¹⁹
Sir Maurice Russel	After 4 June 1298 ¹²⁰
Godebert Roche (de Rupe)	17 December 1302 ¹²¹
Reginald Russel	Before August 1385 ¹²²
Maurice fitz Thomas	Hilary term 1327. ¹²³

112. Rotuli Chartarum, p. 210.

113. R.P.H., p. 3, no. 32.

114. C.P.R. 1272-1277, p. 432.

115. P.R.O. E.101/230/16.

116. Cole, Documents illustrative of the History of England, p. 76. The dates are based on David Cradoc's accusation that his goods were attached by John de Carreu during the time when William fitz John was locum tenens of the Irish Justiciar. (Richardson and Sayles, Administration of Ireland, p. 32.)

117. C.C.R., 1272-1279, p. 123.

118. Ibid., p. 74.

119. R.P.H., p. 2, no. 17.

120. It was stated by Reginald Brun in 1302 that Margaret de Berkeley had demised the chief sergeantry to Maurice Russel at some time after her first husband's death. (Cal. Justic. Rolls, Ire., I, p. 424.)

121. Mentioned in a plea before the justiciar's court. (Ibid., p. 454.)

122. It was stated by Margery, widow of Richard Whittey, that her goods were seized by Reginald Brun, locum tenens of Reginald Russel, chief sergeant of Waterford. (Ibid., II, p. 162.)

123. P.R.O.I. R.C. 8/15, pp. 123-4.

John Daveneis	
Geoffrey Christopher	
Richard Roth	November 1331 - May 1333? ¹²⁴
Maurice fitz Thomas?	May 1333- July 1345?
Henry de Welbourne	6 July 1346 ¹²⁵
Stephen de Wythresford	1 November 1347 ¹²⁶
Maurice fitz Thomas	23 December 1349 ¹²⁷
Gerald fitz Maurice	3 July 1358 ¹²⁸

Custodes Pacis.

1301-2.

Cantred of Offath.	Sir John fitz William le Poer
	William le Botiller
	Peter fitz Benedict le Poer
	Richard le Botiller
	John de Kerdif
	John fitz Robert le Poer
	John le Grant
	Thomas de Northampton
	Robert fitz John Aylward

Obride.	Stephen le Poer
	Milo le Poer
	Richard Deincourt
	Geoffrey de Valle
	Richard de Whitefeld
	Philip fitz Geoffrey le Poer
	Walter Cradoc

Ohynwys (Ohenghus).	Philip Christopher
	Philip fitz Benedict le Poer
	William le Grant
	Griffin Christopher
	Simon Edward

-
124. In Michaelmas term 1334 all three were ordered to render their accounts for when they were chief sergeants of Waterford. (P.R.O.I. R.C. 8/18., p. 462.)
125. Granted the chief sergeantry of Waterford, rendering nothing at the exchequer. (C.P.R., 1345-1348, p. 138.)
126. Granted the chief sergeantry to hold as Henry de Welbourne held it in his lifetime. (*Ibid.*, p. 421.)
127. Granted the custody of the chief sergeantcies of Cork and Waterford. (C.P.R., 1348-1350, p. 434.)
128. Appointed chief sergeant of counties Cork, Waterford and Kerry. (R.P.H., p. 72, no. 11.)

Sleef'	William fitz Benedict le Poer William fitz Maurice Walter Corr
Dungarvan.	Sir Maurice Russel Reginald Russel
Oweth (Oveagh)	Hamo Gascoin Simon Devereux
Oueth	Robert Ryth Griffin Christopher
Affane	Richard de Bycampton
Tarmun	Godebert Roche (de Rupe) John de Freigne Gerald Roche (de Rupe) Baldwin fitz Philip Hodinet. ¹²⁹
15 July 1358. Cantreds of Oveagh, Ohenghus, Dungarvan and Affane	Sir (Thomas?) ... fitz John Sir Walter Sir John fitz Geoffrey le Poer of Ballydurne.
Cantreds of Offath and Obride	Sir Nicholas le Poer of Kilmeadan Sir Richard le Waleis.
Master , , , (Thomas) de Northampton was not assigned to any cantred. ¹³⁰	
4 April 1364.	John fitz Geoffrey le Poer. ¹³¹
10 April 1366.	David Cogan. ¹³²
10 July 1380.	Sir John fitz Geoffrey le Poer William Lombard. ¹³³

129. P.R.O.I. Dep. Keeper's Rep. no. 39, p. 64; N.L.I. Ms. 760, pp. 232-3.

130. R.P.H., p. 74, nos. 83-5.

131. P.R.O.I. R.C. 8/32, pp. 204-5.

132. P.R.O.I. R.C. 8/29, p. 171.

133. P.R.O.I. R.C. 8/33, p. 167.

24 November 1384.

Philip Crafford
Matthew fitz Robert
preceptor of Crook
Roger Franceis
Sir Nicholas le Poer
Walter fitz Peter le Poer.¹³⁴

16 January 1386.

Sir Thomas fitz John,
Philip Crafford,
Sir Richard Aylward¹³⁵

This is a very faint and illegible block of text, likely bleed-through from the reverse side of the page. It appears to contain several paragraphs of text, but the characters are too light to transcribe accurately.

134. R.P.H., p. 121, no. 84.

135. Ibid., p. 127, no. 241; P.R.O.I. Lodge Mss, 'Irish Chiefs (articles with), denizations etc.', p. 149.

APPENDIX B. I. GENEALOGICAL TABLES CONCERNING THE LES POERS

These genealogical tables aim to disentangle the complex genealogical relationship between the various branches of the les Poers. However, as references to individual les Poers are very numerous, a degree of selectivity has had to be applied and only the most important segments of the lineage have been included.

This task is not made any easier by the comparative dearth of sources for Waterford in the early and mid thirteenth century. While the names of individual les Poers during this period are known, their relationship with members of the family of the later thirteenth and fourteenth century is not always clear. It is impossible, for example, to outline the relationship of the les Poers of Ballydurne. They were probably descendants of William le Poer and thus distantly related to the les Poers of Kells, because of the proximity of their lands to the latter.

There is also the problem of the use of a fairly restricted canon of personal names. Even when the name of a particular individual's father is known, it is still difficult to assign him a place on the genealogical tree. For example, Richard le Poer of the 'Blakeman' les Poers of Islandbrick was the son of Benedict le Poer. Yet it is impossible to state with certainty whether he was yet another son of the ancestor of the les Poers of Kilmeadan and Fenoagh.

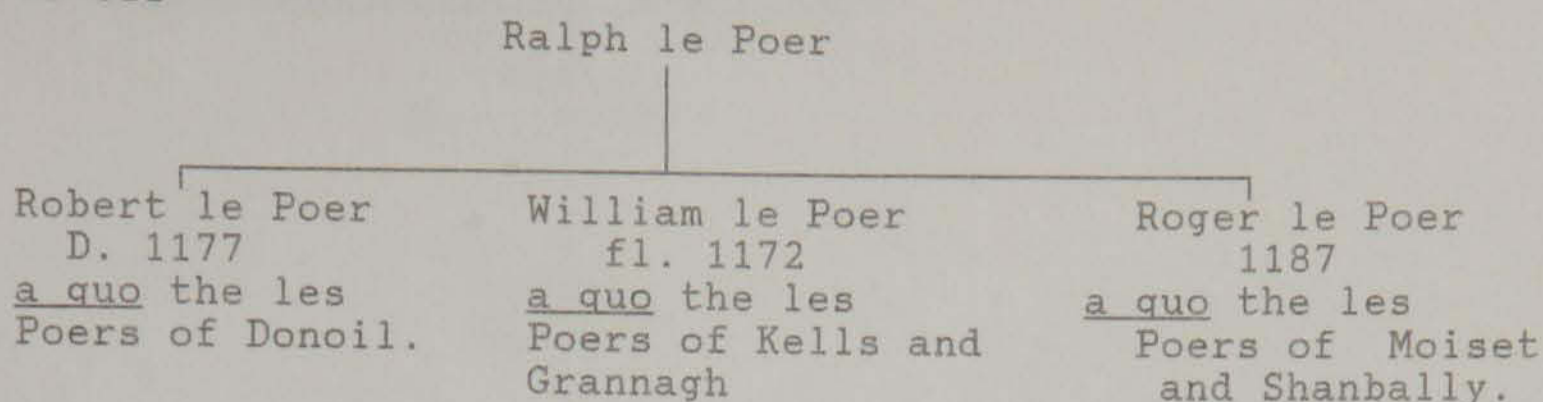
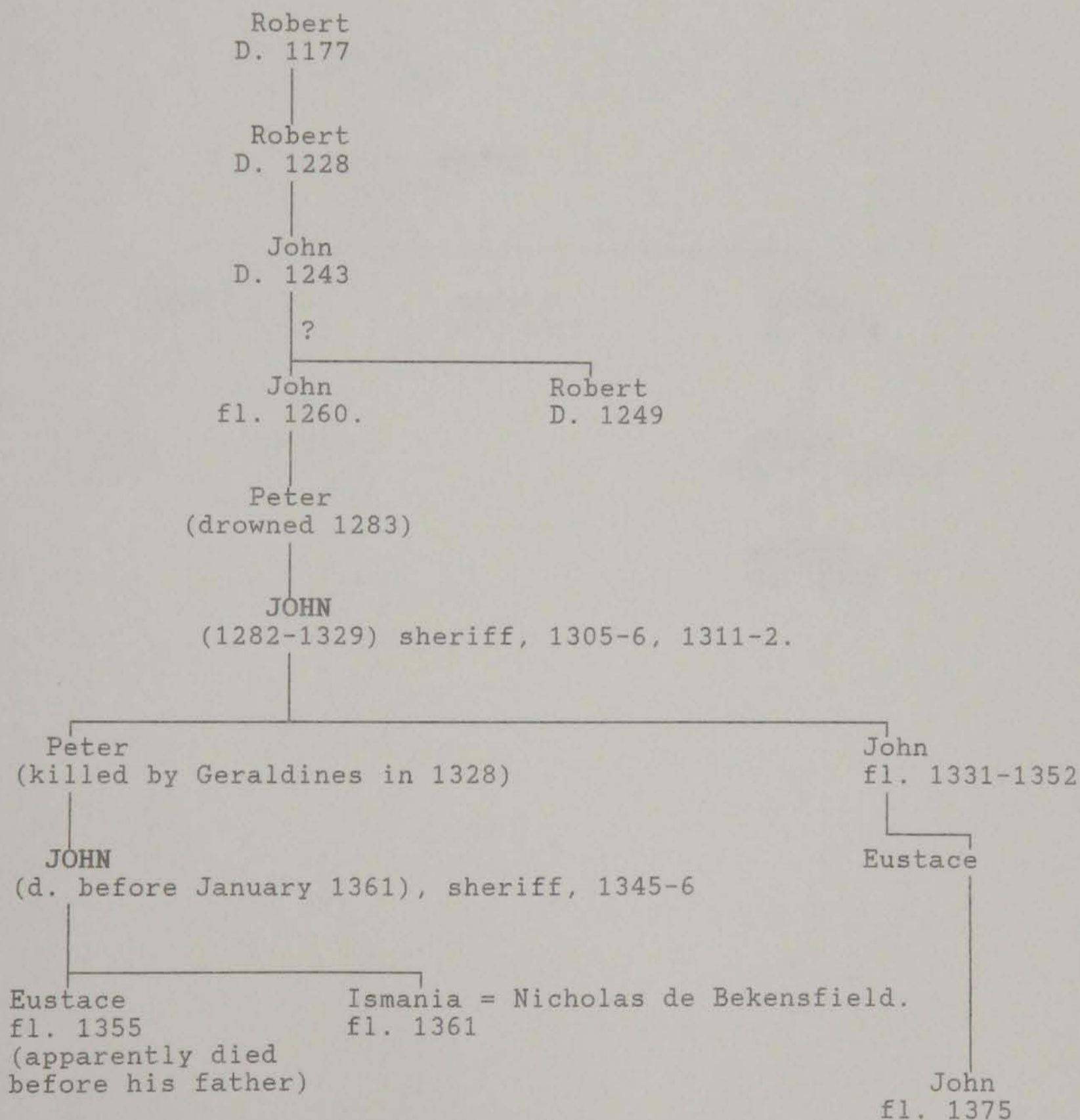
The date of the individual's death is given, when known. As this is rarely possible, the dates during which they were active, The names of sheriffs have been given in bold type and the dates underneath refer to their terms. The sequence of les Poers in any one generation does not imply seniority of age or position.

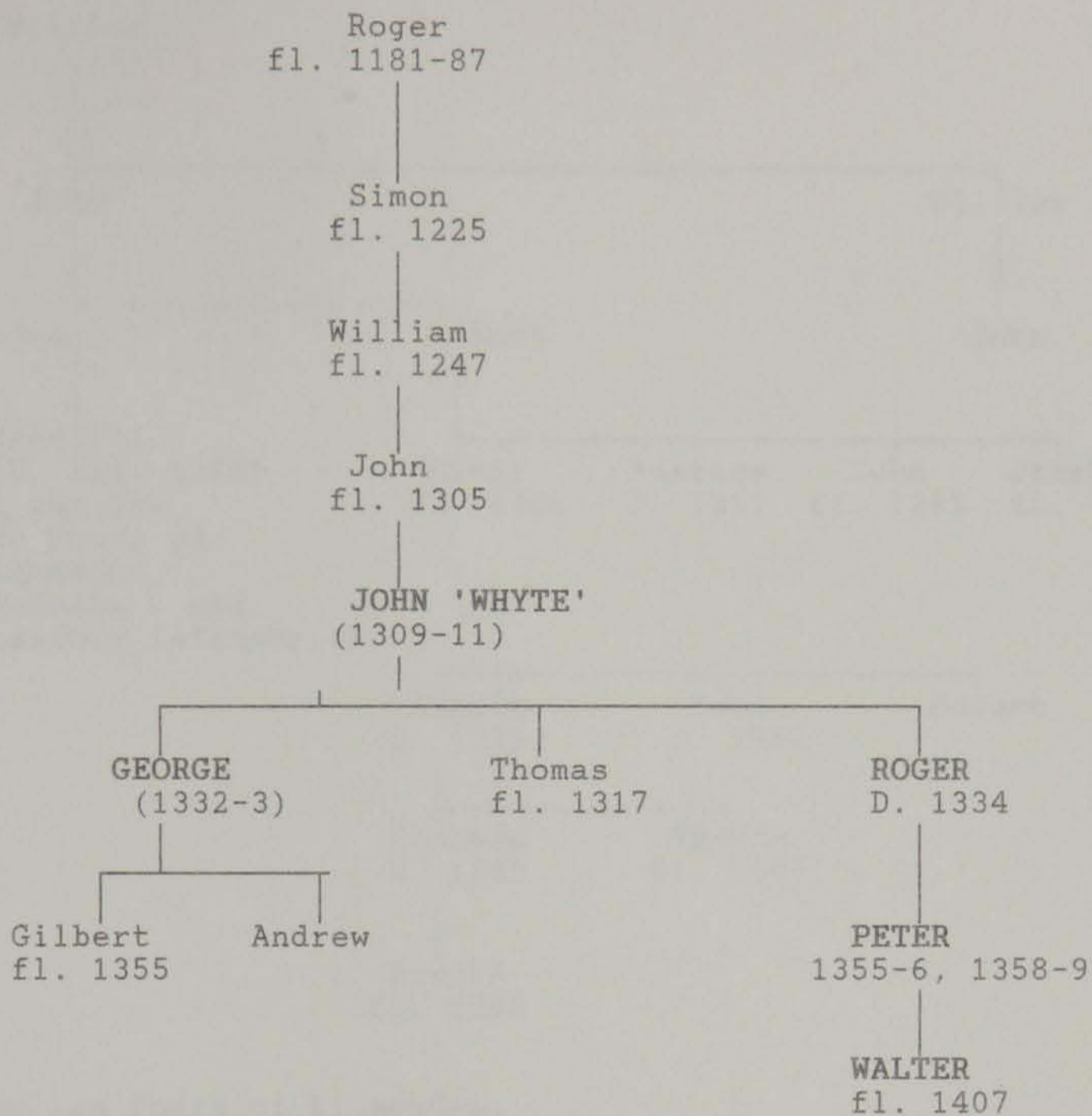
The individual sources for each entry in the genealogical table have not been given. The principle source for the twelfth century les Poers is the Chartulary of Strogursey. The thirteenth century has left little evidence for the sequence of either the les Poers of Donoil or Grannagh, except for occasional grants of the custody of heirs contained in the printed Calendars of Patent Rolls. This scarcity has been supplemented by information in the Record Commissioners' Calendar of Irish Plea rolls, as well as by the transcripts of William Betham of Justiciary and Pipe roll material. The latter had a particular interest in genealogical matters and many of his transcripts contain small genealogical tables expressing the familial relationships contained in document.

