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A HISTORY OF  
THE IRISH DOMINICANS  
VOL. I



# A HISTORY OF THE IRISH DOMINICANS

*FROM ORIGINAL SOURCES ::  
AND UNPUBLISHED RECORDS*

BY

M. H. MACINERNEY, O.P.

VOL. I

Irish Dominican Bishops  
(1224-1307)

BROWNE AND NOLAN, LIMITED  
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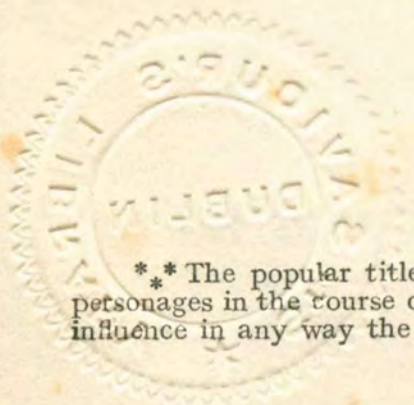
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\* \* The popular title of "Blessed" has been given to one or two personages in the course of this volume, without intending to forestall or influence in any way the decrees of Holy Church.



## PREFACE

RECALLED from Australia, over four years ago, to write a history of the Dominicans in Ireland, I soon realised that the task was far larger than a careless observer might suppose. For one thing, I discovered that the Dominicans had been intimately associated, in one way or another, with almost every important movement that had taken place in Ireland during the last seven centuries. To form a right estimate of the part which members of the Order had taken in these various movements would entail a vast amount of close and painstaking research.

A hundred and fifty years ago, the illustrious De Burgo, author of the *Hibernia Dominicana*, wrote a history of the Irish Dominicans which still remains a classic in Irish historical literature. But if De Burgo were alive to-day, he could not conscientiously compress a history of the Irish Dominicans into the compass of a single volume. Since his time, and especially within the last fifty or sixty years, all manner of new sources have been opened to the historical inquirer. Among the most valuable of these sources are the Calendars of State Papers and of Papal Registers, which throw a flood of light upon many persons and transactions that were but dimly known in De Burgo's day.

The materials for a history of the Dominicans in this country are by no means as abundant as might be desired; the *Hibernorum ignavia*, of which De Burgo often complained, is responsible for a great deal of the obscurity that prevails. Still, the existing materials are so multitudinous and so diverse that one at first despairs of reducing them to any satisfactory order or system. They form an immense mass of heterogeneous facts, a chaos of incidents unrelated to each other. With a view of educing some workmanlike order from the chaos, I have decided,



with the approval of my learned friend, Dr. Grattan Flood, to apportion the entire subject as follows :—

- I. Irish Dominican Bishops.
- II. Martyrs and Confessors.
- III. Provincials of the Order in Ireland.
- IV. Professors, Preachers, and Writers.
- V. Pories, their Founders, Benefactors, and Vicissitudes.

The present volume, accordingly, contains a history of the first thirteen Dominicans who sat in Irish sees. These prelates belong, for the most part, to the thirteenth century. As the reader will observe, a study of their respective careers, carried out with somewhat of German thoroughness, gives us a series of vivid and startling glimpses of the real condition of the Irish Church under feudalism. An equally close study of the medieval bishops of any Irish diocese would, I am confident, yield extremely valuable results. It would correct many current errors, and lead to all manner of new discoveries. At the very least, it would save us from the ignominy of repeating, for the thousandth time, the meagre details, often marred by mistakes and misrepresentations, which are to be found in Harris and Ware. In fact, an accurate and detailed study of our medieval Irish bishops would seem to be an indispensable preliminary to any sound knowledge of the Irish Church in the Middle Ages.

The method here adopted has been inspired by a study of the writings of Father Denifle and Dr. Nikolaus Paulus. The thoroughness shown in the researches of these great Catholic savants should be a shining example to Catholic writers of history, especially in Ireland. It may be objected that some of the prelates, whose activities are traced in this volume, were men of no great eminence in their day, and that it was hardly worth while to study their careers as closely as I have done. My own view, on the contrary, is that if a thing is worth doing at all, it is worth doing well. Apart from the whimsical manner of its expression, there is sound sense in the dictum of George Meredith's pious captain, that "not



to do things wholly is worse than not to do things at all, for it's waste of time and cause for a chorus below, down in hell." For my part, I have striven to perform this first portion of my task wholly and thoroughly. I have spared no pains in ascertaining the exact truth, to the best of my opportunity and ability. I have endeavoured to represent each prelate "in his habit as he lived," so far as the available information allowed.

Even on *a priori* grounds, so dear to the hearts of indolent reasoners, it may be urged that if you select any medieval prelate, no matter how insignificant in his day; if you study all the ascertainable data concerning him; if you make an honest effort to realise what manner of man he was, and what sort of men were they with whom he came into contact or collision,—if you do all this, you will gain an insight, not otherwise obtainable, into the real life and circumstances of the age. That is precisely what I have essayed to do.

It is not over-presumptuous to claim that the method I have followed has been justified by results. Several of the prelates with whom I have had to deal were men of outstanding ability and of real eminence in their time; others were of secondary importance. But a conscientious study of their respective careers has led to a good many discoveries, of major or minor consequence, as the case may be. Fresh light, of no inconsiderable value, has been shed upon the history of several dioceses; and some sidelights have been thrown upon the history of many other sees in Ireland. Anyone who cares to consult the accounts here given of various Irish bishops, will find that I have garnered from ten to thirty times more information about them than is to be found in the time-worn pages of Harris and Ware. I mention this, simply for the sake of showing what may be done by any conscientious worker, and because I believe that a similarly careful study of other Irish prelates of the Middle Ages would yield invaluable results.