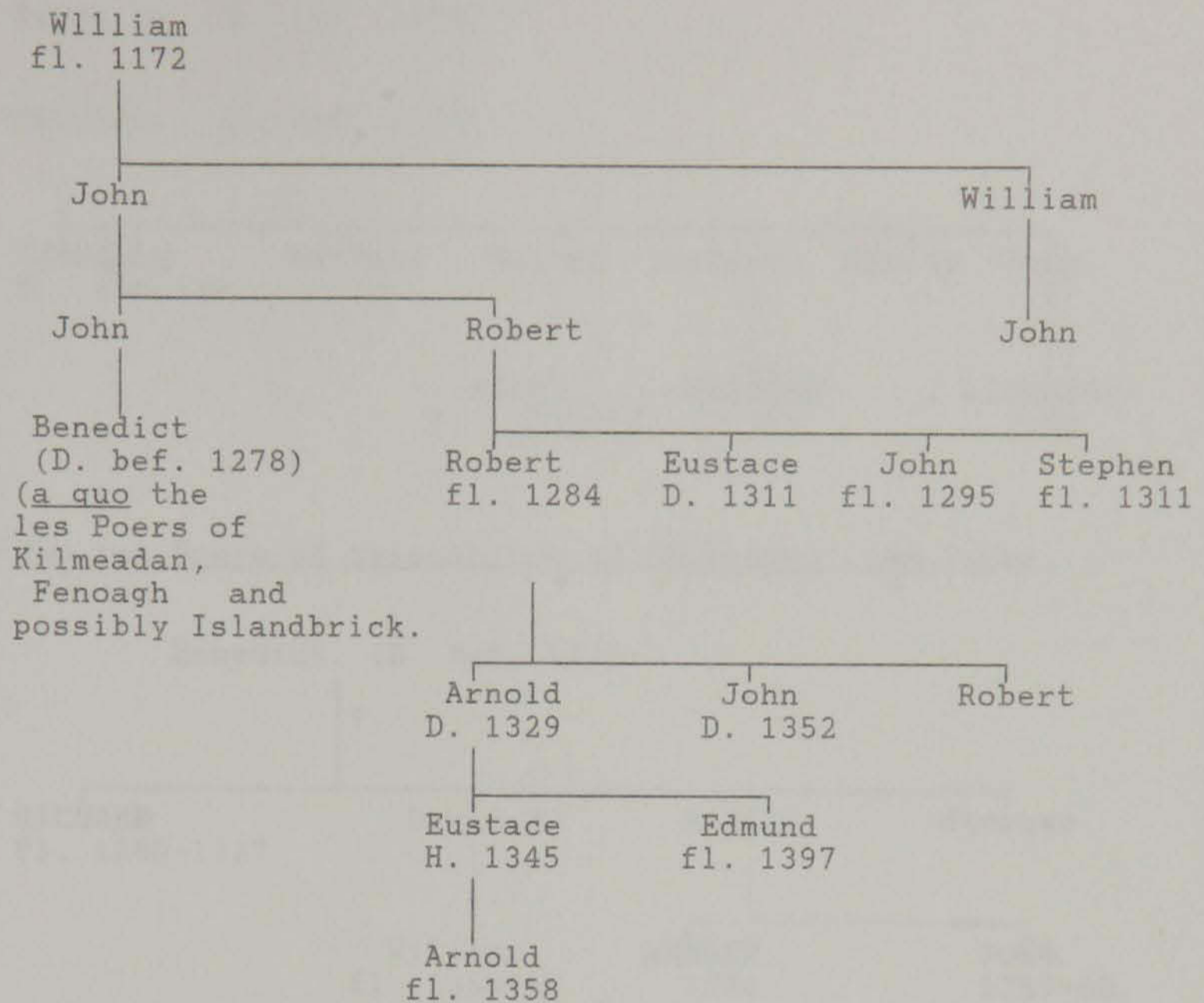
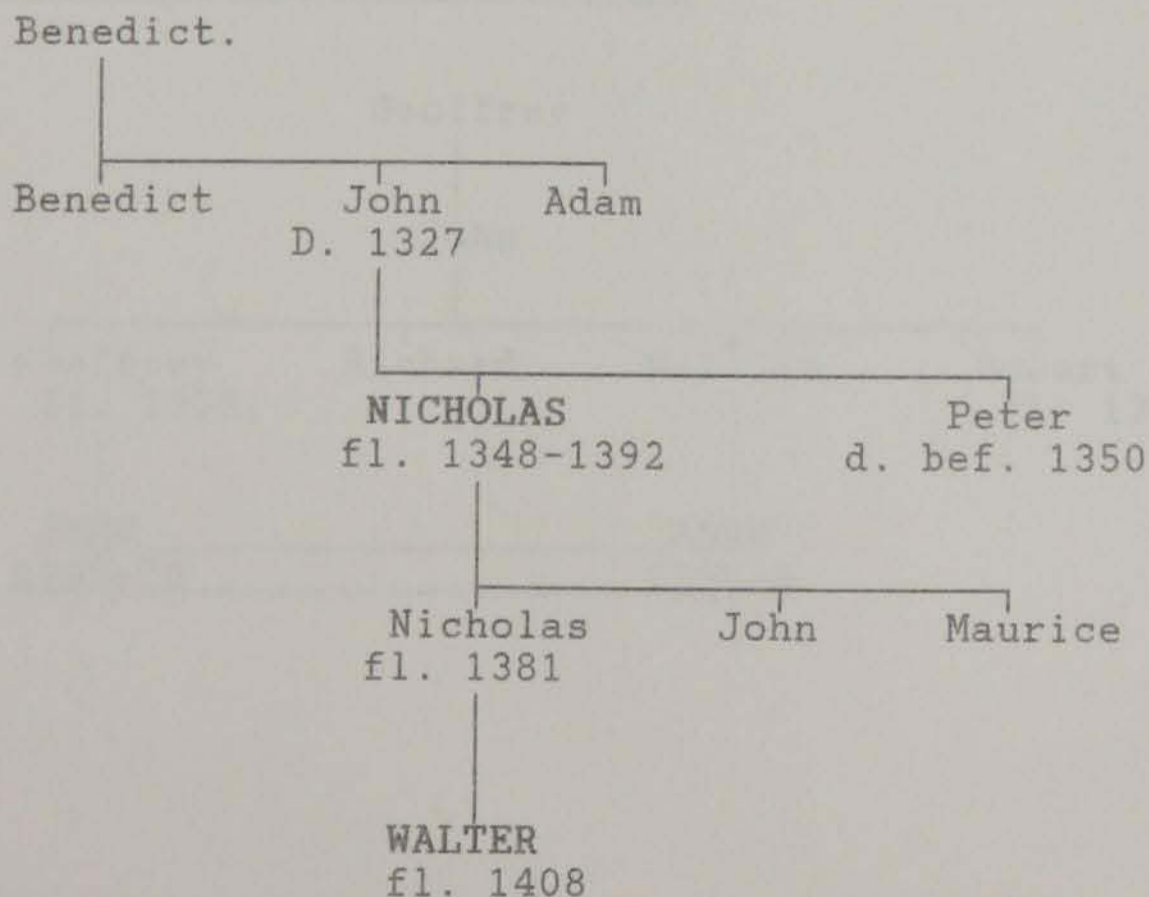
It must be emphasised that no clear linkage has been assigned without evidence to support it, and while references are not given here, they will certainly be included in any publication of the genealogical material. Consequently any relationship that is ambiguous has been accompanied by a question mark.

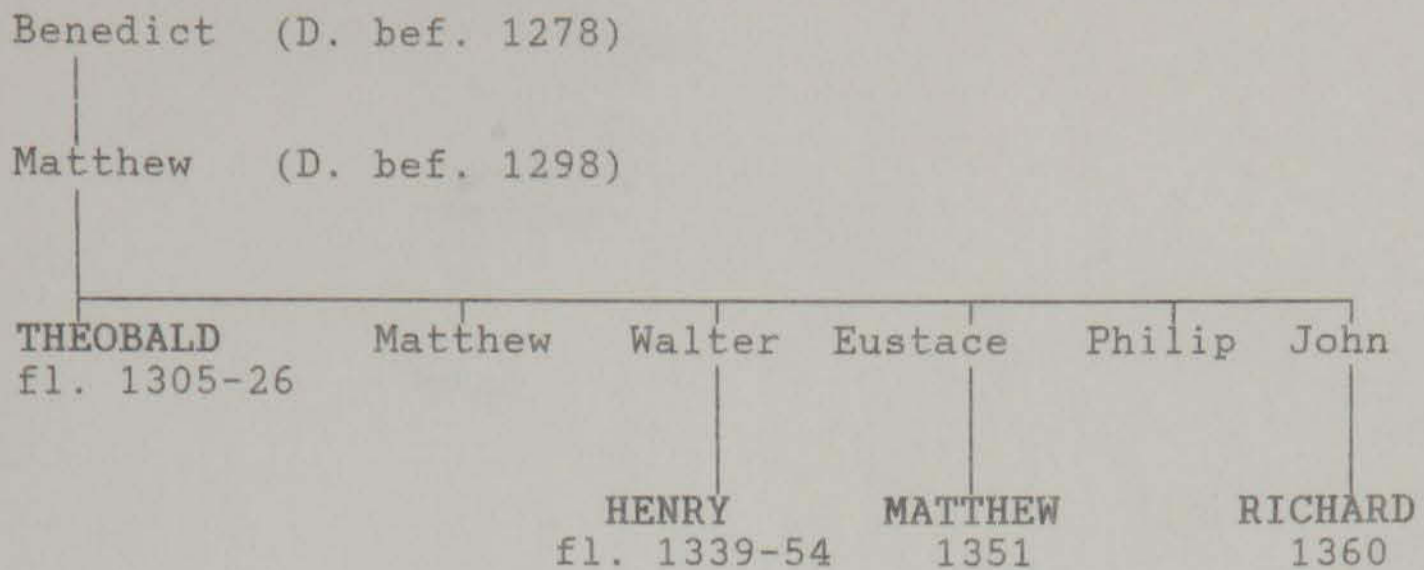
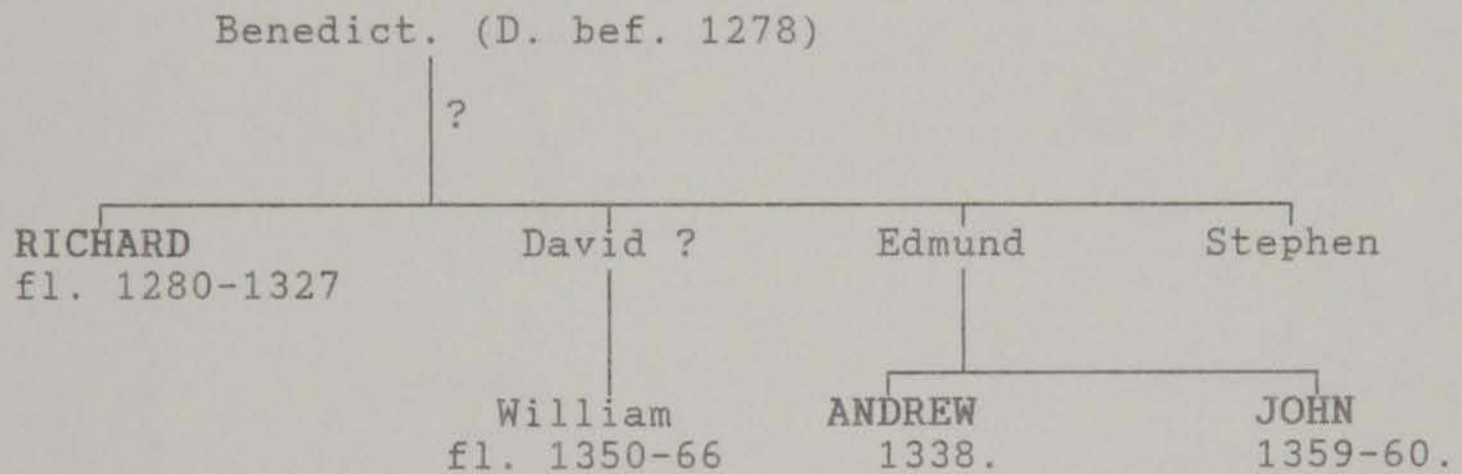
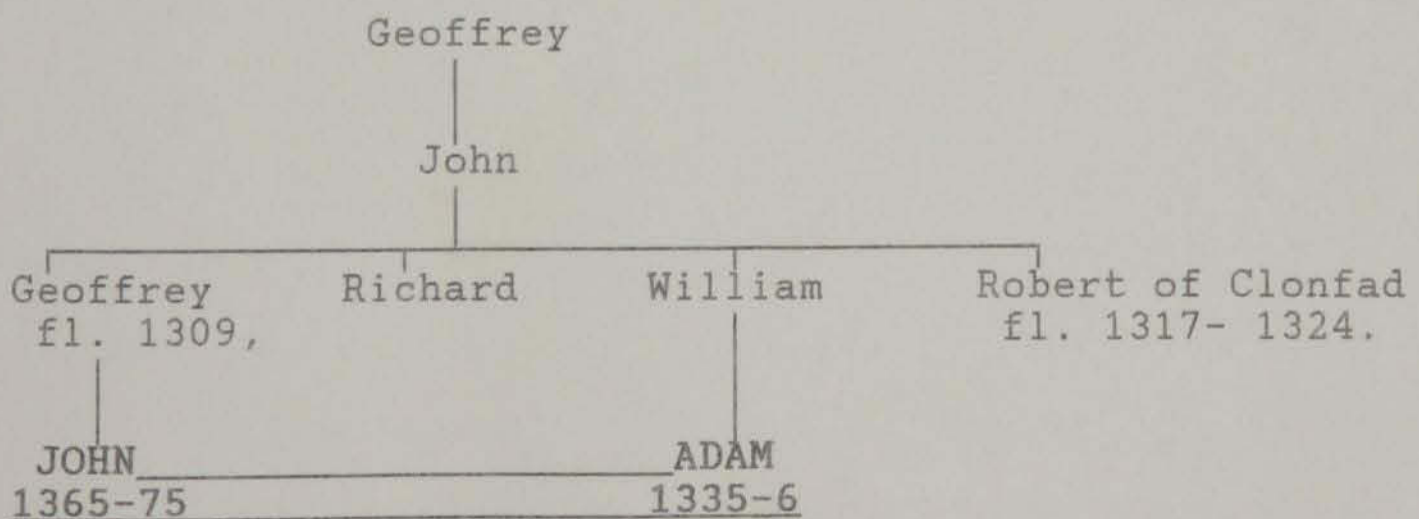
Abbreviations.	fl.	<u>floruit</u>
	D.	Died.
	H.	Hanged.
	bef.	before.

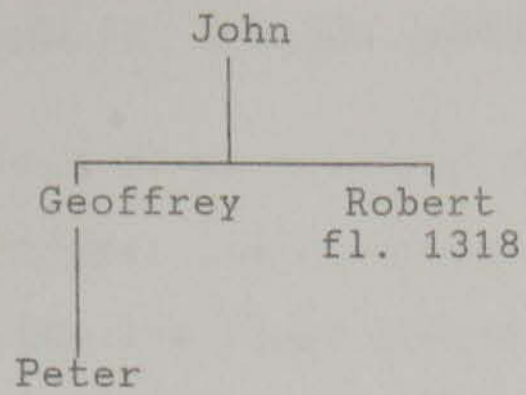
OJ off

The les Poers, barons of Donoil.

The les Poers of Moiset and Cork.

The les Poers of Grannagh and Kells.The les Poers of Kilmeadan.

The les Poers of Fenoagh.The les Poers of Islandbrick or 'Blakeman' les Poers.The les Poers of Ballydurne.

The les Poers of Clonfad

APPENDIX B. II THE LES POERS OUTSIDE WATERFORD

The les Poers never belonged to the first rung of Irish magnates.¹ Therefore, their strengths were regional rather than national. The les Poers were not confined to Waterford, either in landholding or in participation in local society, especially through office-holding. As the study has dealt with the politics and society of county Waterford, and the part played therein by the les Poers, rather than on the les Poers themselves, no attempt has been made to trace in detail the manner or circumstances by which lands were obtained. The details given below are by nature rather superficial and does not claim to be definitive.

While the les Poers held lands and offices in many areas, a core area of landholding and influence was apparent. This consisted of Waterford, south and central Kilkenny, south-east Tipperary and the cantred of Imokilly in east Cork. Outside this area, les Poer influence was less consistent, usually because their landed interest were too small and prominent members of the les Poers were not resident there on a permanent basis. Lands were held in Kildare, Dublin and Limerick but at no time did any member of the les Poers play any role in local administration there. Additionally, lands were inherited in Uriel and Wexford through marriage, but this did not lead to active participation in local government.

1. See Chapter 1, pp. 26-30.

Kilkenny

Outside Waterford, Kilkenny was the area in which the les Poers were most prominent. Two of the three baronial segments of the les Poers held lands there, while the lesser, gentry elements of the le Poer lineage were also to be found.

The les Poers of Kells and Grannagh, of whom Eustace I and his nephew Arnold were the leading figures, held most of their lands in Kilkenny. The central core of these were the three manors of Kells, Dunbrattin and Grannagh. These were held by Eustace le Poer and passed on his death to his nephew, who in turn obstructed Eustace's widow Ela in gaining her full dower.² Another manor that passed to him was Gracecastle, which was held by Eustace le Poer in 1305.³ In 1327 it was one of the manors attacked by Maurice fitz Thomas in his war against Arnold, possibly because of its position on the border with Kilkenny and Tipperary.⁴ Arnold's successor, Eustace, forfeited much of his inheritance following his participation in fitz Thomas' rebellion of 1345. The manor of Grannagh was subsequently granted to Walter de Bermingham in October 1346.⁵ In December 1358 Peter le Botiller was granted temporary custody of the

2. P.R.O.I. R.C. 8/6, pp. 478-9.

3. Cal. Orm. Deeds, I, p. 164, no. 418.

4. Butler (ed.), Clyn. Annals, p. 17.

5. R.P.H., p. 52, no. 70.

manor,⁶ and in 1375 to James, earl of Ormond.⁷ It has been noted how the earls of Ormond acquired both the lands and the position in Waterford society that had been held by Arnold and Eustace le Poer.⁸ At an earlier date, the les Botillers had been the recipients of grants by Eustace le Poer I; In 1303 the latter granted Edmund le Botiller the manor of Donaghmore.⁹

The other prominent segment of the les Poers in Kilkenny were those of Moiset. They held this manor throughout the thirteenth and fourteenth centuries.¹⁰ In common with the les Poers of Kells and Grannagh, these lands were held of the lord of the Liberty of Kilkenny. Thomas fitz John le Poer, a junior member of the les Poers of Moiset, held a half carucate at Keppaghbeg in the manor of Cloncurry.¹¹

Many lesser segments of the les Poers held lands in Kilkenny. These included the les Poers of Fenoagh. In 1312 Walter le Poer and his nephew Theobald held the parcels of Lochmoling and Ballilain of the baron of Overk.¹² In 1358 Nicholas le Poer of Kilmeadan held the parcel of Dunfinan of

6. R.P.H., p. 76, no. 126.

7. Cal. Carew Mss., IV, p. 396.

8. See Chapter 3, p. 123; and Chapter 5, pp. 210-1.

9. Cal. Carew Mss., IV, p. 347.

10. For the history of this manor see E. St. J. Brooks Knights' fees, pp. 179-81.

11. N. B. White (ed.), The Red Book of Ormond (Dublin, Irish MSS Commission, 1932), p. 30.

12. Cal. Carew Mss., IV, pp. 367-8.

the earl of Ormond's manor of Polroan.¹³ In 1392, Nicholas le Poer of Kilmeadan quit-claimed to Patrick le Poer all his rights in the lands of Dunfinan, Ballyhean and Ballyhee.¹⁴ These may have represented the lands that were originally held by Nicholas's ancestors before they were granted Kilmeadan.¹⁵ Both of these segments were from the eastern part of county Waterford, and landholding in Kilkenny was not unusual among the east Waterford gentry.¹⁶ The les Poers of Islandbrick were concentrated in central Waterford, between Dunhill and Dungarvan. However, they too held the land of Rathworby of the manor of the Rower.¹⁷

At an administrative level, members of branches of the les Poers of Kells and Donoil were seneschals of the liberty. The most famous was undoubtedly Arnold le Poer since he was seneschal at the time of the Alice Kyteler affair.¹⁸ His brother, John fitz Robert le Poer was also seneschal, though at an uncertain time in the late 1320s.¹⁹ Baron John fitz Peter le Poer was briefly seneschal of the liberty in

13. R.P.H., p. 68, no. 38.

14. Cal. Orm. Deeds, II, p. 220, no. 300.

15. See Chapter 3, p. 97.

16. See, for example, the case of Geoffrey fitz William fitz David. (Chapter 2, pp. 76-7.)

17. Cal. Carew Mss., IV, p. 367.

18. T. Wright (ed.), A Contemporary narrative of the Proceedings against Dame Alice Kyteler (Camden Society, Old series, 24, 1843), pp. 11-3. (Hereafter cited as Proceedings against Dame Alice Kyteler.)

19. P.R.O.I. Dep. Keeper's Rep. no. 43, p. 45.

1318.²⁰Tipperary

A number of members of the les Poers held lands in the county. Of these, the les Poers of Grannagh and Kells and their cadet branches were predominant. In 1313 Eustace le Poer I's heir was seised of the manor of Gracecastle and Balymaghe in county Tipperary.²¹ This was probably inherited from his father Robert as two of Eustace's brothers, John and Henry, also held lands in Tipperary. Thus in 1314 Henry le Poer held the land of Ballyglashin in the county.²² In 1323 both Henry and his brother John held land at Killalennan,²³ and in the following year Henry held land at Ballynokeston.²⁴ In 1303 Eustace le Poer also held land of the manor of Thurles.²⁵

Eustace le Poer was custos of the manor of Carrick at the time of his death in 1311.²⁶ In 1324 his kinsman Walter le Poer (perhaps Walter le Poer of Fenoagh) was referred to as 'Walter le Poer of Carrick', implying that he was a tenant there.²⁷ In 1308, John fitz Robert le Poer held the

20. R.P.H., p. 22, no. 76.

21. P.R.O.I. M. 2646, p. 100. This Gracecastle was distinct from its namesake in county Kilkenny.

22. *Ibid.*, p. 136.

23. *Ibid.*, p. 211.

24. *Ibid.*, p. 218.

25. N. B. White (ed.), Red Book of Ormond, p. 72.

26. P.R.O.I. R.C. 8/7, p. 199.

27. P.R.O.I. M. 2646, p. 237.

manor of Rathcool in the barony of Kiltinan.²⁸ In 1358 this manor was held by Walter le Poer.²⁹ The holdings of some of the les Poers in Tipperary were quite small. In the 1333 rental of the manor of Lisronagh, Amalric le Poer held only a house for which he paid 12d annual rent.³⁰

A number of members of the les Poers were sheriffs of the county. Richard le Poer of Islandbrick, the former sheriff of Waterford in 1311;³¹ John fitz Robert le Poer was sheriff of Tipperary at the time of his death in 1352;³² Edward le Poer, son of Eustace le Poer II was sheriff of the Ormond Liberty of Tipperary in 1399.³³ In April 1400 Edmund le Poer received a commission of the shrievalty of the cross of Tipperary.³⁴ Involvement could also take the role of custody of important escheats; Baron John le Poer of Donoil had also acted as custos of the temporalities of the archbishopric of Cashel in the early 1320s.³⁵

Strangely, Tipperary provided the one instance of activ-

28. Cal. Orm. Deeds, I, p. 163, no. 418.

29. R.P.H., p. 70, no. 80.

30. E. Curtis, 'The Rental of the manor of Lisronagh, 1333, and notes on "Betagh" Tenure in Medieval Ireland' in R.I.A. Proc., 43 C (1934), p. 49.

31. P.R.O.I. R.C. 8/14, p. 832; P.R.O.I. Dep. Keeper's Rep. no. 42, p. 13.

32. In Trinity term 1352 he paid 5 marks that he owed from his account as keeper of the D'Exeter manor of Affane. (P.R.O. E.101/242/12.)

33. N.L.I. Ms. 761, pp. 305, 306.

34. R.P.H., p. 157, no. 88.

35. N.L.I. Ms. 760, p. 343. In 1316 he had petition for the grant in return for his losses in fighting Edward Bruce. (Connolly, 'Ancient Peitions', p. 47.)

ity by any member of the les Poers that went against their pro-de Burgh stance.³⁶ In 1325 Richard de Burgh complained that a house and other buildings in his manor of Tipperary were burned and diverse crops and goods stolen by Matthew le Poer and John fitz Walter le Poer.³⁷ These were unlikely to have been members of a rogue, anti-de Burgh segment of the les Poers. Instead it is probably that he was an isolated individual that had broken away from the broader le Poer parentela.

Cork

The les Poers in Cork were represented solely by the descendants of Roger le Poer who also held lands in Moiset in Kilkenny. These were mostly in the manor of Inchiquin in eastern Cork. In the 1287 inquisition John le Poer (either John fitz William le Poer or his son John, future sheriff of Waterford) held 2 carucates at Balimackea rendering a sparrow-hawk or 6d and suit of court. The largest area of land was held at Shangarthe which consisted of 3 knights' fees with a rent of 12d and suit of court.³⁸ Apart from these lands that were held of the de Clares and then subsequently of the earls of Desmond, the Cork les Poers also held unspecified land of the episcopal manor of Cloyne.³⁹ In 1402,

36. For a brief discussion of the ties between the les Poers and de Burghs, see Chapter 5, p. 195.

37. P.R.O.I. R.C. 8/14, pp. 508-9.

38. Cal. Inq. P.M., II, pp. 429-30.

39. R. Caulfield (ed.), 'The Pipe roll of Cloyne' in Journal of the Cork Historical and Archaeological Society, 21 (1915), p. 92.

William le Poer and John fitz Robert were listed as among the burgesses of Cloyne.⁴⁰

The prominence of this branch of the les Poers in Cork political society was demonstrated by their involvement in local administration; John le Poer was sheriff in 1277⁴¹ and his grandson Roger fitz John le Poer was sheriff in the late 1320s.⁴² In 1317 his brother Thomas was also the sergeant of the cantred of Imokilly.⁴³ Roger's son Peter, who subsequently became sheriff of Waterford in 1355, had been appointed a custos pacis for the cantred of Imokilly nine years previously.⁴⁴

Limerick

Baron John fitz Peter of Donoil had acquired the manor of Glannagh of the Geraldines at some time before his death. In December 1334 the justiciar was ordered to take the manor and Castle of Glannagh into the king's hands, as a custody within a custody.⁴⁵ His grandson, John fitz Peter II, held the manor and castle there at his death in 1361.⁴⁶ The baron of Donoil also held the custody of a portion of Rich-

40. 'Pipe Roll of Cloyne', 23 (1917), pp. 167-8.

41. P.R.O.I. Dep. Keeper's Rep. no. 36, p. 43.

42. He received a commission of the office of sheriff in Michaelmas term 1325. (P.R.O.I. R.C. 8/14, p. 603.) In Michaelmas 1329 he was still sheriff when he was granted terms for paying his debts. (P.R.O.I. R.C. 8/22, p. 231.)

43. P.R.O.I. KB. 2/12, pp. 17-8.

44. R.P.H., p. 52, no. 52.

45. R.P.H., p. 40, no. 136.

46. N.L.I. Ms. 761, p. 198.

ard de Clare's lands and Askeaton Castle.⁴⁷

Wexford

Wexford was one of those areas where le Poer involvement was marginal. Sir George le Poer, one of the les Poers of Moiset and also briefly sheriff of the county, held the manor of Roscarlan (Rosegarland) for a short time in the 1330s because of his marriage to Matilda de Londres. These lands were apparently held in chief of the king. In 1346 following George's participation in the Desmond rebellion this manor was subsequently taken into the king's hands.⁴⁸ He also held with his wife one knight's fee of Stephen Devereux's manor of Adamstown, for the homage and services owed by George le Poer and his wife were granted by Stephen to his son Nicholas in the second decade of the fourteenth century.⁴⁹ However, no member of the les Poers held land there in their own right. At an administrative level, Arnold le Poer was briefly seneschal of Wexford in 1321.⁵⁰ No other member of the les Poers held any office within Wexford.

Kildare

Le Poer involvement in Kildare dated from the beginning of the fourteenth century. In August 1304, Arnold le Poer and his brother, sir John fitz Robert le Poer were granted 300 marks from the custody of the lands that had belonged to

47. P.R.O.I. Dep. Keeper's Rep. no. 45, p. 38.

48. Brooks, Knights' fees, pp. 103-5.

49. Ibid., p. 99.

50. Frame, English Lordship, p. 19.

Edmund Mortimer in the manor of Dunamask in west Kildare.⁵¹ In May 1316 Arnold received the gift of the royal manors of Castlewarny and Oughterard.⁵² These passed to his Eustace II who in the late 1330s sought to divest himself of some of these lands. In November 1341, Thomas Smoche and his wife Alice were pardoned their transgression in acquiring these manors from Eustace le Poer without receiving prior royal licence.⁵³ In December 1358 all the lands held by Eustace le Poer in Kildare were granted to Peter de Maloree.⁵⁴

The involvement of the les Poers had been occasionally violent. In 1309 the manor of a member of the Kildare gentry, sir John de Bonville, was attacked and murdered by sir Arnold le Poer.⁵⁵ Among those that were subsequently accused of helping Arnold were his cousin Milo le Poer and Theobald le Poer, a future sheriff of county Waterford. Arnold's retinue also included some members of the Waterford gentry, including Stephen Franceis, sir Richard Whittey and David Brun.⁵⁶

51. C.P.R., 1301-1307. p. 257.

52. Cal. Chart. Rolls, 1300-1326, p. 300.

53. C.P.R. 1340-1343, p. 393.

54. R.P.H., p. 76, no. 119.

55. Butler (ed.), Clyn. Annals, p. 11.

56. Cal. Justic. Rolls, Ire., III, p. 163.

Dublin

Eustace le Poer II held the manor of Dundrum until about 1339 when he granted it to Archbishop Alexander de Bickenor. In November 1341, he was pardoned his acquisition without royal licence for his service in fighting the O'Byrnes.⁵⁷

Uriel

Eustace le Poer II was married to Matilda, a daughter of John de Bermingham, earl of Louth.⁵⁸ She had inherited a third part of the manor of Ardee and in 1340 Eustace leased this to Roger and Robert Preston for his life.⁵⁹ These lands were obviously forfeited along with Eustace's other lands for in 1358, Arnold, son of Arnold le Poer was granted unspecified lands near Louth in Uriel by the king that had been held by Arnold's father until the time of his rebellion.⁶⁰

Carlow

Involvement by the les Poers in Carlow was largely administrative; Arnold le Poer was seneschal of the liberty of Carlow before 1324.⁶¹ The bishopric of Leighlin was the only one that was ever held by a member of the les Poers in the fourteenth century, Meiler le Poer being bishop of the

57. Calendar of ancient deeds and muniments preserved in the Pembroke Estate Office, Dublin (Dublin, 1891), p. 14, no. 32; R.P.H., p. 48, no. 153.

58. Butler (ed.), Clyn, Annals, p. 23.

59. Frame, English Lordship, p. 275.

60. R.P.H., p. 73, no. 40.

61. Proceedings against Dame Alice Kyteler, p. 13.

see from 1321 until his death in 1349.⁶² Meiler was a brother of Eustace le Poer I⁶³ and owed his early advancement in clerical circles to Eustace's influence. In August 1304 the king ordered the Irish Justiciar to provide Meiler with a benefice worth £40 because of the good service provided by Eustace in Scotland.⁶⁴

The manor of Kilmehide had been in the hands of Eustace le Poer II and his ancestors until his rebellion, when it was forfeited. In June 1358 it was granted by the King to Fulk fitz Fulk de la Freigne.⁶⁵ The les Poers of Moiset were probably landholders, though their holdings cannot be located. In 1305 Roger le Poer was one of the jurors of Carlow who participated in an inquisition regarding Roger Bigod's lands in Leinster.⁶⁶

Connacht

Le Poer involvement in Connacht included a mixture of active involvement and detachment from local affairs. In 1249 Peter fitz Henry le Poer participated in an attempt by Peter de Bermingham to pass from southern Roscommon through Feidhlim O Conchobhair's territory to Sligo.⁶⁷ The lack of

62. R.P.H., p. 29, no. 82; New History of Ireland, IX, p. 315.

63. The narrative concerning Alice Kyteler referred to him as the uncle of Arnold le Poer. (Proceedings against Dame Alice Kyteler, p. 11.)

64. C.P.R., 1302-1307, p. 218.

65. R.P.H., p. 76, no. 90.

66. Cal. Justic. Rolls, Ire., II, p. 41.

67. Annals of Connacht, pp. 96-9.

adequate material upon which a genealogical framework for the les Poers of the mid thirteenth century could be built prevents further identification of this le Poer or his relationship with the other branches of the family.

Other members of the les Poers were landholders in Connacht. John le Poer baron of Donoil held a knight's fee of waste land in Connacht at the time of his death in 1243.⁶⁸ The les Poers of Kells and Grannagh were also landholders in Connacht: John fitz Robert le Poer was sheriff of Connacht between 1296 and 1298.⁶⁹ In 1337 his namesake and nephew sued Maghnus O Dubhda over a disputed claim to the advowson of the church of Castle Connoghor in Connacht.⁷⁰ This may indicate that the lands of the les Poers in Connacht were in Sligo. John fitz Robert le Poer also had connections with the d'Exeters and the de Burghs, acting as custos of the manor of Affane on several occasions.⁷¹ It must be remembered, though, that despite these connections with Connacht, the les Poers never established a segment of the family there.

68. C.C.R., 1241-1247, p. 233.

69. P.R.O.I. Dep. Keeper's Rep. no. 38, p. 48.

70. P.R.O.I. M. 2648, p. 87.

71. John fitz Robert le Poer held the custody of the lands of Stephen d'Exeter's lands following the latter's death in 1317. (P.R.O.I. Dep. Keeper's Rep. no. 45, p. 24.) He accounted for the issues of the manor of Affane in November 1347 and Trinity term 1348 (P.R.O. E.101/241/14; 241/17). In 1365 it was stated that John fitz Robert le Poer had been granted a commission of the lands of William de Burgh but had not rendered an account before his death. (P.R.O.I. R.C. 8/29, p. 12.)

APPENDIX C. I. THE HONOUR OF DUNGARVAN

The term 'Honour' of Dungarvan was first recorded in 1235.¹ F. W. Maitland considered an Honour to be any large group of knights' fees and was similar to though not equal with a barony.² This interpretation was later challenged by Professor Stenton who felt that the difference, in twelfth-century England at any rate, was a technical one. An honour need not have any legal or technical definition at all, he argued, but rather be any territory that provided its holder with honour and prestige at a political level,³ while Professor Richardson and Mr Sayles argued that the term was applied to any complex of manors in Twelfth century England that was held by one lord but which had a common court.⁴ Some of these definitions could be applied to the lands of Dungarvan. The Honour comprised a number of knights' fees while the territorial extent and the prestige it gave its holders. However, it appears that a hundred court was held in the manor of Comeragh in 1298 as well as in the manor of Dungarvan.⁵

Dungarvan was certainly not as extensive as baronial

1. P.R.O.I. Dep. Keeper's Rep. no. 35, p. 36.

2. Pollock and Maitland, A History of English Law, I, pp. 259-60.

3. F. M. Stenton, The First Century of English Feudalism: 1066-1166 second edition, (Oxford, 1961), p. 259.

4. H. G. Richardson and G. O. Sayles, The Governance of Medieval England (Edinburgh, 1963), pp. 36-8.

5. P.R.O. E.101/233/6; H. Sweetman (ed.), Cal. Doc. Ire., IV, p. 260.

Honours in England, such as the de Clare Honours of Gloucester, Clare and Tonbridge that included numerous manors and hundreds.⁶ By contrast the Honour of Dungarvan included only two manors, the large and extensive manor of Dungarvan, and the small manor of Comeragh. Other manors probably existed at a sub-manorial level. The lands held by Jordan d'Exeter were organised on a manorial basis. However, this did not form part of the manor as in January 1299 it was recorded in the inquisition post mortem at Dungarvan that Jordan d'Exeter claimed to hold his manor directly of the king.⁷ The d'Exeters paid their rent directly to the Exchequer as part of the rent of Decies paid by all those who had been enfeoffed of royal land in Waterford and there is no reference that they were bound to attend the court of the Honour.⁸ The manor of Dungarvan also contained holdings that were extensive in their own right, such as the land held by William le Waleis which was described as the theodum of Glenahiry in 1232⁹ and 1299.¹⁰ The various inquisitions gave the names, rents and extents of the tenants of the Honour of Dungarvan and in common with all such sources they had nothing further to say about the internal organisation of the larger tenements such as those of the Walenses. It is probable though,

6. M. Altschul, A Baronial family in Medieval England: the de Clares 1217-1314 (Baltimore, 1965), pp. 207-8.

7. P.R.O. E.101/233/6; H. Sweetman (ed.), Cal. Doc. Ire., IV, p. 262.

8. See, for example, P.R.O. E.101/232/7, 232/18, 232/24; E.101/233/7.

9. C.C.R., 1231-1234, p. 61.

10. P.R.O. E.101/233/6; H. Sweetman (ed.), Cal. Doc. Ire., IV, p. 262.

that le Waleis' holdings were organised on a manorial basis complete with demesne land and free tenants.

The Honour was quite extensive, encompassing a large part of west and south-west Waterford, the only other comparable landholder in the area being the bishopric of Lismore. (see Map 1.) Indeed, it was viewed even in the fifteenth century as 'del auncient temps le trespluis graund auncient honor perteignant au Roy deinz cest terre'.¹¹ The Honour was also more compact than its English namesakes, as the smaller manor of Comeragh bordered the manor of Dungarvan on the east.



In the Treaty of Windsor of 1175, the lands between Waterford and Dungarvan were reserved for the king, yet the lands were referred to in a very vague sense that gave no indication of the extent of infeudation that was occurring throughout the county.¹² The Treaty of Windsor was silent about the lands of the les Poers and those in the east of the county held by the ancestors of the gentry. Indeed, little of its history is known beyond its continuation in royal hands until 1215. Record of only one enfeoffment has survived, namely by King John to the abbot and monks of the Benedictine abbey of Tewkesbury in Gloucester, of the theodum of Oveagh 'in the port of Lismore near the sea'.¹³ The lands that subsequently comprised the Honour

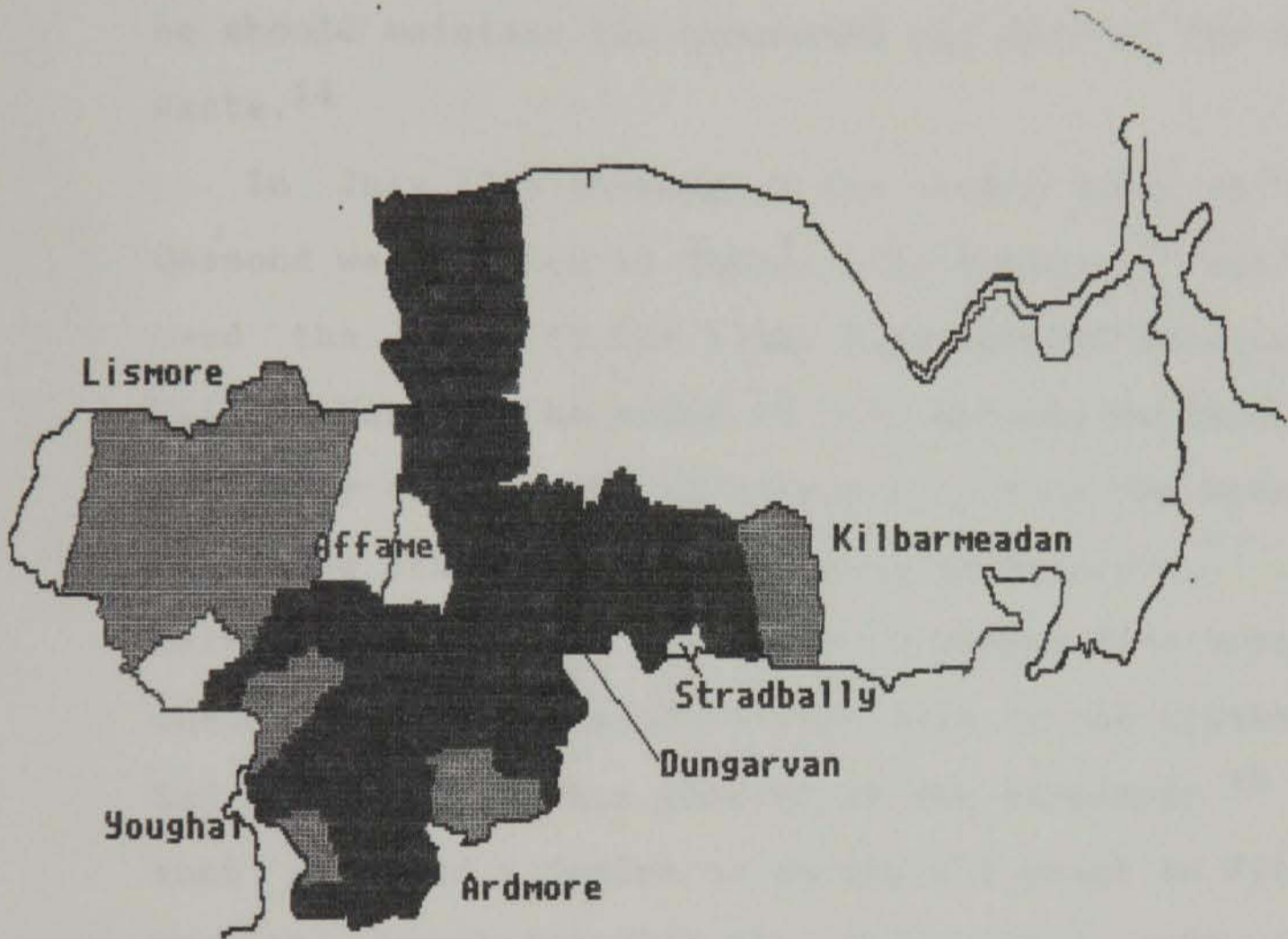
11. Berry, Statutes, Edward IV, I, p. 56.