In the course of this volume, I have bluntly said what I thought of English misdeeds in Ireland, regarding them from



the standpoint of ordinary Christian morality. In common with most Irishmen, and with a good many Englishmen of to-day, I have considered that the English had no more right to exercise their tyranny in Ireland in the thirteenth century than the Germans have at the present moment for the exercise of their despotism in Belgium. At the same time, I have not the faintest sympathy with recent insane attempts at insurrection in Ireland. The time for such efforts has long gone by. They were morally defensible in the thirteenth century—to speak only of the period with which we are immediately concerned—when the alien tyrant was far from having reduced the entire country to his sway. In the Ireland of our day, revolutionary movements have neither moral sanction nor hope of success; they are alike opposed to sound reason, real patriotism, and Catholic teaching. The constitutional movement alone bears the fruit of many victories and the promise of final success. Meanwhile, it is saddening to see that the Irish people of our own time are addicted to the characteristic and fatal vice of their ancestors—a constitutional inability to follow and trust a chosen leader.

Obsolete legal terms recur frequently in this volume, and I have felt a good deal of trepidation in endeavouring to explain them, remembering that “Sir Edward Coke was wont to say, that he never knew a Divine meddle with a matter of Law, but that therein he committed some great errour, and discovered gross ignorance” (Fuller’s *Church History*, 1655 ed., p. 73). If I have unwittingly slipped into gross errors regarding medieval law, modern barristers, as a rule, will not be the first to condemn me. In palliation of other mistakes and imperfections, I can plead the fact that most of this book was written in hours snatched from the pressure of ministerial and social work. Anybody who knows how heavy and exhausting that work can be in Dublin, will scarcely feel disposed towards hypercriticism.

Of course I shall have to run the gauntlet of criticism, both legitimate and illegitimate, particularly the latter. In Ireland we are very strong in barren, *a priori* fault-finding. Of scholarly, well-informed criticism I shall not complain; but to the indolent



critics, who never do anything worth while, I would say with De Burgo: "*Praevideo plane, ex Hibernis nostris, et quidem haud perspicacioribus, non defuturos Criticos et Cavillatores; verum de suo meliora proferant, antequam judicent de alieno.*"

A fairly considerable number of documents are here published for the first time. These consist partly of State papers which I have copied from the late Father Raymond Palmer's transcripts at Haverstock Hill Priory, London; partly also of documents which have been transcribed for me from the Irish Record Office; and, to a minor extent, of records which I have found in Trinity College. Several papers from the Irish Record Office have been reproduced in the chapter on Primate Walter Jorz, and others will throw light upon the lives and times of sundry Dominican bishops of the fourteenth century. At the risk of rendering the volume a trifle bulky, I have included the chapter on Walter Jorz, because it explains and confirms a good deal that went before, and because it brings the history of Irish Dominican bishops down to the year 1307, when the Calendar of Irish State Papers regrettably stops short, to the grievous inconvenience of historical students. Authors and their works are usually not mentioned in the Index, from a desire to keep the latter within manageable proportions.

In conclusion, I beg to offer my sincere thanks to the friends who have helped me in a variety of ways. To Dr. Grattan Flood I am indebted for much encouragement, and for confirmation of my views on more than one occasion. To Mr. J. Carton, B.L., chief librarian of the King's Inns, I owe many thanks for his unvarying kindness and courtesy during the past four years. My thanks are also due to Mr. Shrimpton, assistant librarian of that admirable institution, for his patience and helpfulness on many an occasion. I beg also to thank Mr. M. J. MacEnery, Deputy-Keeper of Irish Records, for valuable information on escheators and their functions. A word of grateful acknowledgment is likewise due to the officials of Trinity College and of the National Library; indeed, for courtesy and readiness to oblige, the officials of our great Dublin libraries are unsurpassed.



Finally, among members of my own Order, I beg to thank Father O'Kane, who entrusted me with this work during his provincialate, and who has been unremittingly kind and encouraging ever since. My gratitude is also due to Father Louis Ryan, the present Provincial, without whose sympathy and support this volume might never have appeared; and to Father Ambrose Coleman, whose valuable editions of O'Heyne, Stuart, and Costello have done so much to smooth the rough way of the historical investigator.



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# I

## DAVID MACKELLY, ARCHBISHOP OF CASHEL

(BISHOP OF CLOYNE, 1237-38; ARCHBISHOP OF CASHEL,  
1238-53.)

DAVID MACKELLY, Archbishop of Cashel, was one of the most eminent Irish prelates of the thirteenth century. Himself an Irish Dominican, he was a contemporary of St. Dominic, the illustrious founder of the Order; he was likewise a contemporary of such great men as St. Thomas Aquinas, St. Raymond of Pennafort, Blessed Albertus Magnus, and Blessed Jordan of Saxony, who were his brethren in religion. It was in many respects the golden age of the Church; it was also the golden age of the Dominican Order. It has been acclaimed as the "greatest of centuries," and for a variety of reasons it well deserves that honourable appellation.

In Ireland, however, the state of religion in the thirteenth century was neither ideal nor even satisfactory. The Church was being robbed of the rights and liberties which she had enjoyed under Irish kings and princes for eight hundred years. English feudalism was endeavouring with all its might to supplant the free, democratic institutions which had flourished in Gaelic times. Foreign prelates, ignorant of the language of the people to whom they were supposed to minister, were now frequently thrust into Irish sees. The revenues of Irish dioceses were confiscated, during vacancies, for the benefit of the English monarch and of his underlings in Ireland. The freedom of elections was tampered with; the clergy could no longer elect their Bishops, unhampered by civil despotism and secular intrigue. As Lecky observes—

"The hostile power planted in the heart of the nation destroyed all possibility of central government, while it was itself incapable of fulfilling that function. Like a spear-point embedded in a living body, it inflamed all around it and deranged every vital function. It prevented the gradual reduction of the island by some native Clovis, which would necessarily have taken place if the Anglo-Normans had not arrived, and, instead of that peaceful and almost silent amalgamation of races, customs,



laws, and languages which took place in England, and which is the source of many of the best elements in English life and character, the two nations remained in Ireland for centuries in hostility."<sup>1</sup>

The life-story of Archbishop MacKelly, hitherto very meagrely written, furnishes some instructive instances of the working of that hostile power of which Mr. Lecky speaks.