12. Gesta Henrici secundi Benedicti abbatis edited by W. Stubbs, I (London, Rolls series, 1867), p. 103.

13. Rot. Litt. Claus., I, p. 575.

THE HONOUR OF DUNGARVAN.

-  **The manors of Dungarvan and Comeragh, c. 1300.**
-  **Lands of the diocese of Lismore.**



included reasonable arable land and upland pasture, as well as extensive woodlands, especially in the Knockmealdown and Comeragh mountains. However, the lands were probably exempt from infeudation as they were originally intended as a royal forest. As late as May 1227 Richard de Burgh was granted custody of the forest of Decies with the added warning that he should maintain the greenwood and deer of the forest from waste.¹⁴

In July 1215 custody of the king's lands of Decies and Desmond was granted to Thomas fitz Anthony.¹⁵ who probably owed the grant to the links that existed between him and William Marshal the elder.¹⁶ Fitz Anthony proceeded to make a number of substantial alienations from the demesne land, to, among others, John d'Evereux or Devereux,¹⁷ and the extensive theodum of Glenahiry.¹⁸ Thomas fitz Anthony's custody was terminated in June 1223 on the pretext that he had not presented his charter at the exchequer.¹⁹ The cause that prompted a desire to revoke the grant to fitz Anthony was the knowledge that fitz Anthony had made large-scale alienations. He had been granted custody of those lands that

14. Rot. Litt. Claus., II, p. 186.

15. See below, Document A., pp. 419-21.

16. See Chapter 6, p. 243.

17. For the grant to Devereux and the subsequent descent of the manor to the d'Exeters, see Chapter 1, pp. 34.

18. In September 1230 William le Waleis offered 60 marks for confirmation of his grant, which was initially rejected. (C.C.R., 1227-1231, p. 449.)

19. Rot. Litt. Claus., I, p. 549.

would normally have devolved to the king as escheats in 1215, but the mandate to the Irish Justiciar in June 1223 stated that he had withheld these from the King, thereby implying that he had viewed them not as temporary custodies at all. There were also complaints that he had diseised tenants who had been granted lands there before 1215. These included the abbot of Tewkesbury. In October 1223 the Irish justiciar was ordered to inquire whether King John had enfeoffed the former and his monks of the theodum of Oveagh prior to the grant to Fitz Anthony.²⁰

The Honour of Dungarvan subsequently passed through the hands of a number of keepers in the subsequent decade; In June 1223 custody was granted to John Marshal, the first cousin of William Marshal the younger,²¹ while in 1226 custody of both the Honour and castle of Dungarvan was granted to Richard de Burgh.²² At some time before his death in 1229 the right of fitz Anthony to the lands of Dungarvan was restored. It was as the heirs of fitz Anthony that the Desmond Geraldines acquired their interest in Dungarvan by John fitz Thomas' marriage to the former's daughter, Margery.²³

After fitz Anthony's death custody of the Honour was

20. Rot. Litt. Claus., I, p. 575. The outcome of the inquisition is not known, but the later inquisitions did not contain any reference to the abbey of Tewkesbury and that of 1299 listed Oveagh as being predominately demesne land.

21. Ibid., p. 549.

22. Ibid., II, p. 162.

23. See Chapter 1, p. 21.

resumed by the King. In 1235 the sheriff of Waterford accounted for its issues.²⁴ However, royal custody had been temporarily broken in July 1232 when custody of the lands of Decies, with the vill of Dungarvan, was granted to Pierre des Rivaux, one of the king's Poitevin favourites.²⁵ In November 1259 Lord Edward granted to John fitz Thomas the lands of Decies and Desmond,²⁶ though it is impossible to establish whether John fitz Thomas or his wife had received seisin of any part of the Dungarvan lands prior to this date. In the event, John fitz Thomas did not live long enough to establish any presence within Waterford, as he was killed less than two years later at the hands of Finghin Mac Carthaigh and the resurgent Irish of Desmond.²⁷

The Honour then reverted to its earlier status as a royal holding under the immediate supervision of the sheriffs of county Waterford.²⁸ This was in contravention of the terms of the grant to John fitz Thomas, which specified that it was only to revert to the king if the former left only a female heir or no heir at all at his death.²⁹ Maurice fitz John, his son, had died at the battle of Callan, but his grandson, Thomas fitz Maurice, had a rightful claim. The

24. P.R.O.I. Dep. Keeper's Rep. no. 35, p. 36.

25. Cal. Chart. Rolls, 1226-1257, p. 167.

26. See below, Document B., pp. 421-2.

27. Orpen, Normans, III, p. 141.

28. See Chapter 6, p. 242.

29. See below, Document B., p. 422.

reversion of the Honour to the king was apparently due to the strong opposition that the grant had engendered among official circles in Ireland. An inquisition of 1278 related how Stephen de Lungespée, the justiciar at the time of the grant, had opposed the generosity of Lord Edward, stating that the latter had been deceived by fitz Thomas, and he had urged him to seek the advice of his council in England.³⁰ Furthermore, the rent that fitz Thomas was to pay at the Irish exchequer for his vastly increased holdings was minuscule. His death provided an opportunity to revoke the grant and all his lands were forfeited by the Justiciar on the grounds that he had never received seisin from any of the Lord Edward's bailiffs in Ireland. Opposition from official circles continued into the 1280s when Thomas fitz Maurice attained his majority. In June 1284 he was granted custody of counties Cork and Waterford, along with the castle of Dungarvan,³¹ but this grant was reversed before the appointment of Robert de Stapilton in February, 1285, probably due to the opposition of bishop Stephen de Fulbourne.³² It was not until February 1292 that Thomas recovered the Honour,³³ but like his grandfather he was not to enjoy them for long as he died in June 1298.³⁴

30. Cal. Inq. P.M., II, p. 160, no. 281.

31. C.C.R., 1281-1292, p. 123.

32. H. Sweetman (ed.), Cal. Doc. Ire., III, no. 18, p. 18.

33. See below, Document C., pp. 422-4.

34. P.R.O. E.101/233/6; H. Sweetman (ed.), Cal. Doc. Ire., IV, p. 254.

Thomas' widow Margaret married shortly after his death, without receiving royal licence.³⁵ The lands of her first husband were forfeited due to this trespass, yet in April 1299 they were temporarily replevied to Margaret and her new husband Reginald Russel.³⁶ The Honour of Dungarvan was set aside for Margaret and Reginald as the rents due from Dungarvan were deducted from the overall extent of Thomas fitz Maurice's lands.³⁷ It is unclear whether this was to act as her dower lands, for their value was worth well above one-third of the overall extent of Thomas fitz Maurice's lands in Munster.³⁸ It is more likely that Margaret's claim to them during her lifetime stemmed from being jointly seised of them with her late husband. Certainly, while the couple stayed in Ireland, Dungarvan, and the Russels' manor of Moyrode in particular, was their place of residence.³⁹

These lands remained in the hands of Margaret and Reginald until the early 1320s. Her son, Maurice fitz Thomas, the future earl of Desmond, had come of age in 1312 but his attentions were initially directed to the Geraldine manors

35. See Appendix E., p. 448.

36. Cal. Justic. Rolls, Ire., I, p. 238.

37. P.R.O. E.101/233/6; H. Sweetman (ed.), Cal. Doc. Ire., IV, p. 258.

38. See below, p. 410, n. 75.

39. Margaret and Reginald were residing there at the time of the abortive kidnap staged by sir Stephen le Poer in 1311. (Cal. Justic. Rolls, Ire., III, p. 190.)

in Kerry.⁴⁰ The first indication of a transfer of interest to Maurice fitz Thomas came in Easter term 1324 when it was noted on the Irish Pipe roll that Maurice owed his rent of the purparty of Decies for that term and one and a half years previously.⁴¹ His acquisition of the lands of Dungarvan was probably due to the death of his step-father, Reginald Russel the last recorded reference to whom was in 1323 when he accounted for the issues of the chief sergeantcy of Cork.⁴²

Possession of the Honour of Dungarvan remained a barometer of the political fortunes of Maurice fitz Thomas for the rest of his life. It was forfeited after the latter's confrontation with sir Anthony de Lucy in 1331 and custody of the castle and surrounding lands was granted to Hamo Gascoin, Adam le Poer and John de Stapilton.⁴³ This experience was once again to befall Dungarvan when, following the earl's second rebellion in 1345, the lands of Dungarvan, Decies and Kilmanaghan with the castle of Dungarvan were granted to John Moriz.⁴⁴ However, in November 1349 Maurice

40. In 1312 the escheator, Walter de Istelep, claimed that he had received nothing from the lands of Thomas fitz Maurice in Kerry, because Maurice fitz Thomas had entered them illegally. (P.R.O.I. Dep. Keeper's Rep. no. 39, p. 60.) This complaint was repeated by his successor, John Dufford. (Ibid., p. 64.)

41. Ibid. no. 42, p. 40.

42. Ibid. no. 42, p. 61. He had certainly died before Hilary term 1328 when his widow Margaret sued Adam le Poer under her maiden name, Margaret de Berkeley. (P.R.O.I. R.C. 8/15, pp. 100-1, 133-4.)

43. P.R.O.I. Dep. Keeper's Rep. no. 44, pp. 25-6.

44. R.P.H., p. 51, no. 32.

fitz Thomas was placed in possession of his former holdings.⁴⁵ Following his death in January 1356, his widow, Avelina had to wait over two years until she received dower from his lands.⁴⁶ These must have included the Honour of Dungarvan for in Easter term 1360 she paid rent from her portion of Dungarvan.⁴⁷

Beatrice, widow of Maurice fitz Maurice the second earl, also received lands in dower. In Michaelmas 1358 the sheriff of Waterford was ordered not to levy the debts owed by Maurice to the Irish exchequer from his widow's dower lands.⁴⁸ In August of that year the Irish escheator was ordered to deliver custody of all Maurice's lands to Ralph earl of Stafford, Beatrice's father, until the lawful age of Maurice's heirs.⁴⁹ This was in direct contradiction of a grant made one month earlier to Maurice's brother Gerald of custody of all castles, lands and manors in the counties of Munster.⁵⁰ The grant to the earl of Stafford never took effect. Not only had Maurice fitz Maurice and Beatrice left no heirs but Gerald, the future third earl, could deal far more effectively with the disturbed conditions of Munster

45. C.P.R., 1348-1350. p. 434.

46. R.P.H., p. 69, no. 66. The document transcribed by Tresham contained numerous lacunae and as it was incomplete, lacked a date. However, the date of February 10th 1358 for her dower was provided by another document from later that year. (Ibid., p. 70, no. 78.)

47. P.R.O. E.101/244/4.

48. P.R.O.I. R.C. 8/27, p. 303.

49. R.P.H., p. 69, no. 54.

50. Ibid., p. 72, no. 11; N.L.I. Ms. 3, Harris' Collectanea, fol. 20.

than the absentee Earl of Stafford.

After the recovery of Gerald fitz Maurice of the Dungarvan lands (saving those lands held by Avelina and Beatrice) he held them for over forty years until his death in 1398; the longest single term for which the lands were ever held. The presence of dower-lands combined with political involvement in west Munster led to a decline in the interest of Gerald fitz Maurice in Waterford,⁵¹ and a corresponding drop in the level of tension in the area between Gerald and the earls of Ormond. Once this Geraldine indifference was reversed in the early 1390s with the growing involvement of Gerald's son John and his election as sheriff in February 1393 the Honour of Dungarvan provided a platform for activities against the earls of Ormond.⁵² Dungarvan was a victim of the unstable situation in Waterford in the final years of the fourteenth century. In 1399 during King Richard's second visit, Dungarvan castle was attacked by elements accompanying his retinue.⁵³

The manor of Dungarvan itself was divided between the normal categories of tenants and five of Professor Otway-Ruthven's six groups of manorial inhabitants can be identified.⁵⁴ The fullest account, namely the inquisitions of July 1298 and January 1299 mentioned free tenants, gavellers and

51. See Chapter 4, pp. 146-7.

52. See Chapter 7, pp. 307-8.

53. K. W. Nicholls, 'Late Medieval Irish Annals: Two Fragments', in *Peritia*, 2 (1985), p. 92.

54. A. J. Otway-Ruthven, *A History of Medieval Ireland*, pp. 109-113.

burgesses, as well as those who rented their land for short periods who corresponded to the farmers while the Hibernici were presumably analogous with betaghs. Extensive demesne lands which were scattered throughout the Honour amounted to seven villates while over eleven and three quarter villates were described as the lands of the Irish.⁵⁵ The lands in demesne actually increased between 1262 and 1299,⁵⁶ though this was not caused by a desire by the holders to exploit manorial resources more effectively as was found in thirteenth-century England.⁵⁷ Furthermore, the actual amount of land that was under cultivation was declining; No less than twenty five carucates lay waste in 1299 because they were viewed as too poor to take up by other tenants. More worrying was the fact that an even larger parcel of land, a villate near Cordun, lay waste because no one would hold it because of robbers.⁵⁸

The 1262 extent listed the names of forty four tenants, including William le Waleis, though no indication was given as to whether they were all free tenants. The position of the tenants with regard to suit of court was not mentioned in any instance.⁵⁹ In 1298-9 there were thirty free tenants

55. P.R.O. E.101/233/6; H. Sweetman (ed.), Cal. Doc. Ire., IV, p. 261.

56. For example, a villate that was held by Richard de Bycampton in 1262 was accounted for as demesne in 1299.

57. See M. M. Postan, The Medieval Economy and Society (London, 1972), pp. 110-16.

58. P.R.O. E.101/233/6; H. Sweetman (ed.), Cal. Doc. Ire., IV, p. 261.

59. Curtis, 'Sheriffs' accounts', pp. 2-4.

in the manors of Dungarvan and Comeragh. This figure included le Waleis who held some lands apart from the theodum of Glenahiry but it excluded Jordan d'Exeter's manor of Affane. Eighteen of these tenants owed suit of court, and only three were referred to as knights; John le Poer, Reginald de Dene and Maurice Russel. However, there were at least eight others who were termed knights in later sources. When these figures are compared with the one-tenth of a knight's fee by which the whole of the lands of Decies and Desmond were held by John fitz Thomas, or the half of a knight's fee by which they were held by his grandson, it is clear that substantial profits could be made through the exploitation of royal service.⁶⁰ Landholdings of widely different extents were represented, from the theodum of William le Waleis, which was probably a separate manor in itself, to a parcel of forty acres held by sir Philip Christopher. He was only one of those whose landed interests were concentrated elsewhere.⁶¹

At some time between 1261 and 1298 the holdings were reorganised and a new manor, with its caput at Stradbally was formed from the more easterly lands of the Honour, especially those in the foothills of the Comeragh mountains. This was considerably smaller than the larger manor of Dungarvan. It contained very little demesne land, and the largest single parcel was made up of three quarters of a

60. See below, Documents B and C.

61. P.R.O. E.101/233/6; H Sweetman (ed.), Cal. Doc. Ire., IV, pp. 262-3.

villate that was leased to betaghs.⁶² The number of tenants was also smaller, as there were only six free tenants. It is unclear whether a separate manorial administration was established for the in Comeragh though a separate hundred court at the vill of Stradbally existed in 1298.⁶³

At the centre of the Honour and its administration stood the vill of Dungarvan. In 1262 and 1299 the burgesses rendered a yearly rent of £13 13s 4d.⁶⁴ If an approximate rent per burgage plot of 1s is accepted, the vill of Dungarvan contained 273 burgages. While it is possible that some burgesses held more than one burgage plot, the figure still points to a large urban settlement with a population of around a thousand people. The early development of the vill is unknown as the first specific reference came in September 1205 when King John confirmed a grant of lands made by Meiler fitz Henry to the canons of the abbey of Connell which included five burgage plots in Dungarvan.⁶⁵ Ten years later the king granted his burgesses of Dungarvan the liberties of Breteuil.⁶⁶ The vill was in an advantageous position as the main port for a wide rural hinterland. It

62. P.R.O. E.101/233/6; H. Sweetman (ed.), Cal. Doc. Ire., IV, p. 259.

63. Ibid.; Sweetman op. cit., p. 260.

64. Curtis, 'Sheriffs' accounts', p. 2; P.R.O. E.101/233/6; Sweetman (ed.), Cal. Doc. Ire., IV, p. 263.

65. Rotuli Chartarum, p. 157.

66. Ibid., p. 211.

was an important fishing-port,⁶⁷ and was also involved in coastal trade with Cork.⁶⁸ As a consequence of possessing a grant of the customs of Breteuil, the inhabitants of Dungarvan possessed a degree of internal self-government, headed by a praepositus or provost.⁶⁹ This official, as well as presiding over the court of the vill, was also in control of the various dues and customs levied on goods coming to the vill.⁷⁰ The citizens were naturally anxious to preserve their liberties, especially when faced by seigneurial autocracy. In September 1331 they complained to sir Anthony de Lucy that the 'liberties' granted by the King were usurped by Maurice fitz Thomas who caused them to be tried by juries composed of fishermen of the town.⁷¹

The vill, despite its subordinate position within the Honour, had to seek royal licence to impose any extraordinary taxation on trade. The most important of these taxes were murage, pontage and pavage. In 1308 the king granted the citizens pontage for three years because he had been

67. The 1262 rental mentioned the fisheries of the vill of Dungarvan (Curtis, 'Sheriffs' accounts', p. 2) while the 1299 rental stated that the lord of the manor had prisage of fish in the vill. (P.R.O. E.101/233/6; H. Sweetman (ed.), Cal. Doc. Ire., IV, p. 261.)

68. In 1313 a sailor of Cork was robbed in Peter Tany's house in Dungarvan. (Cal. Justic. Rolls, Ire., III, p. 280.)

69. In May 1344 writs were sent to the mayors of all Irish towns and to the praepositus and bailiffs of Dungarvan, to publicise a royal prohibition on travel outside the land of Ireland. (R.P.H., p. 44, no. 44.)

70. See M. Bateson, 'The law of Breteuil' in English Historical Review, 15 (1900), p. 310.

71. 'Legal proceedings', p. 16.

told that they were poor and the work of bridge construction 'lacked charges'.⁷² They were bound to account for such extraordinary taxation at the Irish exchequer, and failure to do so led to amercement, as in 1333 and 1336 when the collectors of the pontage were amerced.⁷³ Such construction work, despite the professions of poverty, exemplified the dynamic nature of the vill in the early fourteenth century, which was obviously attempting to capitalise on commercial opportunities. However, the difficulties of the mid-fourteenth century, especially in the hinterland of the vill, necessitated defensive measures. Between October and December 1356 the king granted unspecified taxes on certain items coming to Dungarvan for sale, in order to facilitate the construction of a stone wall.⁷⁴ The fact that this allowance was to last for twenty years implied that coastal trade to Dungarvan had started to suffer a decline.

The extent to which these fluctuations in the fortune of the vill were reflected in overall manorial revenue is unknown. In its heyday the combined rents from vill and Honour were high. In 1262 the total of receipts amounted to £390 10s,⁷⁵ while by 1299 the combined receipts of the manors of Dungarvan and Comeragh had fallen to £270 11s 8d which was slightly above forty five per cent of the total of

72. Cal. Justic. Rolls, Ire., III, p. 55.

73. P.R.O.I. Dep. Keeper's Rep. no 44, p. 25 and Ibid. no. 45, p. 39.

74. R.P.H., p. 65, no. 38.

75. Curtis, 'Sheriffs' accounts', p. 4.

£595 for the whole of the Desmond lands.⁷⁶ Even the money from the Dungarvan lands easily covered the 200 marks annual rent that was imposed on Thomas fitz Maurice in 1292 for all his lands in Munster.⁷⁷

Custody of the lands of Dungarvan was usually accompanied by custody of the castle of Dungarvan. The castle was probably built in the early years of the thirteenth century and served as an administrative base in the early years of the decade during the more violent phases of the dispute between the diocese of Lismore and Waterford. For example, at some time before 1211 bishop Malachy of Lismore was captured by the 'seneschal' or steward of the bishop of Waterford, Roger fitz Christopher, and incarcerated in Dungarvan Castle.⁷⁸ In July 1215 Thomas fitz Anthony received custody of the castle. This initiated a precedent that was followed in most subsequent grants of the Honour. Similarly, when the lands were in the king's hands, the constablenesship of the castle was usually held by the keeper of the Honour, who was in turn, usually the sheriff of the county. This custody was necessitated by the position of Dungarvan castle as the county jail in the later thirteenth and early fourteenth centuries.⁷⁹ In 1290 Reginald Brun complained that the former sheriff, Robert de Stapilton had

76. P.R.O. E.101/233/6; H. Sweetman (ed.), Cal. Doc. Ire., IV, p. 258.

77. See below, Document C., p. 424.

78. M. P. Sheehy (ed.), Pontificia Hibernica, I (Dublin, 1962), p. 155, no. 73.

79. See Chapter 6, p. 242.

imprisoned him there in order to force him to sell some of his lands to Robert.⁸⁰ During the brief incumbency of Thomas fitz Maurice of Desmond as locum tenens of the Irish justiciar, the castle received felons from further afield. For example In October 1295, Walter le Bret of Tipperary was imprisoned there,⁸¹ while in the following year two members of the Mac Carthaigh escaped from the castle.⁸² In January 1325 the sheriff and coroner were ordered to release a certain William le Hore who had been incarcerated there.⁸³ A corollary of its use as a place of confinement was the security that it could provide. During the abortive kidnaping of Margaret de Berkeley by Stephen le Poer, the hapless Margaret was brought to the castle after she had been 'rescued' by baron John le Poer of Donoil.⁸⁴

The constable of the castle was entitled to a fee, but payment was occasionally slow. In July 1281 John de Baskerville complained that he had been impoverished because he had not received payment for his term as constable. Despite royal orders to the Irish treasurer to rectify the situation,⁸⁵ he had not received payment at the time of his

80. Cole, Documents illustrative of the History of England, p. 80.

81. Cal. Justic. Rolls, Ire., I, p. 60.

82. S. Mac Airt (ed.), Annals of Inisfallen (Dublin Institute for Advanced Studies, 1947), pp. 308-9.

83. R.P.H., p. 31, no. 52.

84. Cal. Justic. Rolls, Ire., III, p. 193.

85. C.C.R., 1279-1288, pp. 94, 157.

death.⁸⁶ In 1299 it was accounted for as a member of the Honour of Dungarvan, when the jurors stated that the castle was unroofed and nearly ruinous, though a new tower was being constructed.⁸⁷

Custody of the Honour, when it passed out of royal hands, involved a large-scale abdication of most royal interests into the hands of the grantee. However, the rectory of Dungarvan was one area where the crown was reluctant to resign its interests. This was not just another ecclesiastical living for it was referred to in 1441 as a 'rectoria sive plebania', or prebend, though whether it held this position prior to the various grants to the archbishop of Cashel is unclear.⁸⁸ The incumbent held a right of presentation to the churches within the Honour, and freedom from the latter was taken to mean that the right of presentation had passed out of the hands of the rector. Before September 1234 Geoffrey de Turberville complained that John Devereux and William le Waleis (both of whom had been recipients of Fitz Anthony's alienations) had usurped the rights of presentation to the churches of their manors.⁸⁹ However, it was not clear whether Turberville was complaining in the capacity of rector of Dungarvan or as the deputy to Chancellor Ralph

86. In April 1285 the Irish treasurer was ordered to pay John de Baskerville's widow the money owed to her husband as constable of Dungarvan Castle. (C.C.R., 1279-1288, p. 389.)

87. P.R.O. E. 101/233/6; H. Sweetman (ed.), Cal. Doc. Ire., IV, p. 261.

88. Rev P. Power (ed.), 'Obligationes pro Annatis Diocesis Lismorensis, 1426-1529' in Archivium Hibernicum, 13 (1946), p. 17.

89. C.C.R., 1231-1234, p. 596.

Netterville.⁹⁰

The crown retained its control of the rectory during the thirteenth century, though in the fourteenth it passed out of royal hands for the first time. In April 1318 the advowson of the rectory was granted to the archbishop of Cashel, in return for the latter's provision of a site for a prison.⁹¹ This grant was reversed in May 1322 when King Edward stated that the earlier grant was due to deception.⁹² As the grant to the archbishop of Cashel was due in part to the support of Roger Mortimer, the later revocation may have been due to the latter's political eclipse in England. In 1329 advowson of the rectory was granted to Maurice fitz Thomas;⁹³ This was the only occasion upon which custody of the Honour and the rectory were tied, and after fitz Thomas' first forfeiture of the Honour, it was never again granted to him. In 1332, the earlier grant to the archbishop of Cashel was revised, the only difference being that the grant was not to be terminated by the election of an Irishman to the see.⁹⁴

Those who were appointed rectors were never from the diocese of Lismore. The first whose identity is known was Master Geoffrey de Bristol who in September 1205 was granted

90. Richardson and Sayles, Administration of Ireland, p. 92.

91. C.P.R., 1317-1321, p. 137.

92. Ibid., 1321-1324, p. 114.

93. See below, Document D. i, p. 425.

94. C.P.R., 1330-1334, p. 492; Sayles, Affairs of Ireland, p. 244; Connolly, 'Ancient Petitions', p. 45.

the rectory with its chapels in frankalmoign for life.⁹⁵ Some subsequent rectors, especially during the reign of Edward I, probably owed their position not to the king himself but to his wife and his chief confidant respectively. In October 1286 a Spaniard, Alfonso de Medina, was appointed rector.⁹⁶ His provision was probably due to Edward's wife, Eleanor of Castile. It is uncertain whether he ever visited Dungarvan for in February 1293 he received a pardon for remaining in England for three years.⁹⁷ In April 1294 he appointed two other Spaniards, Millán de Santo Domingo and García Fernandez, as his attorneys in Ireland, but it is doubtful whether they resided in Dungarvan either.⁹⁸ His successor, Aymo de Quarto, probably a Savoyard, had served as precentor of the Cathedral of Lyons and provost of Lausanne⁹⁹ before his appointment in October 1295.¹⁰⁰ He owed his appointment to contacts with sir Otto de Grandison, for in 1298 the latter went to Rome in de Quarto's company.¹⁰¹ Like his predecessor, he avoided Dungarvan, being granted protection while remaining in

95. Rotuli Chartarum, I, p. 158.

96. C.P.R., 1281-1292, p. 196.

97. Ibid., 1292-1301, p. 10.

98. Ibid., p. 65.

99. Ibid., pp. 3, 99.

100. Ibid., p. 151.

101. Ibid., p. 339.

England.¹⁰² Dungarvan did not mark the highlight of de Quarto's career, for after his resignation of the rectory in March 1304, he became bishop of Geneva.¹⁰³

A number of the fourteenth century rectors came from an administrative background. In 1336 the rector was John de Balscot.¹⁰⁴ He had been a chamberlain of the exchequer in the late 1320s, and after his spell in Dungarvan he went onto become locum tenens of the Irish treasurer on two occasions in the 1340s and 1350s.¹⁰⁵ Robert Brun, who was rector in the early 1360s, had become the constable of Carlow castle by 1375.¹⁰⁶ In 1381 the rector was Ralph de Beltesford;¹⁰⁷ he had been a canon of St. Patrick's in Dublin¹⁰⁸ and was employed at the same time as his incumbency in Dungarvan in the payment of wages in Carlow.¹⁰⁹ Some of these individuals maintained links with the diocese. In March 1355 John de Balscot became a pledge for a fine paid by the chapter of Lismore to elect a bishop, though it is not clear whether he was still rector at the time.¹¹⁰

102. C.P.R., 1281-1292, pp. 208, 241.

103. Ibid., 1301-1306, pp. 218, 448.

104. P.R.O.I. Dep. Keeper's Rep. no. 44, p. 58.

105. Richardson and Sayles, Administration of Ireland, pp. 103, 121; P.R.O.I. R.C. 8/26, pp. 616-7.

106. R.P.H., p. 90, no. 129.

107. Ibid., p. 117, no. 62.

108. Ibid., p. 94, no. 160.

109. Ibid., p. 118, no. 103.

110. Ibid., p. 58, no. 5.

The links between these rectors and their rectory are uncertain. Robert Brun, who was appointed in 1360, experienced the dangers of a visit to his rectory when he was kidnaped by one Thomas Adure or Odyre and detained for six weeks in the vicinity of Thurles pending payment of a ransom.¹¹¹ Ralph de Beltesford had closer contacts with Waterford prior to becoming rector, though he was not apparently a native of the area. In Trinity term 1366 he rendered the arrears of former sheriff Nicholas le Poer at the exchequer, as well as some other amercements.¹¹² He had also been granted custody of the lands of sir Walter de Mandeville before Easter 1369.¹¹³

Custody of the vast lands of the Honour was not the only asset that people such as fitz Anthony or fitz Thomas enjoyed as the grants were always given with the 'custody' of the counties of Munster and the chief sergeancies of these counties. The custody involved either the right to hold the shrievalty oneself, as happened when the custodies were granted to John fitz Thomas in 1259 and Maurice fitz Thomas in 1329,¹¹⁴ or the right to appoint an individual to that post. The sheriff for the period after the grant of 1292 was Maurice Russel, who was a close associate of fitz Maurice,

111. R.P.H., p. 78, no. 78; P.R.O. E.101/244/2.

112. P.R.O. E.101/244/9.

113. In that term the sheriff of Waterford was ordered to attach de Beltesford and his pledges because he had not rendered an extent of the lands. (P.R.O.I. R.C. 8/30, pp. 68-9.)

114. Appendix A., pp. 364 and 367, n. 43.

though no record of Russel's appointment by fitz Maurice survives.¹¹⁵ The other administrative asset was the chief sergeancies of the counties of Cork, Waterford and Kerry. This was a largely supervisory post, even though it allowed the holder to appoint the individual cantred sergeants.¹¹⁶

Custody of the county had initially included custody of all royal lands within it, including those that were outside the Honour. Maurice fitz Thomas claimed in 1326 that the manor of Kilmeadan had been part of the lands granted to his great-grandfather in 1259.¹¹⁷ In 1292, when the lands of Dungarvan were granted to Thomas fitz Maurice, four individuals who were not tenants of the Honour of Dungarvan, were to hold their lands of him and pay him the rent of Decies that they had formerly paid to the king.¹¹⁸ These were people who had been enfeoffed of royal lands since the death of John fitz Thomas; Robert de Stapilton had been granted lands in Decies in 1281,¹¹⁹ while Jordan d'Exeter had inherited the lands of Affane through his marriage to the heiress of John Devereux.¹²⁰

Custody of the Honour gave to its holder a very powerful position within Waterford society. Not only was it the

115. Appendix A., p. 365.

116. See Chapter 6, p. 269.

117. P.R.O.I. R.C. 8/15, p. 157.

118. See below, Document C., p. 424.

119. C.F.R., 1272-1307, p. 167.

120. See Chapter 1, p. 34.

largest and richest single holding within the county, but it was usually accompanied by grants of administrative influence, either through the shrievalty or the chief serjeantship. Custody solely of the Honour would have entitled the holder to an important place in Waterford politics in its own right, but when this was combined with custody of other lands throughout Munster, it helped to consolidate its holder's membership among the primary echelon of the Lordship's political establishment.

APPENDIC C. II. SELECTED CHARTERS CONCERNING THE CUSTODY OF
DUNGARVAN

A. The charter of 1215 to Thomas fitz Anthony.

Johannes Dei gratia Rex etc. Sciatis nos dedisse et concessisse, et hac carta nostra confirmasse, dilecto et fideli nostro Thome filio Antoni et heredibus suis custodiam comitatus Waterfordie, cum custodia castrorum nostrorum de Waterfordie et de Dungarvan, et cum custodia omnium dominicorum nostrorum de eodem comitatu, excepta civitate nostra Waterfordia. Concessimus eciam eidem Thome et heredibus suis quod habeant in custodia sua omnes escaetas dicti comitatus, que nunc sunt in manu nostra, vel que processu temporis incident in manum nostram vel heredum nostrorum, ita quod de rationabilibus exitibus earundem escatarum ad scaccarium nostram Dublinie respondeant donec vel per finem vel alio modo extra manum nostram dimisserimus. Dedimus eciam et concessimus eidem Thome et heredibus suis custodiam comitatus Desmonie cum civitate Corkagie, quantum ad nos pertinet, et cum custodia omnium dominicorum nostrorum de eodem comitatu Desmonie. Concessimus eciam eidem Thome et heredibus suis quod habeant in custodia omnes escaetas de ipso comitatu Desmonie, que nunc sunt in manu nostra, vel que processu temporis incident in manum nostram vel heredum nostrorum, et quod habeant absolute rationabiles exitus earundem escatarum ad ballivas et ad castra nostra predicta custodienda, donec per finem vel alio modo escaetas illas extra manum nostram dimisserimus, reddendo nobis et heredibus nostris ipse et heredes sui ad scaccarium nostram

Dublinie singulis annis pro predictis comitatibus de Waterfordia et Desmonia, et civitate Korkagie, quantum ad nos pertinet, ducentas et quinquaginta marcas ad duos terminos, scilicet, ad festum sancti Michaelis cente et viginti quinque marcas et ad Pascha cente et viginti quinque marcas, pro omnibus serviciis; et sciendum quod idem Thomas et heredes sui custodient comitatus predictos, et castra predicta et terras nostras tam in marchia quam alibi infra comitatus predictos ad custum suum, salva semper nobis et heredibus nostris singulis annis predicto redditu ducentarum et quinquaginta marcarum. Si autem idem Thomas vel heredes sui castrum aliquod firmaverint ad securitatem terre nostre in aliqua escaeta que nos contigerit dum fuerit in custodia sua ille cui nos vel heredes nostri escaetam illam reddiderimus per finem vel alio modo reddet eis rationabile custum, quod per visum legalium hominum in castra illa firmando posuerit, vel securitatem eis faciet de custo illo eis reddendo priusquam inde dissaisantur. Concessimus etiam eidem Thome et heredibus suis quod habeant medietatem rationabilium prisarum de vinis in civitate Waterfordie, quas ibi habere solebamus, et quod ipse et heredes sui attachient, per se vel per ballivos suos, omnia placita corone nostre in eadem civitate tanquam constabularius civitatis nostre. Quare volumus et firmiter precipimus quod prefatus Thomas et heredes sui habeant et teneant imperpetuum de nobis et heredibus nostra comitatum et civitatem Corkagie, quantum ad nos pertinet, et custodias predictas, bene et in pace, libere et quiete, integre et hono-

rifice, in omnibus locis et rebus cum omnibus libertatibus et liberis consuetudinibus suis, per prenominatum servicium sicut predictum est. Testibus, domino H[enrico]. Dublinie archiepiscopo, H. Imelacensis episcopo, W[ilhelmo] Marescallo comite Pembrocie, W[ilhelmo]. comite Sarum, H[uberto]. de Burg justicio nostro Anglie, Wilhelmo Briweri, Gaufrido de Nevill, Gaufrido de Marisco, Rogero Pipard, Radulpho Parvo, Waltero de Ridelesford. Datum per manus magistri Ricardi de Mariscis cancellarie nostri, apud Merleberge, tercio die Julie anno regni nostri decimo septimo.¹²¹

B. The grant of Lord Edward to John fitz Thomas, 1259.

Edwardus regis Anglie primogenitus dedit Johanne filio Thome pro homagio et servicio suo, omnes terras Dessie et Desmonie, cum omnibus ballivis, redditibus, vicecomitibus et ceteris omnibus que in manu dicti Edwardi tunc fuerunt, que quandam fuerunt Thome filii Antonii patris Margerie uxoris predicti Johhanis, una cum custodia castri de Dungarvan in feodo, et de quibus idem Thomas vestiti fuit ex donacione Johannis regis et obiit seysitus; habendum et tenendum eidem Johanni et heredibus de dicto Edwardo et heredibus imperpetuum, cum omnibus pertinenciis, prout prefatus Thomas ea melius tenuit et uberius; salvo dicto Edwardo et heredibus advocacione ecclesie de Dungarvan cum capellis suis; reddendo pro eisdem dicto Edwardo et heredibus 500 marcas per annum ad scaccarium Dublinie; videlicet