David MacKelly enjoys the distinction of being the first Irish Dominican ever raised to the episcopal dignity. He was the first of a long line of devoted prelates of his institute, whose gifts and virtues adorned the Irish Church. He was the first of a grave and reverend throng of Irish Dominican Bishops, among whom we must reckon such men as Terence Albert O'Brien, the heroic Bishop of Emly; Ross MacGeoghegan, the saintly and enterprising Bishop of Kildare; De Burgo of Ossory, the renowned historian; Troy of Dublin, Connolly of New York, and Leahy of Dromore. In all, rather more than ninety Irish Dominicans, using the phrase somewhat loosely, have been raised to the pastoral office during the past seven hundred years. Most of these were "kindly Irish of the Irish," and were appointed to Irish sees. Ten or eleven others were genuinely Irish, but were appointed to the care of dioceses abroad. The remainder, for the most part, were English Dominicans or Palesmen of English extraction; one was French or Italian, another a Spaniard. Several of these, notably Darlington and Hotham of Dublin, were men of great distinction in their time.

It is as Dean of Cashel that David MacKelly first appears upon the scene; in all probability he was a native of the arch-diocese. The exact period of his tenure of office as Dean is not known. There is no certain evidence as to the precise date when the Chapter of Cashel was originally formed. But, in the year 1224, Pope Honorius III confirmed an order made by the Chapter that the number of Canons in the diocese should be limited to twelve; and he strictly forbade that anyone should compel the Chapter against its will to admit more. Some years later, however, we find a dignitary styling himself *Praepositus*, or Provost, who was doubtless a member of the Chapter.<sup>2</sup> It seems likely that David MacKelly was not long Dean before he became a Dominican. His predecessor in the Deanery was Thomas, whose name appears on a deed drawn up by Maurice (or Marianus) O'Brien, Archbishop of Cashel, who ruled the see from 1224 until 1237.<sup>3</sup> We may conjecture, for lack of more definite information, that MacKelly was raised

<sup>1</sup> Lecky's *Ireland in the Eighteenth Century*, 1896 edit., I. p. 3.

<sup>2</sup> Theiner, *Vetere Monumenta*, 22; *Calendar of Papal Registers*, I. 97; Cotton, *Fasti*, I. 32.

<sup>3</sup> Cotton, *Fasti*, I. 32; Eubel, *Hierarchia Catholica Medii Aevi*, I<sup>2</sup>. 170.



to the dignity of Dean in 1228, and relinquished that office in 1230. Several Protestant writers, such as Ware, Harris, Cotton, and Seymour,<sup>1</sup> appear to imagine that he was Dean of Cashel and a Dominican at the same time; which, as the renowned geometer of old would say, is absurd.

David MacKelly is one of the very few Irish Dominicans mentioned by the Italian writer, Altamura, in his *Bibliotheca Dominicana*, an interesting specimen of seventeenth-century research. Irish personages, as a rule, fare none too well in the pages of continental writers, especially of such as belong to Latin nations. MacKelly's reputation among foreign writers must have been considerable; he is mentioned by Fontana, Ughello, Cavalerio, Echard, and Bremond.<sup>2</sup> Altamura, who omits so many other Irish prelates of eminence, and is usually predisposed to laconism of a rather austere type, informs us that "David MacKelly, an Irishman who enjoyed the dignity of Dean of Cashel, despised the honours and worldly wealth which he possessed in abundance, and chose to follow Christ in the poverty of the Dominican Order."<sup>3</sup> MacKelly is styled "Vir virtutibus eximius" by De Burgo, who discourses with enthusiasm on the "antiquissima, olimque regia MacKelliorum sive O'Kelliorum progenie," and quotes Fontana's verdict on MacKelly: "Sexdecim annos in hac nobili Sede praeftuit Pastor optimus, quievitque cum Christo anno 1253."<sup>4</sup>

The Dominican Priory of Cork was founded in 1229, through the generosity of a Cambro-Irish noble, Philip de Barry, whose equestrian effigy, in brass, was long preserved in the Priory Church, in testimony of the community's gratitude. This Priory was the sixth, in order of time, among Dominican foundations in Ireland. Five other houses, in quick succession, had been established by the Irish Dominicans, with the aid of noble and influential friends, since 1224. The Priory of Dublin, where the Four Courts now stand, was acquired from the Canons of Holy Trinity (now Christ Church) in 1224. In the same year, Primate Netterville of Armagh founded the Dominican Priory of Drogheda. In 1225 the Priory of Kilkenny was founded by William, Earl Marshal, the second of that gallant and remarkable line. The first Dominican settlement in Waterford was effected in 1226. In 1227 the Priory of Limerick was

<sup>1</sup> Rev. St. John D. Seymour, *Succession of Parochial Clergy in Cashel and Emly*, 1908, p. 23.

<sup>2</sup> Fontana, in *Theatro Dominicano*, Part I. tit. xxiv. p. 65; Ughello in MS.; Cavalerio, *Galeria Dominicana*, I. 16; Echard, *Scriptores Ord. Praed.*, I. xxvii.; Bremond, *Bullarium O.P.*, I. 113.

<sup>3</sup> "David MacKellis, Hibernus cum Carsellensis [sic] Ecclesiae dignitate potiretur, spretis mundi honoribus, saeculique divitiis, quibus affluebat, nudum Christum in Dominicana Religione sequi delegit. . . Tandem quievit in Christo anno 1253."—*Bibl. Dom.*, p. 11.

<sup>4</sup> De Burgo, *Hibernia Dominicana*, 235, 457.

He was  
son of  
Cecilia  
Hib. Petrick  
See Annals  
of Connacht  
A.D. 1253



founded, largely if not wholly through the munificence of Donogh Cairbreach O'Brien, Prince of Thomond. The Priory of Cork was established two years later, and here David MacKelly, Dean of Cashel, received the Dominican habit about the year 1230. He must have been a man of uncommon fervour and high spiritual ideals, else he would scarcely have renounced an important ecclesiastical position, in order to submit to a life of poverty and obedience, such as the Dominican rule entails. He probably hailed the establishment of the new Orders as a buttress of faith and morals, and a breakwater against the disorders which the Anglo-Normans were fast bringing in their train. Besides, he had high examples to guide him, for in those days it was no uncommon thing to see brilliant University professors and distinguished dignitaries of cathedrals entering the ranks of the Dominicans and Franciscans.