121. Rotuli Chartarum, p. 210.

1/2 ad pascha et 1/2 ad f[estum sancti] michaelis; et faciendo decimam partem feodi unius militis pro omnibus servi-
 ciis; ita quod si forte guerra comunis fiat in Hibernia, vel dictus Edwardus aut heredes certan suspicionem [] versus prefatum Johannem vel heredes (quod absit) idem Johannes aut heredes reddant dicto Edwardo aut heredibus predictam castrum de Dungarvan tenendum quamdiu communis guerra ibi fuerit, vel [donec] suspicio illa racionabiliter fuerit sopita; et si predictae terre et alia predicta, una cum custodia predicti castri, descenderint ad heredem femineam, dictus Edwardus aut heredes dictan castrum teneant quousque heres masculis successerit vel eadem femina fuerit maritata. T[este], Waltero episcopo Wigornie et aliis, 7 [die] nov[embris]. a[nno] r[egni] r[egis] Henrici 44.¹²²

C. The grant of 1292 to Thomas fitz Maurice.

Edwardus Rex (recitus quod inspexerat cartam per quam Johannes Rex Anglie avus suus dederat Thome filio Antoni custodiam comitatus Waterfordie et Desmonie cum custodio castrorum Waterfordie et Dungarvan et eciam omnium dominicorum suorum comitatuum predictorum, excepta civitate Waterfordie, habenda donec idem Rex vel heredes sui ea per finem vel alio modo extra manus suus dimisserunt; reddendo inde ad scaccarium Dublinie 250 marcas per annum; et recitandum quod Henricus Rex Anglie, pater suus, postquam predicti

comitati, castra, terre et tenementi ad manus suas devenerunt, habita diu seisinam eorundem, ipse nunc regem de eisdem comitatibus, castris, terris et tenementis cum pertinentiis feoffasset, habenda ipsi regi nunc et heredi ita quod non seperentur a corona Anglie; et quod rex postea, dum infra etatis fuerunt, de comitatibus una cum custodia castri de Dungarvan Johannem filium Thome feoffasset habendum eidem Johanni et heredi sui imperpetuum, reddendum 500 marcas per annum ad scaccarium predictam; de quibus quidem terris et tenementis comitatus predictos cum hiis que ad eosdem pertinent (ratione feoffamenti predicti sic infra etatis facti, et intrusionis quam predictus Johannes fecit in eisdem, sine liberatione regis seu ministrorum ejus per preceptum ejus) versus Thomam filium Johanne heredem predicti Johannis, in curia regis per considerationem ejusdem curie regis recuperavit; et residuum terrarum et tenementum predictorum cum pertinentiis, quod in manu predicti Thome remansit et quod ... in curia regis ibidem Thome filius Mauricie regi reddidit ut jus suum); in considerationem servitorum dedit eidem Thome filio Mauricio et Margarete uxore ejus consanguinee regis omnes terras predictas Deeis et Dessemonie quas predictus Thomas reddidit, ut predictum est; simul cum custodia predicti castri de Dungarvan; et cum omnibus bedellaris, redditibus, firmis, sectis curiarum, serviciis, liberis consuetudinibus, et cum homagio, redditibus et serviciis omnium tenencium tam Anglicorum quam Hibernicorum ad dictam terram pertinendam (Tresham has pertinenc'), et omnibus aliis pertinentiis suis, adeo integre sicut predic-

tus Thomas ea tenuit; habendum ipsis Thome et Margarete et heredibus Thome per serviciis medietatis feodi unius militis, et reddendo per annum ad scaccarium Dublinie 200 marcas ad [festum] Pasche, et [ad festum Sancti] Michaeli imperpetuum; salvis regi crociis in eisdem terris existentur, et comitatus predictis, et placitis et perquisitis et aliis que ad comitatatum illos et coronam pertinent; et salvis Waltero de la Haye, Johanni de Weylond, Jordano de Exonia, et heredibus Roberti de Stapleton, tenuris suis ex feoffamento regis; ita quod de homagiis suis per tenuris predictis regi sint intendentes et de serviciis et aliis redditibus predicto Thome et Margarete et heredibus Thome respondeant; et quod redditus et firme libere tenencium predictorum, qui redditus et firmas suas per manus suas proprias ad scaccarium reddere solent, qui redditus prefato Thome, in firma sua ad predictum scaccarium allocari consueverunt, eidem Thome et Margarete et heredi Thome de cetero sicut prius allocentur imperpetuum; et ita quod predicti Thomas et Margareta et heredes Thome in bedelariis predictis tales bedellos preficiunt pro quibus respondere voluerint et qui vicomitibus comitatus ad ea execeundo? que ad officium suum pertinent et ad commodum regis intendentes sint et respondentes imperpetuum. Teste R[oberto] episcopo Bathone et Wallensis, et aliis, Westmonasterio, 6 die februarie a. r. 20.¹²³

123. R.P.H., p. 2, no. 17.

D. i. The Grant of advowson of the church of Dungarvan to Maurice fitz Thomas.

Pro Mauritio Fitz-Thomas, in comitem de Desmond
praefecto.

Rex ad omnibus ad quos etc. salutem. Sciatis quod, pro bono et laudabili servicio quod dilectus et fidelis noster Mauritius Fitz-Thomas, de Hiberniam (quam in comitem de Dessemound tam in Hiberniam) praefecimus nobis et progenitoribus nostris hactenus impendit, et nobis impendet in futurum; ut ipse statum et honorem comitis decentius valeat continere;

Dedimus ei et concessimus, pro nobis et heredibus nostris, advocacionem ecclesiae de Dungarvan in Hibernia, habendam et tenendam eidem comiti et heredibus suis, de nobis et heredibus nostris, imerpepetuum.

In cujus rei, etc.

Teste Rege, apud Glouc', 27 die augusti.

Per breve de privato sigille.¹²⁴

D. ii. Cancellation of the debt of Dungarvan.

Pro eodem Mauritio Fitz-Thomas.

Rex, omnibus ad quos etc., salutem. Sciatis quod, pro bono et laudabili servitio quod dilectus et fidelis noster Mauritius fitz-Thomas de Hibernia, [prout supra usque haec verba, videlicet]

Remissimus ei et pardonavimus pro nobis et heredibus nostris, ad totam vitam suam, redditus ducentarum marcarum

124. Rymer, Foedera, II, no. 1, p. 770.

per annum, qui vocatur redditus de Dungarvan, quem redditum ipse per manus suas, pro quibusdam terris quas de nobis tenet, et alii de eo tenent in Hibernia, ad scaccarium nostrum Dublinie reddere consuevit annuatim;

Volentes et concedentes pro nobis et heredibus nostris, quod idem comes, ad totam vitam suam, de solutione redditus praedicti sit quietus; ita quod, [post mortem praedicti comitis, redditus praedictus nobis et haeredibus nostris, ad dictum scaccarium solvatur, sicut hactenus solvi consuevit.

Remissimus etiam et pardonavimus eidem comiti omnia arreragia ejusdem redditus, quae nobis debentur ad scaccarium praedictum, tam de tempore nostro quam de temporibus progenitorum nostrorum praedictorum, et ipsum de arreragiis illis, tenore praesentium, quietamus.

In cujus etc. (Same date and place as above.)

APPENDIX D. THE SOCIAL AND ETHNIC DISTRIBUTION OF CRIME

The aim of this appendix is to show the breadth of criminal activity in Waterford in the period 1295-1325. This is only a chronological cross-section which is dependent on the calendars of Justiciary and plea rolls. Thus a picture of the evolution of criminality cannot be produced. A survey that merely presented the ethnic and social background of the perpetrators of crime would seriously underestimate the complexity of local society and I have constructed a number of statistical tables that aim to show the ethnic and social background, not only of the perpetrators of crime and violence, but also the backgrounds of their victims. The statistical tables correspond with each printed volume of the Calendar of Justiciary rolls and the unpublished manuscript calendars of the Public Record Office of Ireland.

The division of criminal acts used below bears no relation to the legal divisions between felony and trespass. The first category includes violent crime, such as murder, assault, rape and burglary. I have also included all robberies where violence was employed. The second category includes petty thefts and larcenies where violence was not used or threatened, in many instances because the victims were unaware that the thefts had taken place. Both these tables have been arranged according to both perpetrator and victim. The social and ethnic background of the perpetrator is to be found along the vertical axis of the tables while that of the victim is along the horizontal axis.

The social and ethnic categories follow those that have received individual treatment in the thesis. The 'Other' category includes those that can be adequately identified as English but who did not belong to any of the other social categories. It includes those that have been classified as belonging to the 'sub-gentry'.¹ The category of 'mixed' has different meanings in the vertical and horizontal axes. 'Mixed' perpetrators refer to a group, even of two people of different social and ethnic background, who jointly committed a crime and were jointly indicted. 'Mixed' victims include both cases where no victim was named individually, and also a criminal or criminal group who were indicted for a series of crimes against people of different ethnic background. The 'uncertain' category refers firstly to those whose identity is not known because of lacunae or illegibility in the original sources or those whose identity cannot be satisfactorily established. There is additionally a third instance when victims are assigned to this category, namely when criminals were indicted but no victim was specified.

The heading 'Economic background' must not be taken out of context as it does not attempt to indicate the economic background of all those indicted. The only occasion when the exact economic status of a criminal and his assets was given was when that individual was hanged and his goods (if any) were forfeited. It is therefore not a satisfactory summary of the economic background of criminals. As nearly

1. See Chapter 2, pp. 88-90.

all of those referred to in the table were hanged, it does, however, emphasise the legal bias that existed towards those who were not able to pay amercements or who did not have a patron in the local baronage or gentry prepared to stand as a pledge for them.

Of the various plea rolls and their contents that have been quantified, the last is the most unsatisfying from a statistical point of view as only five cases involving criminal activity occurred in the roll, though there were twice as many involving disputes over land and dower.² However, one conclusion can be drawn from a statistical analysis of the small number of criminal cases. Violence and crime activity were rife within the surname and lineage elements of local society, sometimes within the one lineage, as three of the five instances involves attacks by the les Poers on members of their own lineage.³

Political as opposed to apolitical crime always belonged to the area of violent crime. Yet even here, the number of politically motivated crimes was small. Only five had political motivations and these were all murders in which the victim was a member of the gentry and where those subsequently indicted were members of a gentry or baronial lineage or were associates of the latter. There were numerous other criminal acts that were indirectly political. For

2. Of the nineteen cases listed, fourteen were concerned with pleas of debt, land and dower. (P.R.O.I. R.C. 8/14.)

3. *Ibid.*, pp. 483, 484, 491.

example, the exactions made by members of baron John and Arnold le Poer's retinue on the countryside of county Waterford were apolitical in their primary motivation. The crime originated from a desire for food, shelter and money. However, as associates of le Poers, they were an essential factor in the preservation of the les Poers' power in Waterford.

A clear preference in favour of amercement instead of hanging emerges from these statistics. Of the 195 individual sentences handed down between 1295 and 1318, only twenty-seven were death penalties. sixty-one were amerced, and seventy-two were acquitted. Irishmen were more likely to be hanged than any other group; of the twenty-seven hanged, twenty were Irishmen. This does not represent legal discrimination against the Irish, for thirteen were amerced, and seventeen acquitted.

Abbreviations.

Ir. Irish; Br. Members of baronage. Gen. Members of Gentry.

Srn. Members of lineage.

Oth. Other English of sub-gentry or lower status.

Wel. Welsh. Ost. Ostmen. Mxd. Mixed victims.

Unc. Victims' identity unknown and / or ethnic background unclear.

1295-1303.⁴Violent crime etc.

	Ir.	Br.	Gen.	Lin.	Oth.	Wel.	Ost.	Mxd.	Unc.
Irish				1					1
Bar.									
Gen.									
Lin.			1		1				2
Oth.									
Wel.									
Ost.									
Mxd.									1 1
Unc.					1				1
			1	1	2				1 5

Petty crime etc.

	Ir.	Br.	Gen.	Lin.	Oth.	Wel.	Ost.	Mxd.	Unc.
Irish	1	2	1	1			1	1	7
Bar.									
Gen.									
Lin.								1	1
Oth.		1		2					3
Wel.									
Ost.									
Mxd.			1						1
Unc.		1						1	2
	1	4	2	3			1	3	14

Economic Standing.

No free lands or chattels	7
No land but chattels upto 10s.	0
Chattels above 10s.	0

Receipt of felons.

	Ir.	Br.	Gen.	Lin.	Oth.	Wel.	Ost.	Mxd.	Unc.
Irish									
Bar.									
Gentry.								1	
Lin.				1					
Oth.									
Wel.									
Ost.									
Mxd.									1
Unc.				1				1	1

4. J. Mills (ed.), Calendar of the Justiciary Rolls, Ireland., I (Dublin, 1905).

Punishments.

	Ir.	Br.	Gen.	Lin.	Oth.	Wel.	Ost.	Mxd.	Unc.
Death	4				1				6
Amerced. Recomitted.									1
Fled attachm.				1					1
Acquitted.	3			1	1				7
	7			2	2				14

(No one sought benefit of clergy.)

1305-07.⁵

Violent Crime etc.

	Ir.	Br.	Gen.	Lin.	Oth.	Wel.	Ost.	Mxd.	Unc.
Irish Bar.									
Gentry.		3			1			1	5
Lin.		1	2					1	4
Oth.	1				1				2
Wel.									
Ost.									
Mxd.	2							1	3
Unc.	1							1	2
	4	4	2		2			4	14

Petty crime etc.

	Ir.	Br.	Gen.	Lim.	Oth.	Wel.	Ost.	Mxd.	Unc.
Irish Bar.									
Gentry.		1							1
Lin.			1		1				2
Oth.									
Wel.									
Ost.									
Mxd.									
Unc.		1	1		1				3

Economic background.

No free land or chattels.	0
No land but chattels upto 10s.	1
Chattels above 10s.	0

5. J. Mills (ed.), Calendar of the Justiciary Rolls, Ireland, II, (Dublin, 1914).

Punishment

	Ir.	Br.	Gen.	Lin.	Oth.	Wel.	Ost.	Mxd.	Unc.
Death.									
Amerced			1	1					1 3
Fled attach.									
Recommitted.				2					2
Released on mainprise.									1 1
Acquitted.				1	1				2
			1	4	2				1 8

Receipt of felons.

	Ir.	Br.	Gen.	Lin.	Oth.	Wel.	Ost.	Mxd.	Unc.
Irish									
Bar.									
Gentry.									
Lin.									
Oth.					1				
Wel.									
Ost.									
Mxd.									
Unc.									

Background of those seeking benefit of clergy.

Irish	
Bar.	
Gentry.	
Lin.	2
Others	
Welsh	
Ostmen	
Mixed	
Unc.	1

1308-1314.⁶Violent crime.

	Ir.	Br.	Gen.	Lin.	Oth.	Ost.	Wel.	Mxd	Unc	
Irish	2		1	4	2				5	14
Bar.								1		1
Gen.				1					3	4
Lin.	1		5	1	3				1	11
Oth.					2			3	1	6
Ost.									1	1
Wel.							1			1
Mxd.	1		1	2						4
Unc.				1	1					2
	4		7	9	8	1		4	11	44

6. M. C. Griffith (ed.), Calendar of the Justiciary Rolls, Ire-
land., III (Dublin, 1956).

Petty crime

	Ir.	Br.	Gen.	Lin.	Oth.	Ost.	Wel.	Mxd.	Unc.	
Irish	5	1		2			2	2	3	15
Bar.	1									1
Gen.			1					1	2	4
Lin.	1			1			1		1	4
Oth.	6		1	1	6				4	18
Wel.			1					1		2
Ost.			1					2		3
Mxd.	1		1							2
Unc.			3	1	2				1	7
	14	1	8	5	8		3	6	11	56

Economic standing.

No free land or chattels	6
No free land but chattels to 10s	1
ditto but over 10s	1

Nationality of those seeking benefit of clergy.

Irish	3
Lineage	1
Uncertain	1

Receipt of felons.

	Ir.	Br.	Gen.	Lin.	Oth.	Ost.	Wel.	Mxd.	Unc.
Irish	4								1
Bar.									
Gen.	3			1					
Lin.	1			1				1	1
Oth.				3			1		
Wel.							2	1	
Ost.						1			
Mxd.									
Unc.	2								1

Punishment

	Ir.	Br.	Gen.	Lin.	Oth.	Wel.	Ost.	mx.	unc.	
Death	8					1			1	10
Amerced	12		5	14	6	2	1	2	3	55
Recomitted to prison			1	1						2
'Diet'				1	2	2				5
Fled attachment										
Mainprised			1			1			1	3
Acquitted.	12		3	2	7	3	2	6	5	40
	32		10	18	15	9	3	8	10	115

1313-15.⁷Violent crimes.

	Ir.	Br.	Gen.	Lin.	Oth.	Wel.	Ost.	Mxd.	Unc.
Irish									
Bar.									
Gen.									1 1
Lin.	2			3	1				6
Oth.	1				2				3
Wel.									
Ost.									
Mxd.	2		1					1	4
Unc.	5		1	3	3			1	1 14

Petty crimes, etc.

	Ir.	Br.	Gen.	Lin.	Oth.	Wel.	Ost.	Mxd.	Unc.
Irish									
Bar.									
Gen.		1			1				2
Lin			1						3 4
Oth.									
Wel.									
Ost.									
Mxd.									
Unc.		1	1		1				3 6

Economic standing.

No free land or chattels							1	
No land but chattels upto 10s.							1	
Both							0	

(In this roll there were no cases of receipt of felons.)

1316-17.⁸Violent Crimes.

	Ir.	Br.	Gen.	Lin.	Oth	Wel.	Ost.	Mxd.	Unc.
Irish				1	2	2			5
Bar.			1						1
Gentry					1				1
Lin.						1			1
oth.		1							1
Wel.									
Ost.									
Mxd.									
Unc.		1	1						2
		2	2	1	3	3			11

7. P.R.O.I. KB. 2/5, pp. 18-124.

8. P.R.O.I. KB. 2/8, pp. 13-94.

Petty crimes.

	Ir.	Br.	Gen.	Lin.	Oth.	Wel.	Ost.	Mxd.	Unc.	
Irish			1	1		1		2	1	6
Bar.										
Gen.										
Lin.		1			1				1	3
Oth.			1							1
Wel.					1					1
Ost.										
Mxd.										
Unc.			1						1	2
		1	3	1	2	1		2	3	13

Economic background of criminals.

No chattels									7
No free land but chattels upto 10s									0
									1
Both.									0

(there were no incidences in this roll of receipt of felons.)

Punishment.

	Ir.	Br.	Gen.	Lin.	Oth.	Ost.	Wel.	Mxd.	Unc.	
Death	4								1	5
Amerced.	1		2							3
Recom. to gaol.										
Fled. attachm.										
Mainprised.	2		3	7	2		3		2	19
Acquitted.	1			1	2			1	2	7
	8		5	8	4		3	1	5	34

(No individual from Waterford sought benefit of clergy.)

1317-18.⁹

Violent Crimes.

	Ir.	Br.	Gen.	Lin.	Oth.	Ost.	Wel.	Mxd.	Unc.	
Irish.			1	1	1			2	1	6
Bar.										
Gen.								1		1
Lin.	1		1	1					2	5
Oth.	2				2		1			5
Ost.										
Wel.										
Mxd.					1		1	1		3
Unc.			1		1					2
	3		3	2	4		2	4	3	17

Petty crimes.

	Ir.	Br.	Gen.	Lin.	Oth.	Ost.	Wel.	Mxd.	Unc.	
Irish.									1	1
Bar.										
Gen.										
Lin.										
Oth.										
Ost.										
Wel.										
Mxd.					1					1
Unc.					1				1	2

Economic standing of criminals.

No chattels or free lands.	4
No free land but chattels upto 10s.	0
Above 10s.	0

Punishment.

	Ir.	Br.	Gen.	Lin.	Oth.	Ost.	Wel.	Mxd.	Unc.	
Death	4				2					6
Amerced.										
Mainprised.										
Recom.			1							1
Fled attch.										
Pardoned					1					1
Acquitted.	1		1	5	4		1	2	2	16
	5		2	5	7		1	2	2	24

Receipt of felons.

	Ir.	Br.	Gen.	Lin.	Oth.	Ost.	Wel.	Mxd.	Unc.
Irish.	1								
Bar.									
Gen.			1						
Lin.	1			1					
Oth.					1				2
Ost.									
Wel.								1	
Mxd.									
Unc.									

(There were no seekers of benefit of clergy.)

Easter 1325.¹⁰Violent Crime.

	Ir.	Br.	Gen.	Lin.	Oth.	Ost.	Wel.	Mxd.	Unc.
Irish.									
Br.									
Gen.									
Lin.		1		2					3
Oth.									
Ost.									
Wel.									
Mxd.									
Unc.		1		2					3

Non-Violent Crime.

	Ir.	Br.	Gen.	Lin.	Oth.	Ost.	Wel.	Mxd.	Unc.
Irish.									
Br.									
Gen.									
Lin.				1					1
Oth.									
Ost.									
Wel.									
Mxd.				1					1
Unc.				2					2

APPENDIX E. MARRIAGE IN MEDIEVAL WATERFORD

The aim of this appendix is to examine the political and social aspect of marriage in medieval Waterford. It is therefore not intended to examine the legal or cultural aspects of marriage as an autonomous institution but rather the extent to which marriage remained within the various social and political categories outlined in the thesis. The extent to which marriage was a formative element in the creation and cementing of political alliances will also be mentioned. Any discussion of marriage in Waterford is hampered by a lack of adequate data. The personal names of the wives of the most important members of the baronage is sometimes unknown. For example, the identities of the first consort of baron John fitz Peter le Poer, or his grandson are unknown. This is an even greater problem among the gentry.

At the highest level of the baronage, the choice of marriage partners was not confined to any one geographical area, no more than their lands were. Thomas fitz Maurice of Desmond was married to Margaret, daughter of lord Thomas Berkeley of Berkeley in Gloucester, a grand-daughter on her mother's side of William Ferrers, earl of Derby.¹ Her brother, Thomas de Berkeley, was married to Joan, daughter of Roger Mortimer, earl of March.² Thomas fitz Maurice's son.

1. G.O.C., Complete Peerage, IV, p. 236.

2. Ibid., II, p. 130.

the future first earl of Desmond, was firstly married to Katherine, the daughter of Richard de Burgh, earl of Ulster,³ while Gerald fitz Maurice, the third earl, was married to Eleanor, a daughter of James le Botiller, second earl of Ormond.⁴ A similar phenomenon was discernible among the les Poers. Eustace le Poer II was married to Matilda daughter of John de Bermingham, earl of Louth in 1331.⁵ Marriages existed within the ranks of the baronage of both England and Ireland, and the choice of either usually depended on the place of upbringing of the husband. Thomas fitz Maurice of Desmond had spent nearly nine years in England between 1281 and 1290.⁶ Maurice fitz Maurice the second earl, was married to Beatrice, daughter of Ralph earl of Stafford.⁷ He was undoubtedly one of the sons of Maurice fitz Thomas who remained in England after the latter's return to Ireland in 1349.⁸

Such inter-baronial marriages, while they aimed to cement contacts between the various lineages, did not always lead to harmony between the families concerned. The conflict that erupted in Munster in the late 1320s was viewed by one chronicler as a war between the Geraldines and the de

3. Butler (ed.), Clyn. Annals, p. 11.

4. G.O.C., Complete Peerage, IV, p. 244.

5. Butler (ed.), Clyn. Annals, p. 23.

6. G.O.C., Complete Peerage, p. 235.

7. Ibid., p. 240.

8. C.P.R., 1348-1350, p.

Burghs, despite the marriage of Maurice fitz Thomas and Katherine de Burgh.⁹ Similarly, the marriage of Gerald fitz Maurice and Eleanor le Botiller was unable to prevent friction between the two families, especially in Waterford.¹⁰

Marriages between the baronage and the gentry were rare. The one instance of a marriage tie between this tier and that of the Waterford gentry occurred between the aforementioned Margaret de Berkeley and Reginald Russel. The Russels were prominent members of the Waterford gentry with close connections with the Desmond Geraldines.¹¹ Reginald, was a brother of Maurice Russel, a sheriff of the county,¹² yet he did not have the same administrative experience.¹³ The status of the Russels in Ireland was unlikely to have been the reason behind Margaret's marriage to Reginald. Indeed this appeared to have been due to the Russel's relatives, the Russel of Dyrham, as prominent members of the Gloucestershire gentry.¹⁴

Some of the higher elements of the lineages were also not confined to the female personnel of the county gentry or lineages in the choice of their partners. Stephen le Poer, the younger brother of Eustace le Poer, was firstly

9. Butler (ed.), Clyn, Annals, p. 19.

10. See Chapter 7, pp. 307-8.

11. See Chapter 5, pp. 201-3.

12. Appendix A., p. 365.

13. He was an official of the Bigod lands in Carlow in 1279. (N.L.I. Ms. 760, p. 30.

14. See Chapter 5, pp. 201-2, especially n. 48.

married to a sister of Peter de Bermingham.¹⁵ After her death, he set his sights even higher, as shown in the attempted abduction of Margaret de Berkeley.¹⁶ Marriage was also used to form alliances with important administrators of the lordship. In 1311 baron John le Poer and Justiciar John Wogan agreed that the former's son should marry the latter's daughter, though it is not known whether this ever took place.¹⁷ Marriage could also occur within a lineage. In 1324 Matilda, daughter of Walter le Poer of Carrick, was referred to as the wife of Jordan fitz Geoffrey le Poer of Ballydurne.¹⁸

The wives of members of the gentry are even harder to identify as marriages at this level did not leave the same imprint on either administrative or annalistic sources. Some members of the higher gentry established marital ties with members of the 'gentry' element of magnate lineages. Such marriages tended to follow existing political orientations. For example, Margaret, widow of sir Bartholomew de Kerdif married Gerald fitz Edmund le Poer before Easter term 1325.¹⁹ De Kerdif had belonged during his lifetime to the retinues of sir Eustace le Poer.²⁰ Sir Walter de

15. P.R.O.I. R.C. 7/5, p. 175.

16. See below, p. 442.

17. P.R.O.I. M. 2646, p. 89.

18. *Ibid.*, p. 237.

19. P.R.O.I. R.C. 8/14, p. 457.

20. See Chapter 5, p. 208.

Mandeville, one of the earl of Desmond's strongest supporters in Waterford,²¹ was married to one Katherine Russel, no doubt a member of the aforementioned gentry family.²² He was therefore distantly related by marriage to his patron.

At the lower level of the non-knightly gentry, marriage was a consolidating feature of an individual's social position, with partners coming from the same social strata. Elaine Gascoin, a relative of Hamo Gascoin, was married to Stephen de Bendeville, another member of the lower gentry.²³ At an even lower level, Matilda, the wife of William de la Felde²⁴ was the daughter of another non-gentry member, David Lucas.²⁵

The politics of county Waterford were competitive, especially among those elements of the lower gentry that sought to enhance their relative position. As a result, the procurement of a well-endowed widow was as important as the cultivation of ties with members of the baronage. Philip Christopher while still relatively young but ambitious man, married Nesta, the widow of John de la Rokelle of Athlangport.²⁶ He did not go to the same lengths in the pursuit of

21. See Chapter 5, pp. 198-200.

22. K. W. Nicholls (ed.), 'Abstracts of Mandeville Deeds' in *Analecta Hibernica*, 32 (1985), p. 8, no. 5.

23. *Ibid.*, p. 16, no. 33.

24. De la Felde never held any administrative position, though he was frequently a juror. (*Cal. Justic. Rolls, Ire.*, III, pp. 180, 181, 189, 261, 289.)

25. P.R.O.I. R.C. 7/6, pp. 188-9.

26. P.R.O.I. R.C. 7/10, p. 429.

a wife as Stephen le Poer, a brother of Eustace le Poer.²⁷ At some time in the latter part of 1310 he persuaded baron John le Poer of Donoil to join him in a scheme to abduct Margaret, widow of Thomas fitz Maurice and at that time wife of Reginald Russel. He stated that Margaret had expressed a wish to elope with him and a divorce from Reginald was on the point of being granted by the Roman Curia. It was only when Stephen and John with their parentelae arrived to the alarm of Margaret at the manor of Monrode that John changed from accomplice to deliverer of the terrified Margaret.²⁸

In Waterford, second marriages were not uncommon. Thirty-three examples occurred between 1270 and 1360, though it is impossible to state what ratio this represented in relation to first marriages. Such unions can also be placed within the context of either political alliances or geographic proximity. The marriage of Margaret de Berkeley and Reginald Russel cemented a relationship that had existed between the Russels and her late husband in Ireland. Similarly before 1304, Johanna, the widow of William le Botiller married Thomas fitz John le Poer, brother of Roger le Poer.²⁹ Both William le Botiller and his brother John were linked politically with sir Eustace le Poers.³⁰

Geographical and social proximity could also determine the

27. See Genealogical table, Appendix B. I, p. 380.

28. Cal. Justic. Rolls, Ire., III, pp. 189-93.

29. P.R.O.I. R.C. 7/10, p. 93.

30. See Chapter 5, p. 210.

nature of second marriages. For example, Roesia, widow of sir John Aylward of Faithlegg, married Peter de Brus of the neighbouring manor of Coulmacsawery at some time before 1295.³¹ They also led to a strengthening of existing ties. David Russel was among the closest of Maurice fitz Thomas' political allies.³² The mother of baron John le Poer of Donoil had been married to John de Marreis, a Tipperary landholder, by whom she had at least one son, Robert.³³ In 1317 he became sheriff of Waterford, an elevation which was probably due to his kinship with the les Poer.³⁴

The reasons for the conclusion of a second marriage are unclear. A woman could sue for dower in her own right, but the economic security and political standing of a husband could make this task easier in the short term. Widows were occasionally the object of criminal bands, and a husband could also provide a degree of personal security.³⁵ However, the cowardly behaviour of Reginald Russel during the abortive kidnaping of Margaret Russel, when he left his wife to the mercies of Stephen le Poer and his sequela demonstrated that this security was not always forthcoming.³⁶

At least two women were married to three men;

31. P.R.O.I. R.C. 7/7, pp. 406-7.

32. See Chapter 5, pp. 97-8.

33. P.R.O.I. M. 2646, p. 71.

34. See Chapter 6, pp. 249, 258; Appendix A., p. 366, n. 33.

35. Cal. Justic. Rolls, Ire., III, pp. 180, 299, 300.

36. Ibid., p. 190.

Johanna, the widow of John fitz William le Botiller subsequently married Richard 'Blakeman' le Poer and after his death, Philip Sutton, a Wexford landholder.³⁷ In the early fourteenth century Isolda, widow of Richard de Bycampton, a minor member of the gentry, married secondly Andrew le Poer and finally Maurice fitz Richard de St Aubin.³⁸

It is also difficult to ascertain the length of time between the death of a husband and subsequent marriages. The marriage contracted between Reginald Russel and Margaret de Berkeley took place in some haste. Thomas fitz Maurice died on 4 June 1298³⁹ yet Margaret had married Reginald Russel before April 1299.⁴⁰ Others were more restrained in remarrying: Reginald's brother Maurice Russel had died before the end of 1305,⁴¹ though by June 1312 his wife, Margaret had remarried John fitz Robert le Poer.⁴²

The need for economic security contributed towards the contraction of second marriage, even though a widow was entitled to a third of her husband's lands. However, problems associated with the acquisition of dower lands were a

37. P.R.O.I. R.C. 8/19, p. 204; R.C. 8/20, pp. 292-3.

38. P.R.O.I. R.C. 8/5, p. 35.

39. P.R.O. E.101/233/6; H. Sweetman (ed.), Cal. Doc. Ire., iv, p. 254.

40. Margaret's lands had been taken into king's hands because she had married without royal licence. On April 5th 1299 these were replevied to Margaret pending an extent being made. (Cal. Justic. Rolls, Ire., I, p. 238.)

41. At an unspecified time in 1305 James Russel gave security for the payment of the debts of his father Maurice Russel, deceased. (P.R.O.I. Ex. 2/1, p. 142.)

42. P.R.O.I. R.C. 8/6, p. 427.

frequent cause of litigation. Frequently, the problems stemmed from the unwillingness of a son to grant dower from an already small area of land, as well as the problems of paying rent from a reduced parcel of territory. There was also the possibility of the 'courtesy of England' whereby the land remained alienated from the heir for the term of a step-father's life. This occurred if the widow, after marrying for a second time, gave birth to a child that was heard to cry 'within the four walls' of the house where it was born.⁴³ John de la Rokelle brought a writ of novel disseisin against James Keting, his step-father who claimed that a daughter was born to John de la Rokelle's mother.⁴⁴

Problems associated with dower also led to divisions within families, especially if the widow was a step-mother. In 1317 Maurice fitz Andrew le Blund claimed that a parcel of land claimed by his stepmother was never held in fee by his father, thus agreeing with the tenant, Richard Mape.⁴⁵ Similarly, in Hilary term 1318 Johanna, Stephen le Poer's second wife, claimed dower from her stepson after Stephen's death.⁴⁶ The women involved in these cases were probably not old and their dower lands would remain separated from the rest of the holdings for a long period, thus adding to the financial hardships that the provision of dower caused.

43. A. J. Otway-Ruthven, A History of Medieval Ireland, p. 106.

44. P.R.O.I. R.C. 7/7, pp. 426-8.

45. P.R.O.I. R.C. 7/12, pp. 335, 336.

46. *Ibid.*, p. 426.

Marriage therefore reflected the social and political hierarchy that was evident in county Waterford. It was also a form of social consolidation, insofar as marriages occurred within each social strata. A tendency for marriages to be contracted according to political alliances was also evident. In geographical terms, marriages were also limited to the sphere of an individual's political and social activity. However, a fuller account of marriage in Waterford is hampered by a greater depth of sources for the early thirteenth and late fourteenth centuries. It is thus impossible to say anything about marriage patterns among the first generation of settlers in the county and the extent of intermarriage with the Irish and Ostmen.

APPENDIX F. THE NATIVE WELSH IN MEDIEVAL WATERFORD

The native Welsh were a separate ethnic grouping distinct from the English Irish and Ostmen. A difficulty facing a study of the 'native' Welsh in any area of the Irish lordship concerns identification. Whereas most Irish and Ostmen were easily identifiable by the distinct nature of their surnames (provided they did not attempt to deliberately conceal them¹) such ease is not possible for the native Welsh. The most common surname was the descriptive 'le Waleis' or 'Walensis'. Welshmen can also be identified through the use of patronymical surnames.² For example, Rys Madok, a tenant of the de Clare manor of Inchiquin in 1287 was undoubtedly Welsh.³ In 1282 David Craddock petitioned for the restitution of various lands in county Waterford, which had been held by his father, Craddock (Caradoc) in fee.⁴

However, there were many in this category who did not attempt to conceal their background but whose patronymic could have been held by an Englishman or an Welshman. An example of these were the fitz Davids. At least one Welshman, Robert le Waleis, was involved with them in the trans-

1. See Chapter 4, p. 167.

2. The practice of native Welsh patronymics gradually becoming surnames was evident in medieval Wales. See D. J. Morgan and Prys Morgan, Welsh Surnames (Cardiff, 1985), pp. 17-20.

3. Cal. Inq. P.M., II, p. 431.

4. P.R.O.I. R.C. 8/1, pp. 168-9.

portation of stolen goods from Waterford to the liberty of Wexford.⁵ Another, apparently English, patronymic surname may conceal a native Welsh background. The Welsh personal name Iorwerth was frequently anglicised as Edward in medieval Wales, and this surname occurred in medieval Waterford.⁶ It is also impossible to state the ethnic background of those with a Welsh topographical surname such as 'de Kerdif' or 'de Pembrok', and for that reason they have not been included in the following discussion.

Political contacts between the south-east of Ireland and Wales, especially the principality of Gwynedd, dated back to the late eleventh century when Gruffydd ap Cynan, the would-be prince of Gwynedd, sought asylum, as well as political and military assistance in Ireland from Toirdhealbhaich O Briain. Gruffydd was born in Ireland, and in 1081 he received the assistance of Diarmaid O Briain, then governing the city of Waterford for his father.⁷ It is possible that some may not have returned to Wales, and that the settlement of native Welsh elements in Ireland predated the arrival of the English.

Native Welsh elements formed an important part of the initial settlement in Ireland, arriving in the company of military leaders such as Richard de Clare who held lands

5. Cal. Justic. Rolls, Ire., III, p. 184.

6. D. J. and P. Morgan, Welsh Surnames, p. 90.

7. M. T. Flanagan, Irish Society, Anglo-Norman Settlers, Angevin Kingship (Oxford, 1989), pp. 62-3.

throughout southern Wales.⁸ In Waterford, they were represented in all social groupings, except the baronage. One family became leading members of the gentry and were a barometer of the fortunes of the grouping as a whole. They held the largest parcel of land in the Honour of Dungarvan, the theodum of Glenahiry and the manor of Kilmanaghan.⁹

Richard le Waleis was an important member of the gentry; in 1311 he procured pardons for a group who had committed undisclosed transgressions,¹⁰ and in the early 1330s he was briefly sheriff of the county.¹¹ His position was far from secure, as in the later 1330s he earned the displeasure of the first earl of Desmond, who drove him from his manor with the assistance of the de Mandevilles.¹² Although he to regain temporary repossession, Richard and his descendants were forced into a fragile existence on the margins of society.¹³ The fitz Davids belonged to the minor, non-knightly gentry. However, in the fourteenth century they provided two sheriffs of the county.¹⁴ Walter Cradoc and Simon Edward were both custodes pacis for the cantreds of

8. A. J. Otway-Ruthven 'The structure of Norman Settlement in Ireland' in Historical Studies, 5 (1965), p. 78.

9. P.R.O. E.101/233/6.

10. Cal. Justic. Rolls, Ire., III, p, 283.

11. Appendix C., p. 367.

12. See Chapter 5, pp. 212, 227-8, 235-6.

13. See Chapter 7, pp. 309-10.

14. Geoffrey fitz William fitz David (Appendix A., p. 367) and Adam fitz David. (Ibid., p. 371.)

Obride and Ohenghus respectively in 1300,¹⁵ while two of the collectors of the pontage in Dungarvan in 1333 were Elias Mape and Maurice le Waleis.¹⁶ Welsh participation in the Church was not great. However, David the Welshman was bishop of Waterford in the early thirteenth century,¹⁷ At the other end of the clerical scale was Adam le Waleis the chaplain and his son David, both of whom received pardons for unspecified transgressions 1318 at the instance of baron John le Poer in 1318.¹⁸

The Welsh were drawn into the retinues of prominent magnates, especially those of the les Poers. In a list of thirty-nine people granted pardons at the instance of Arnold le Poer in 1318, seven were Welshmen.¹⁹ In 1316 'Lawelyn Waleys, Howel Waleys' and William Cardigan were accused of joining sir John fitz David de Barry in an attacks on the surname of the de Cogans.²⁰ It is possible that these Welshmen were the descendants of native Welsh elements that had come to Ireland with the ancestors of the Barries.