That the Dominican Order appealed from the first to Irishmen of the Celtic race, and not to Palesmen<sup>1</sup> alone, is shown by the fact that the two Irish Dominicans who were first raised to the episcopate were David MacKelly and Alan O'Sullivan, both members of the Cork community. Indeed, of the twelve Dominicans who were appointed to Irish sees during the thirteenth century, eight were men of demonstrably Irish and Celtic parentage, while two others are doubtful. On the other hand, of the twenty Dominicans placed in charge of Irish sees in the fourteenth century, hardly more than one was a genuine Irishman. English influence and English pressure were brought to bear, with steady, persistent, unrelenting aggressiveness, year after year and age after age, in order that none but English ecclesiastics should be appointed to Irish sees. The evil results of this policy—narrow and unchristian as it was, yet thoroughly English withal—are writ large in the *Calendars of Papal Registers*.

### DAVID MACKELLY, BISHOP OF CLOYNE

1237-1238

After some years spent as a Dominican in Cork, MacKelly was, in 1237, chosen by the Holy See or by the local Chapter to rule the diocese of Cloyne. Some uncertainty attaches to the name and nationality of his predecessor; but no uncertainty is possible as to Henry III's eagerness to thrust an Englishman into the see. On July 20, 1226, the King signified to the clergy of Cloyne his royal assent to the promotion of William, Prior of Fermoy, whom they had

<sup>1</sup> For convenience' sake, I venture to use the term "Palesmen," though somewhat "out of due time," to denote the English colonists in Ireland together with their descendants.



recommended for that see. Two days later, the English monarch issued a mandate to the Archbishop of Dublin, and to Geoffrey de Marisco, then Justiciary of Ireland commanding them to use their best efforts on William's behalf, throughout their jurisdiction. On August 31 following, the King graciously accorded his *congé d'élire* to the Dean and Chapter of Cloyne, with the strict proviso that only an Englishman should be elected.<sup>1</sup> There can be little doubt that Prior William, of the Cistercian community of Fermoy, belonged to the favoured race; there can likewise be little doubt that he was duly elected and consecrated for Cloyne. It is true that Patrick is the name given by Ware, Eubel, and others, to the prelate who sat in Cloyne at this period; but there are several grounds for regarding this opinion as erroneous. Prior William had been recommended by the clergy themselves; the King was particularly anxious to secure his appointment, and all authorities seem to agree in stating that the Prior of Fermoy (whatever his name may have been) was the person eventually elected to Cloyne. Now the State Papers make it abundantly clear that William was the name borne by the Cistercian Prior of Fermoy, whose nomination to the see of Cloyne found so zealous and powerful an advocate in Henry III. After an episcopate of about ten years, Bishop William passed away<sup>2</sup> in 1236 or early in 1237—the precise date of his passing is no longer ascertainable.

Authors are practically unanimous in affirming that in 1237 MacKelly was appointed to the vacant see. No record exists of the exact day and date of his appointment to Cloyne. He must have governed the diocese during several months of 1237 and the greater part of 1238, as he was not translated to Cashel until after the close of July in the latter year. Some interesting details of his administration as Bishop of Cloyne have, fortunately, been preserved; they are known to us mainly from the Pipe Roll of Cloyne. A single entry concerning the first year of his episcopate is found in the State Papers; another has been saved from the ravages of time by the compiler of the *Black Book of Limerick*.

Bishop MacKelly was one of the "magnates of Ireland" to whom Henry III of England addressed letters in 1237, praying

<sup>1</sup> *Calendar of State Papers, Ireland* (1171-1251), pp. 216, 217. There was a Cistercian Priory in Fermoy, and a Priory of Canons Regular at Bridgetown or Ballindrohid, beside the confluence of the Awbeg and Blackwater, about six miles west of Fermoy. Possibly the Patrick of whom Ware speaks, may have been Prior of the latter establishment; but he does not appear to have been Bishop of Cloyne.—Cf. Archdall's *Monasticon*, ed. Moran, I. pp. 99, 127-133.

<sup>2</sup> Eubel (*Hierarchia Catholica Medii Aevi*, I<sup>2</sup>. 193) and Bliss (*Calendar of Papal Registers*, I. 145) wrongly state that this prelate resigned in 1235. It was the Bishop of Clonmacnois who resigned in that year.



"that they will grant him an aid on the marriage of his sister to the Emperor of Germany, with a thirtieth of their moveables, as the prelates of England had done." These royal letters were dated October 5, 1237; among the magnates to whom they were addressed was the Bishop of Cloyne. The see of Cashel was then vacant, and similar letters are carefully addressed to the Dean and Chapter of that diocese.<sup>1</sup> Whether Bishop MacKelly acceded or not to the King's request we have no means of knowing; certain it is that, fourteen years later, MacKelly came into sharp collision with the English monarch.

#### *BISHOP DE BURGH versus GEOFFREY DE MARISCO*

Almost simultaneously with this royal appeal for pecuniary aid—and Henry III, throughout his long reign, was chronically straitened for money—MacKelly received an important papal commission, empowering him to act as judge of appeal, for the purpose of hearing and determining a dispute between the Bishop of Limerick and Geoffrey de Marisco. The contestants were both Anglo-Normans, and their mutual hostilities will occupy us a good deal in the course of these pages.

The Bishop of Limerick at this period was Hubert de Burgh, whose chequered episcopal career extended from 1223 to 1250. His antagonist, Geoffrey de Marisco, one of the most perverse and lawless of the Anglo-Norman barons of the time, had thrice been Justiciary (or Lord Lieutenant) of Ireland. In or about 1234—some two years after he had finally relinquished the office of Justiciary—Geoffrey made a raid upon the diocese of Limerick, in the most approved style of the robber-barons of that era. He carried off a vast amount of property, inflicted sundry injuries and indignities upon the tenants and clerics of the Bishop, and ended by besieging the prelate himself in the church of Sengol. For these misdeeds, Geoffrey was excommunicated by the outraged Bishop, who applied to Pope Gregory IX to confirm the excommunication. By a rescript dated May 30, 1235, the Pontiff ordered Griffin Christopher, Bishop of Lismore, to investigate the case, and, if the circumstances so warranted, to confirm the sentence of excommunication by Apostolic authority. Bishop Griffin found that the losses inflicted by Geoffrey de Marisco upon the see of Limerick amounted to 1,500 marks, a large sum, equivalent to some £12,000 in our modern currency. He therefore ordered the offender to pay an indemnity of 1,500 marks to the Bishop of Limerick; at the same time, he ratified and confirmed the

<sup>1</sup> *Calendar of State Papers, Ireland, 1171-1251*, p. 361.



excommunication pronounced against Geoffrey de Marisco and his son William, together with certain of their accomplices, until full restitution should be made.

Against this decision Geoffrey appealed to the Holy See, on the ground that the sentence of excommunication was originally pronounced without due notice given, and without just cause. It would also appear that, for similar reasons, he had already appealed to the Abbot of Duisk (or Graigna-managh) and others, who illegally and unjustly decided in his favour and annulled the excommunication, besides surreptitiously obtaining letters from the Holy See in confirmation of their improper decision. This was adding injustice to injury. Under these circumstances, the Bishop of Limerick besought the Pontiff's intervention; wherefore, on September 1, 1237, Gregory IX commissioned Bishop MacKelly, after due trial, to pronounce a final and decisive judgment upon the entire affair, and to allow no possibility of further appeal. The judgment delivered by the Bishop of Cloyne was a complete vindication of the Limerick prelate. Bishop MacKelly republished the sentence of excommunication against Geoffrey de Marisco, and commanded the faithful to regard Geoffrey as an excommunicated person until he should consent to make due reparation. The sentence promulgated by Bishop MacKelly on this occasion embodies the papal commission by which he was empowered to act, and is still preserved in the *Black Book of Limerick*.<sup>1</sup>

<sup>1</sup> On the various phases of this dispute, see the *Black Book of Limerick*, ed. MacCaffrey, pp. xlii. xlv. 128-131, etc. The text of Bishop MacKelly's decision is somewhat defective; it runs thus:—

"Omnibus Christi fidelibus ad quos presens scriptum pervenerit frater D. dei gratie Clonensis episcopus, salutem in domino. Mandatum domini Papa in hec verba suscepimus: G. episcopus, servus servorum dei, venerabili fratri episcopo Clonensi salutem et apostolicam benedictionem. Venerabilis frater noster Lymeric. episcopus nobis significare curavit quod cum Galfridus de Marisco, miles sue dioecesis, de dampnis et iniuriis ecclesie Lymeric. illatis ab eo satisfacere sibi frequenter monitus denegaret, et idem episcopus propter hoc in ipsum promulgasset exigente iusticia sententiam excommunicationis, et venerabilis frater noster Lysmorensis episcopus delegatus a nobis mandaverit sententiam ipsam usque ad satisfaccionem condignam inviolabiliter observari, pro eo quod dictus miles a prefato Lysmorensi monitus de premissis, satisfaccionem debitam exhibere pertinaciter contempnebat [*recte*, contempnebat], postmodum idem miles falso nobis suggerens eundem Lymeric. episcopum in ipsum, nulla competente monicione premissa, sine causa rationabili excommunicationis sententiam promulgasse, contra statuta generalis consilii ad abbatem de Dufhusk [appellaverit?]. Coniudices contra eum nostras super hoc litteras impetraverint, coram quibus ex parte ipsius fuit excipiendo propositum quod cum huius littere de prioribus ad dictum Lysmorensensem obtentis et earum processu nullam faciant mencionem, per eas utpote veritate tacita impetratas, procedere non poterant nec debebant. Sed quum idem iudices ipsum super hoc audire contra iusticiam denegantes, prefatam excommunicationis sententiam, nulla caucione recepta, contra iusticiam relaxarunt. Idem sensiens ex hoc se indebitum gravari, nostram audienciam appellavit. Quocirca



*ENGLISH COLONISTS AND IRISH SERFS IN CLOYNE*

The remaining facts of MacKelly's brief rule at Cloyne, so far as they are known to us, are recorded in the Pipe Roll of that diocese. This Roll is an ancient collection of documents on parchment, being copies of grants, deeds, findings of juries, and similar matters affecting the temporal possessions of the see of Cloyne. That these possessions were by no means inconsiderable, a glance at the Pipe Roll suffices to show. The Roll itself, as Ware and others believe, was begun by Bishop Swaffham, the Carmelite ruler of Cloyne, about the year 1364; but it includes several documents contemporaneous with Bishop MacKelly, in three of which he is expressly named. These three documents are grants or leases issued by the Franciscan Bishop Daniel, who was MacKelly's contemporary and his second successor in the see of Cloyne. From these documents it appears that Bishop MacKelly had leased certain glebe lands to the burgesses of Kilmaclenine and others to the citizens of Cloyne, besides a small farm to a clerical namesake of his own; these leases were renewed, in an amplified or restricted form, by his later successor, Bishop Daniel.<sup>1</sup>