Contacts with Wales were maintained by a number of magnates and it would not have been impossible for the ranks of the native Welsh in Ireland to have been augmented. A

15. P.R.O.I. Dep. Keeper's Rep. no. 38., p. 64; N.L.I. Ms. 760, p. 232.

16. P.R.O.I. Dep. Keeper's Rep. no. 44, p. 25.

17. New History of Ireland, IX, p. 308.

18. R.P.H., p. 24, no. 130.

19. P.R.O.I. KB. 2/12, p. 21.

20. P.R.O.I. KB. 2/5, p. 58.

member of the Roches or Rupenses of the Rower, Thomas de la Roche, was accused of allowing his kernia to mutilate an inhabitant of Callan in 1297.²¹ In October 1299 when he became one of the pledges for the payment of Margaret de Berkeley's amercement for marrying without royal licence, his name was given as Thomas de la Roche of Wales.²² Sir David fitz David de Barry, still maintained his links with Wales in the 1360s, to the extent of staying there for a number of years.²³

Involvement by the Welsh in criminal activities was common. For example, Walter Cadwoledey who was killed in Clonmel after abjuring county Waterford in 1311.²⁴ Cooperation among the Welsh in criminals endeavours also occurred. In 1317 Mabilia Craddock was accused of harbouring, among others, one Robert fyn le Waleis.²⁵ We can also see the bonds between the native Welsh in Ireland can also be seen in the provision of pledges. In 1317 John Madok, John Craddock and John Lewellyn 'the Welshman' were pledges for the appearance of John Lawrence in Waterford.²⁶ Cooperation between Welsh and Irish also occurred. For example, Thomas le Waleis and Henry O'Shychan were accused of being notori-

21. Cal. Justic. Rolls, Ire., I, p. 140.

22. Ibid., p. 296.

23. See Chapter 3, pp. 119-20.

24. Cal. Justic. Rolls, Ire., III, p. 177.

25. P.R.O.I. KB. 2/12, p. 72.

26. P.R.O.I. KB. 2/9, p. 89.

ous burglars.²⁷ The sentences handed down to these two demonstrated that the Welsh were no more immune to capital punishment than any other group, for Thomas was hanged and Henry was acquitted.

A degree of acculturation of the Welsh had occurred, as witnessed by the examples of Robert fyn le Waleis.²⁸ In Waterford, at least one native Welshman whose name witnessed gaelicisation was involved in a political crime. In 1312 one Hugh MacRys (surely an Irish rendering of ap Rhys) was accused of stealing an altar from the Augustinian house of Dungarvan.²⁹ In 1402 the burgesses of Cloyne in Cork included one John Mac David Walsh.³⁰ But a common Celtic and social background did not predetermine inter-ethnic harmony. In 1209 Bishop David the Welshman was killed by the head of the Uí Faeláin.³¹ Similarly, two Irishmen alleged to sheriff Robert de Stapilton sheriff that David Cradoc wished to see them hanged.³² Ethnic relations between the Welsh and the Ostmen were no better, possibly because the latter were viewed as Irish. The well-recounted case brought by William MacGillemorry in 1311 was prompted by the murder of John

27. Cal. Justic. Rolls. Ire., I, p. 5.

28. See above, n. 25.

29. Cal. Justic. Rolls. Ire., III, p. 248.

30. R. Caulfield (ed.), 'The Pipe Roll of Cloyne' in Journal of the Cork Historical and Archaeological Society, 23 (1917), p. 167.

31. W. M. Henessy (ed.), The Annals of Loch Cé, I, (London, Rolls Series, 1871), p. 290.

32. Cole, Documents illustrative of the History of England, p. 76.

fitz Yvor MacGillemorry by one Robert le Waleis.³³

The Welsh were just as broadly based a social group as the Irish or Ostmen. However, the extent to which they maintained a separate cultural or linguistic identity. Certain Welsh forms of personal names remained in use in the fourteenth century as did the practice of identifying these people as 'Waleis' or Walsh. In 1313 one Yenan (surely Yeuan or Ieuan) le Waleis was accused of stealing pigs in county Limerick.³⁴ Others were able to retain Welsh personal names while undergoing some level of gaelicisation, for example Henry roth (ruadh?) Meuric Walsh.³⁵

In political terms they never figured as a homogeneous ethnic grouping and they were always accepted as part of the political structures. This was due to their lack of a separate legal identity. In Wales, the possession of a distinct legal system and identity was one of the most important aspects in the maintenance of a concept of Welshness.³⁶ The separation of laws was not total for even in Wales, the more advantageous aspects of English law were used by the Welsh in the marches.³⁷ This legal distinctiveness was not trans-

33. Cal. Justic. Rolls, Ire., III, pp. 185-8.

34. Ibid., p. 307.

35. R.P.H., p. 149, no. 104.

36. See R. R. Davies, 'Law and National Identity in Thirteenth Century Wales' in R. R. Davies et al. (eds.), Welsh Society and Nationhood: Historical Essays Presented to Glanmor Williams (Cardiff, 1985), pp. 51-69.

37. Ibid., 'The Law of the March' in Welsh Historical Review, 5 (1970-71), pp. 18, 20.

ferred by the Welsh to the Lordship of Ireland and in Waterford there is evidence to demonstrate their use of English Law. For example, Welshmen were frequently members of juries.³⁸ The Welshman who killed Gillecrist MacGillemorry, and who subsequently defended himself on the grounds that his victim was Irish, was using a procedure that was open to all those who enjoyed English Law.³⁹

38. For Welshmen on juries see, for example, P.R.O.I. KB. 2/12, pp. 72-5.

39. G. J. Hand, 'The Status of the Native Irish in the Lordship of Ireland, 1272-1331' in The Irish Jurist, New Series, I (1966), p. 105.

APPENDIX G. THE SHERIFF OF WATERFORD'S ACCOUNT, 1231-2.

Sic Compotus Comitatus Waterfordensis per Ricardum filium Helye vicecomitem de toto anno 16 Regni Regis Henrici.

Sic Ricardus filius Helye Vicecomes racione Compoti de 200 m de redditu comitatus Waterfordiae de toto anno predicto - Sic 200 m.

Sic in thesauro 82l 11s 8d per 3 talliae.

Et Constabularii Lymericensis in liberis suis pro custodia Castri Lymericensis a termino Pasche anno regni regis Henrici 16 usque ad festum Sancti Michaelis anno eodem, 18l 5s per breve Ricardi de Burgo tunc justiciarii

Et Milero de Bermingham pro custodia castri de Kolcree per unum annum 10 m per breve ejusdem Ricardi tunc justiciarii.

Sic 107l 10s.

Et exigende sunt de Ricardo de Burgo quando firmarius fuit de Dees.

Thomas filius Antonii [reddit] 1l de arreragiis primi auxilii regni Henrici sicut continetur in rotulo precedenti.

Idem [reddit] 120l per habenda custodia terre Thedis ... Thomas filius Mauricii sicut continetur ibidem.

Idem [reddit] 5 m pro relaxacione navis de Sveneshee ...

Idem [reddit] 4s 9d pro decapitatione cujusdam utlagati.

Idem [reddit] 4 m pro 2 doliis vini de Werch...

David Christofre (Christopher) reddit compotum de episcopatu Lismorensis existentur in manu Regis. - Et distringendus est Ricardum de Burgo ad reddendum dictum compotum pro eodem 1000 mortuo (recte marcis) quando Ballivus ejus fuit et non reddidit compotum.

Ricardus filius Helye reddit compotum de 15l 8s 6d de debito ultimi Compoti sui - In thesauro liberavit per 1 tallia - Et quietus est.

Johannes Brun reddit compotum de 1 m pro trangressione - Et liberavit Ricardo de Burgo in avena ut dictus Ricardus filius Helye. Et distringendus est idem Ricardum de Burgo ad solucionem.

Geroldus de Rupe [reddit] 20s pro eodem.

Matthaeus filius Griffini [reddit] 100s pro evasione latronium.

Ricardus Brun reddit compotum de 1 m ut sit per allium liberavit Ricardo de Burgo in avena ut dictus Ricardus filius Helye - Et distringendus est idem Ricardum de Burgo ad solucionem.

Gilbertus Candel [reddit] 1/2 m pro placito Ennion?

Rys filius Roberti [reddit] 1/2 m pro licencia concordandi.

Hugonus de Rem reddit terciam partem de 40s pro distringendo G[alfridi] de Norwich.

Rogerus le Palmer [reddit] 1/2 m pro diseisina.

Henricus de Whitefeld et Johannes de Kerdif [reddent] 1/2 m pro tallagio.

Philippus filius Episcopi redit Compotum de 20s pro tallagio - Liberaverunt templariis per cartam domini regis quando heredio eorundem. Et quietus est.

Ricardus filius Helye [reddit] compotum de 30d de catalis Nicholi Clerici. Liberavit in Thesauro per 1 tallia - Et quietus est.

Philippus filius Radulphi [reddit] 1/2 m quod retraxit se.

Geroldus de Rupe [reddit] 2 m quod retraxit se.

Johannes le Poer [reddit] 40l pro relevio terrae quas patri sui... Exigende sunt de Ricardo de Burgo quod manucep-
it in scaccario ipsum aquietare.

Walterus filius Rogeri [reddit] 1/2 m pro plegio ...

Melerus le Poer [reddit] 1 m quod retraxit se ...

Wilhelmus de Sancto Revelino [reddit] 1/2 m quod non habuit quem plegit.

Gernas de Gencurt (Gervas de Dencurt?) reddit compotum 1/2 m pro falso clamio - In thesauro liberavit 40d per 1 tallia. - Et debet 40d.

David Christofre (Christopher) reddit 10s pro diseisina.

Wilhelmus le Poer ... Laurentius Cristred, Henricus de Wigemore, reddent compotum de 1 m quod retraxerunt se ... In thesauro liberaverunt per 1 tallia - Et quieti sunt.

Ricardus de Serston [reddit] 1 m pecuniae per ballivam.

Gregorius de Lissemore [reddit] 1/2 m pro defalto.

Ricardus Makermechan [reddit] 20s quod non habuit quem plegit.

Idem [reddit] 3 m pro Utthere O Hacchere ... habendo pro plegio.

Robertus Huscirl reddit compotum de 100s pro evasione latronium ... in thesauro nihil - Et quod Inquisitum fuit quod idem quem cepat non fuit captus pro latrone, relaxatus ei debitum per Justiciario et baronibus. Et quietus est.

Idem reddit 3 1/2 m pro obturacione aquae. ... Et quie-

tus est.

Johannes de Ebroit (Devereux) reddit compotum de 20s pro defectu legis faciende - in thesauro liberavit per 1 tallia.

Philippus de Vall [reddit] 1/2 m pro defectu [legis]...

Rys filius Roberti [reddit] 10s pro eodem.

Geroldus de Rupe et Helena uxor ejus reddent compotum de 20s pro relevio quod ipsam hereditate contingit per Thomas filius Anthoni - In thesauro liberavit (recte liberaverunt) per 1 tallia - Et quietus est (recte Quieti sunt).

Wilhelmus de Kantilup et Dionisia uxor ejus reddent compotum de 20s pro relevio quod ipsam contingit de predicta hereditate - In thesauro liberavit (recte liberaverunt) per 1 tallia - Et quietus est (Quieti sunt).

Galfridus de Norrach et Ysaubella uxor ejus reddent compotum de 20s pro relevio suo quod ipsam contingit de predicta hereditate - In thesauro liberavit (liberaverunt) per 1 tallia - Et quieti sunt.

Johannes filius Thomae et Margareta uxor ejus reddent compotum de 20s pro relevio suo quod ipsam contingit.

Stephanus Archidiaconus (Ercedekne) et Dissere uxor ejus reddent compotum de 20s pro relevio suo quod ipsam contingit de predicta hereditate - in thesauro liberavit (liberaverunt) per 2 talliae, Et quieti sunt.

Ricardus Scurlegge et Margareta uxor ejus reddent compotum de 5 m quod retraxerunt se de quadam attictione - In thesauro Liberaverunt 3 m per 1 tallia - Et debent 2 m de quibus Goce Clericus respondebit -

Wilhelmus Ware reddit 1/2 m pro licencia concordandi cum

Ada filio Myloun[is] - Exigatur de Roberto de Cogan quod
illam receperit ...

Sic Compotus Joce Clerici de episcopatu de Waterford
existentur in manu domini regis de festo Sancti Petri ad
vincula usque festum sancti Michaelis proximo sequentes anno
regni regis Henrici 16.

Idem Joce Clericus reddit compotum de 67s de eodem epis-
copatu pro idem tempus - In thesauro liberavit per 1 tallia
- Et quietus est.¹

1. Reports of Commissioners respecting the Public Records of Ireland, 1
(1810), pp. 333-4.

APPENDIX H. THREE AGREEMENTS OF RETINUEDocument A. An agreement of retinue between sir John Wogan and sir John fitz William le Botiller. (1 February 1310).

Johannes filius Wilhelmi le Botiller recognisit ut factum suum quoddam scriptum (gallicum sermone exaratum) datum 1 februarii proxima preteriter per quod notum facit omnibus se mercede conductum esse a domino Johanni de Wogan ad subsistendum cum ipso de retinencia, et ad domicilium, mensam, vestimenta, et vadia dicti Johannis Wogan, sicut ceteri valecti ejus, ad totam vitam dicti Johannis Wogan, ad serviendum ipsi cum equis et armis ubicumque precepit in Hibernie, contra omnes vires qui vive aut mori poterint, salva fide sua erga dominum regem, ita quod quocumque tempore rationabiliter praemunitus fuerit, veniet et in auxiliium una cum vi armata quam poterit maxima, et cum ipsi ad ipsius voluntatem remanebit, percipiendo per diem pro quolibet equo cooperto quem secum duxerit 12d una cum bouche en court pro se et hominibus ad arma de comitatu suo et 6d pro feno, aveno etc. nisi fuerit in loco guerra et tempore anni quo homines pabulari poterint.¹

1. R.P.H., p. 16, no. 31. The phrase 'bouche en court' is italicised in Tresham's transcript.

Document B. An agreement of retinue between sir Thomas de Mandeville and Maurice fitz Thomas, earl of Desmond and his nephew sir Thomas fitz John (24 February, 1341.)

Saturday in the Morrow of st John the apostle in the xvth year of the reign of king Edward the third it was agreed and covenanted to this effect following, between sir Maurice the son of Thomas Earl of Desmond Lord of the Decies and Oconnell of the one part, and Thomas the son of Walter de Mandeville and Annestace his wife of the other part. That the said Thomas and Annestace (when they should be required) should make an estate unto the said earl of the manor of Kilmanaghan with the appurtenances [] for term of the life of the said Earl, and after his decease that the said manor should remain unto Thomas the son of John nephew of the said Earl, to have and to hold to the said Thomas and to the heirs male of his body lawfully begotten. And if the said Thomas son of John (nephew of the said Earl) shall happen to die without heir male of his body lawfully begotten; that then the said manor shall wholly revert unto the said Thomas son of Walter and unto the said Annestace and unto their heirs as in their former estate; further the said Thomas son of the said Walter did by the said deed bind himself by Covenant to dwell with the said earl, and with the said Thomas son of the said John, and against all manner of persons (his loyalty unto the king's majesty and unto sir Walter de Mandeville his father excepted) and receive military arms of the said Thomas son of the said John when he shall be reasonably required. And the said Thomas son of the said John is bound to by his covenant to succour and

help to the uttermost of his power the said Thomas and the said Anestace his wife in their just causes. And the said Thomas son of John is bound to after his military arms received of him as aforesaid to apparel him the said Thomas son of the said Walter with one suit of apparel once in the year, and with one winter suit. And also is bound once in the year to deliver unto him a serviceable horse together with a serviceable saddle and bridle fit for the wars. For the true observance and performance whereof in the presence of the right reverend father in God John Lord archbishop of Cashel and sundry others of credit then present the said sir Walter de Mandeville, and the said Thomas son of Walter, and the said Anestace of the one part, and the said Thomas son of the said John of the other part, did take a corporal and a solemn oath and swore each one to other. Witnessed under the seal of the said archbishoip and of his archdeacon: together with the seals of the said parties, unto the several indentures, interchangeably affixed.²

Document C. An indenture of retinue concluded between James le Botiller, earl of Ormond, and sir Geoffrey fitz John le Poer of Ballydurne. (August 1355.)

Die jovis proxima post festum sancti Bartholomei apostoli anno regni regis Edwardii post conquestum Anglie trecesimo apud Caracmcgrifyn facta indentura inter nobilem virum

2. Nicholls, 'Abstracts of Mandeville Deeds', pp. 18-9. This document only survives in a seventeenth-century abstract which has been accurately transcribed by Mr Nicholls. I have taken the liberty of modernising the spelling and punctuation.

dominum Jacobum le Botiller comitem Ermonie ex parte una et Galfridum filium Johannis le Poer ex altera videlicet quod predictus Galfridus moram suam faciatis (recte fecit?) cum dicto domino comite ad servienda sibi contra quoscumque, domino rege excepta, ad totam vitam ipsius Galfridi cum toto posse suo sumptibus suis ipsius in marchiis suis ubi in eadem die ad propria redire valeat et alibi in Hibernia sumptibus ipsius domini comiti. Pro quaquidem mora dictus dominus Comes concessit sibi viginti libras argenti solvenda inde decem marcas per annum ad festum Michaelis et pasche per equales portiones. termino incipiente ad festum sancti Michaelis proxima futuri. Et dictus dominus comes concessit dictum Galfridum iuvare et manutenere sicut a domino teneatur facere. Et ulterius concessit quod contingat dictus Galfridus aliquos equos in servicio domini comitis habere interfectos vel arma providere quod dictus dominus comes teneatur pro valore eorundem sibi satisfacere. Et ad ista fideliter observanda predictus Galfridus tactis sanctis evangelis juramentum prestitit corporale. In cuius res testimonium partes predictae huic indentura sigilla sua alternatim apossuerunt...³

3. N.L.I. D. 1014. A translation by Curtis is to be found in Cal.Orm. Deeds, II, p. 26, no. 39. His translation does not remain faithful to either the spirit or the words of the text. For example, the original does not state that the indenture had been agreed between the two parties, although this was implied. He uses the term retinue to translate mora. Furthermore, the clause 'comes concessit ... iuvare et manutenere' that Curtis translates as '... the Earl has agreed to maintain Geoffrey, etc., (as in preceding deed)' is in fact absent from deed no. 38 which is a slightly longer indenture between the earl and Geoffrey Purcell.

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