fraternitati tue per apostolica scripta mandamus, quatinus si est ita de utriusque iudicii processu, cognoscens legitime quod iustum fuit [fuerit?], appellatione remota decerneris, faciens quod decreveris per censuram ecclesiasticam firmiter observari. Testes autem qui fuerint nominati, si se gratia, odio, vel timore subtraxerint, per censuram eandem appellatione cessante compellas veritati testimonium perhibere. Datum Viterbii Kalendas Septembris pontificatus nostri anno undecimo.—Huius igitur auctoritate mandati, quia nobis constitit plene, partibus coram nobis citatis, ex parte domini Lymeric. episcopi legitime fuisse appellatum ab examine abbatis de Dovhusk et suorum collegarum a sede apostolica delegatorum, ob causam in originale incertam, et inspecto etiam processu domini Lymorensis episcopi, qui sententiam excommunicationis a domino Lymeric. episcopo in personam predicti G. de Marisco latam cognitis cause meritis rite cum rationabiliter, auctoritate apostolica confirmavit, decernens eam usque ad satisfaccionem condignam inviolabiliter observari, iudicium processum in irritum revocamus, reducentes eundem G. de Marisco in eandem excommunicationis sententiam qua antea tenebatur astrictus. Unde universitatem vestram monemus et exhortamus in domino, auctoritate Pape qua fungimur in hac causa, nichilominus mandantes quatinus predictum Galfridum de Marisco publice pro excommunicato habeatis, et arcius eum citari faciatis, quo usque memorato Lymeric. episcopo plenarie satisfecerit de hiis super quibus excommunicationis vinculo per eundem fuerat inodatus. In cuius rei testimonium universitati vestrae has litteras mittimus patentes.”  
—*Black Book of Limerick*, pp. 129-131.

<sup>1</sup> *Rotulus Pipae Clonensis*, ed. Richard Caulfeild, Cork, 1859. In the *Proceedings* of the Royal Irish Academy, January, 1883, there is an interesting and valuable article by Rev. Thomas Olden, based on Dr. Caulfeild's edition of the Pipe Roll; to this article I am much indebted in the present section. But Mr. Olden's dates are occasionally wrong; for instance, he gives 1228-1237 as the term of MacKelly's episcopate in



Kilmaclenine, which lies about five miles north-west of Mallow, was formerly a parish, and is still a prebend, in the diocese of Cloyne. The entire parish consisted of little more than a thousand acres; it formed one of the estates of the see of Cloyne down to the middle of the seventeenth century, though wrested from the Catholic Church at the period of the so-called Reformation. It must have been a township of undeniable importance in the thirteenth and fourteenth centuries; it bulks much larger than Cloyne itself in the *Pipa Colmani*. The Mote of Kilmaclenine is said to have been one of the residences of the Bishops of Cloyne;<sup>1</sup> here, it is said, they held their courts and received the homage of such tenants of the Church lands as were resident in the neighbourhood. "The Bishop in those times was a great feudal lord, holding lands and seignories in the same manner as lay barons," as we are reminded by the editor of the Pipe Roll. All that now remains of the Mote is a solid wall, nearly four feet in thickness, crowning the summit of a limestone rock, which rises abruptly from the plain to a height of about forty feet, like a miniature copy of the Rock of Cashel.

When Bishop MacKellly assumed the government of his diocese in 1237, he found a colony of English settlers planted at Kilmaclenine. To these he granted a lease of certain glebe lands, and the grant was afterwards confirmed, apparently with some restrictions, by Bishop Daniel, in 1251. This prelate granted the lands in question to "his beloved sons, the burgesses of Kylmaclynyn," at an annual rent of 10 marks, or about £80 of our modern money. He states that these lands had been granted, "*melius et liberius*" to the same burgesses "*per veneratilem patrem nostrum fratrem David, dei gratia*

Cloyne, while all the standard authorities—Eubel, Gams, Ware, Harris, Cotton, De Burgo, Bremond, etc.—agree in giving 1237-1238 as the correct period. Again, Mr. Olden speaks of Bishop Daniel as confirming a certain grant in 1249, whereas the Roll itself attests that the deed of confirmation was executed in 1251. The same writer has a disconcerting way of fusing together, in a single paragraph, events which belong to quite different periods, or even to different centuries, as an inspection of the Pipe Roll proves. Above all, I can see no reason for subscribing to Mr. Olden's theory that Bishop MacKellly was the person who introduced the English colony of planters into Kilmaclenine.

<sup>1</sup> On the vexed question of the origin of Irish Motes, see the opposing views of Mr. T. J. Westropp and Mr. G. H. Orpen in *Journal R.S.A.I.*, December, 1905, and June, 1907. The Mote of Kilmaclenine is, apparently, not mentioned by these writers; but the existence of such a building on Church lands—a fortress-like structure, occupying a strong natural position, and seemingly built for defensive purposes—offers an interesting problem for solution. "The settled plan of the Normans," writes Mrs. J. R. Green, "was to descend on defenceless Church lands, and turn them into Norman strongholds; in reply to complaints, they pleaded that the churches were used by the hostile Irish as storing places for their goods."—*Irish Nationality*, p. 98.



quondam Episcopum Clone," by whom the said lands had been "measured and perambulated."<sup>1</sup>

This English colony may have been one of the fruits of an Englishman's rule as Bishop of Cloyne; the colonists or planters may have been introduced into the district by that Cistercian prelate who preceded Bishop MacKelly, and whose episcopate covered a space of about ten years. Probably Henry III had some such plantation scheme in mind when he insisted, in 1226, that an Englishman should be chosen for the vacant see of Cloyne. It seems altogether certain that MacKelly himself was not the founder of the colony. He was quite unlikely to displace his own countrymen in favour of a numerous group of unfriendly strangers. The invidious task of establishing such a colony would scarcely be undertaken by any bishop during his first or second year of office, and MacKelly's entire period of rule at Cloyne appears to have lasted barely more than eighteen months. Even if Bishop MacKelly had desired to import some hundreds of foreign planters into his diocese—a supposition which is unlikely in the extreme—he would have scarcely had time to carry the project to a successful issue. A good deal of time would necessarily be consumed in negotiations and preparations; communications between England and Ireland were tedious and difficult in those days. It would, indeed, have been a marvel if the colony were in full working order, securely established in its new home, at the end of a year or eighteen months. Even from the text of the Pipe Roll itself it seems evident that the colony had reached its fixed and settled form at the date of Bishop MacKelly's grant. For the colony, even then, had its burgesses elected by the community; and to this municipal body, already in existence, the Bishop granted a lease of certain lands. The mayor and corporation of a modern town are, in some sense, the direct descendants of the provost and burgesses by whom the affairs of a medieval township were administered.

The diminutive parish of Kilmaclenine, covering an area of only 1,042 acres, formed part of the see-lands of Cloyne, and included what was known as the Manor and the Burgence. The Manor comprised some 267 acres, which were divided into twenty-six lots, giving an average of ten acres to each farmer. This arrangement may have prevailed in Bishop MacKelly's time; it certainly existed at a later period. The Burgagium was the land leased to persons who, in modern parlance, would probably be termed "town tenants"; in this instance, they were English colonists or planters. A later rental of the village gives the names of twenty-nine of these tenants, who each held on an average about five acres of land; the rent of house

<sup>1</sup> *Rotulus Pipae Clonensis*, ed. Caulfeild, pp. 16, 17.



and land was about 1s. 6d. a year, or nearly £1 a year in our modern currency. Besides these, there were forty-eight joint tenants who held no land, and whose average rent was only 4d. a year. These were, doubtless, of the labouring or artisan class, and probably serfs as well. The burgesses themselves, or some of them, while holding their lands under perpetual leases, were subject to the disabilities of the class known as *adscripti glebae*<sup>1</sup>; difficulties which, to our modern way of thinking, seem by no means trivial. Assuming that these seventy-seven tenants were heads of families, we may reckon the population of the township at close on 400 souls—quite a considerable community in a country so thinly inhabited as Ireland then was. In 1251 the Franciscan Bishop Daniel gave an undertaking that the colony should be governed “by the law of Bristol,”<sup>2</sup> which was probably Magna Charta, with some slight changes. This partiality of the settlers for the law of Bristol may possibly afford an indication of their origin. Many of the names which figure in this ancient Pipe Roll are still to be found in the vicinity of Kilmaclenine, or were there some three decades ago; among them are such names as Wynne, Cotte, and Kasse, now modernised into Cash. A number of sturdy Irish and Catholic families of the latter name are living at the present time in the Port Lincoln district of South Australia.

Beyond recording the fact that parcels of land were held by these English colonists at Kilmaclenine, the Pipe Roll gives no further information regarding their occupations. It has been plausibly conjectured that the great body of these planters must have had some other industry, and that a clue to its nature may be gleaned from Smith's *History of Cork*. Smith, we are told, “knew nothing whatever of the history of Kilmaclenine and its colony, but in enumerating the mineral products of the country, which would afford industrial employment if taken advantage of, he notices a deposit of ochre there. This is situated at the place where there is little doubt the village stood, and it attracts the visitor's attention by its bright colour, wherever the soil is exposed. Smith's words are: ‘A pale yellow ochre comes from Kilmaclenan, near

<sup>1</sup> “Qui quidem burgenses sunt betagii, quare non possunt ire ex villa nisi facere pasturam super terras dominicas domini, quae quidem terrae jacent et claudunt burgagium usque villam.”—*Rotulus Pipae Clonensis*, p. 18.

<sup>2</sup> For a similar undertaking given to the burgesses of Mungret by Robert, Bishop of Limerick (1251-1272), see Dr. MacCaffrey's admirable edition of the *Black Book of Limerick*, p. 162. About the year 1240 Archbishop Luke of Dublin confirmed to his burgesses of Rathcoole “the liberties of Bristol and its burgages” (*Journal R.S.A.I.*, June, 1897, p. 171). This Bristol system seems to have been rather popular among the Palesmen of the mid-thirteenth century.

Doneraile, where there is plenty of it ; it turns to a brick colour, and is used by the glovers and skimmers of that neighbourhood.'"<sup>1</sup>

In the Middle Ages, leather and hides formed a highly important item among Irish exports, and it is not unlikely that the ochre of Kilmaclenine suggested the introduction of a colony of tanners and workers in leather, who could take advantage of this natural deposit and carry on a profitable industry. The village was probably built of wood, for timber was plentiful ; to the north and west stretched the great forest from which the barony of Kilmore derives its name. The place now retains few traces of its olden importance. The broken ruins of its stone-built mote and church are still standing ; a few stones buried in the moss indicate the site of its ancient churchyard where "the rude forefathers of the hamlet sleep." The village itself has long since disappeared ; as far back as 1591 it was a *locus desertus et vastatus*, which is not surprising when we remember how Queen Elizabeth's generals reduced Munster to a scene of "carcases and ashes."

In Bishop MacKelly's time, Kilmaclenine must have been an interesting spot :

"Beneath in the valley were the buildings of the new colony—the Mote perched on its lofty crag, the little church where the villagers worshipped, the wooden houses in which they lived—all was fresh and new, and the future was full of hope. On every side the hum of industry arose—the villagers were busy plying their trades ; the biatachs pasturing their flocks and herds on the *terras dominicas domini*, or, according to the season, sowing the Bishop's *semen hyemale* or *quadragesimoale*, or *tassantes et sarculantes bladum domini* ; the Bishop's messengers going to and fro, *portantes literas domini* ; the village packhorses bearing the Bishop's 'wine, salt, and iron' ; and then the lords and gentlemen with their train of attendants arriving to do homage, and promising, *tactis sacrosanctis Evangeliiis*, that they will securely pay in future. Everything seemed hopeful."<sup>2</sup>

The prospect before the Irish tenants on the Bishop's lands, at least in the century after Bishop MacKelly's demise, was neither bright nor hopeful. Their position was truly extraordinary ; it was probably the outcome of the feudal system introduced by the Anglo-Normans.

"It appears from the Roll that villeinage, of which so little trace can be found elsewhere in Irish documents, was anciently quite prevalent ; and it further appears that men of Irish race, living on the Bishop's estates, were destitute of any rights in

<sup>1</sup> Smith's *History of Cork*, II. 369 ; Olden in *Proceedings R.I.A.*, January, 1883.

<sup>2</sup> Olden, *Proceedings R.I.A.*, January, 1883, p. 126.



their own labour, and were in a state of mere slavery, being seemingly in a similar condition with that class in England who were called *villeins in gross*. In the year 1348 there occurs, as the reader may see, a finding of a jury 'that John, who was called Lowis, is mere Irish and of the race (*progenie*) O'Karny, and that all his goods, lands, and tenements are the property of the Lord Bishop of Cloyne, because all of the race O'Karny are Irishmen of the church of St. Colman, and born in servitude'; yet it appears in the same finding that this John Lowis had thirteen tenanted houses and some land."<sup>1</sup>

In like manner, the finding of a jury (perhaps in 1364) records the fact that several other septs or families were in a condition of slavery on the episcopal estates of Cloyne.<sup>2</sup> In the archdiocese of Dublin the status of native tenants was hardly better, and seems to have been actually worse, than in Cloyne. King John, as "Lord of Ireland," granted to Archbishop John Comyn, of Dublin, feudal jurisdiction over his tenants; and a document recording this ill-omened transaction is still preserved in the *Liber Niger Alani*. Considerably earlier, about the year 1166, King Dermot MacMurrough, of unhappy memory, had conferred the lands of Baldoyle, with their men—that is, with Melisu Macfeilecan, his sons and grandsons—upon his spiritual father and confessor, Bishop Edan of Louth, for the use of certain Canons. Some sixty years later, these Irish serfs were in a condition which must be frankly described as slavery. About the year 1230, Sir Richard de Pheypo, lord of Santry, granted certain serfs, with all the issue and progeny of their sept in future, to the Prior and Convent of All Saints near Dublin, where Trinity College at present stands. These serfs are granted as so many slaves, quite independently of any grant of land, for none was given. Their surname, as specified in the donation, is Mackelegen; they are said to be of Baldoyle; and it is more than probable that they were the descendants of Melisu Macfeilecan. These hapless people were pure serfs

<sup>1</sup> *Rotulus Pipae Clonensis*, ed. Caulfeild, p. ix.

<sup>2</sup> "Item dicunt quod homines de nacione Omcganes sunt puri homines Sancti Colmani, et pertinent ad ecclesiam.

Similiter de nacione Mac Noran.

Similiter de nacione O Loughan.

Similiter de nacione O Gevenys.

Similiter de nacione O Honans.

Similiter de nacione Moldlock.

Similiter de nacione Mac Dewyn.

Similiter de nacione O Molginnes.

Similiter de nacione O Gormanys.

Similiter de nacione O manys.

Similiter de nacione O Drommys.

Similiter de nacione O Honynis.

Similiter de nacione Mac Cromes.

"Et quod dominus potest omnes istos, et filios et filias eorum, in omnibus locis capere, et bona eorum seysire, et eos vendere, et facere similiter stare et esse supra terram suam in loco quo voluerit, et dabunt domino heriotum, et omnia bona eorum post decessum ad voluntatem domini, et non debent facere testamenta nisi per licentiam domini."—*Rotulus Pipae Clonensis*, p. 8.

or "villeins in gross"; they were not neoyffs, betaghs, or *adscripti glebae*.

"The difference between these forms of villeinage," as Dean Butler reminds us, "was considerable; the betagh or native was an occupier of the land, bound to the performance of certain offices connected with land; he was bound to the land and granted with it. He was obliged to bear talliage, high and low, at the will of the lord; his right to dispose by will of his chattel property was denied in the King's Courts; and even were he to raise himself to the rank of a citizen of Dublin any landed property which he acquired was liable to be seized upon by the lord. In this form, villeinage existed in Ireland to the sixteenth century, when Archbishop Alan, in 1531, counts up his natives as he would count up his stock; but as *servi*, these Mackeligans were in a worse state than betaghs or natives; so far as is indicated by this charter they were absolute slaves, and, as they were given without land, might be removed or sold from it."<sup>1</sup>

The Bishops of Cloyne resided chiefly in the old cathedral town of that name. Cloyne receives in the Pipe Roll the dignified appellation of a city; its inhabitants are respectfully referred to as citizens (*cives*). Here also Bishop MacKelly granted a tract of glebe land, on perpetual lease, to the town-folk, each tenant receiving eight acres, for which he was bound to pay rent at Easter and Michaelmas. The townsmen, Irish as well as English, received equal shares of the Church lands, which extended northwards from the "city." Bishop David's grant was confirmed by Bishop Daniel, in an undated document which affords a curious specimen of the legal Latinity of this period.<sup>2</sup>

The last entry in the Pipe Roll in which Bishop MacKelly's name occurs is a lease of one carucate of Church land, granted to a certain cleric who seems to have been a namesake of the

<sup>1</sup> Dean Butler, *Registrum Prioratus OO. Sanctorum*, 1845, pp. ii., xv., 53, 129-132; Stokes in *Journal R.S.A.I.*, September, 1893, p. 312; *Twentieth Report of Deputy-Keeper*, p. 42.

<sup>2</sup> "Sciant presentes et futuri quod ego frater Daniel, miseratione divina Clone Episcopus, dedi, concessi, et hac presenti carta confirmavi civibus meis de Clone, cujuscumque nationis sint, burgagium quod tenent de me et de successoribus meis in eadem civitate, octo acras ad singulos spectantes, tenendum et habendum de me et successoribus meis, sibi et heredibus suis, libere, quiete, integre, plenarie, honorifice, pacifice, in bosco, plano, viis, in semitis, pratis et pasturis, in moris, mariscis, et in aquis, reddendo inde annuatim mihi et successoribus meis ipsi cives et sui heredes, de tota terra quae per venerabilem patrem David quondam Clone Episcopum, pro se et suis successoribus, dictis civibus et eorum heredibus, ex parte aquilonali dictae civitatis fuit mensurata et perambulata, nomine marcae sterlingorum [this phrase is corrupt or has been misread], solvendo ad duos anni terminos, vidlt., ad festa Paschae et Michaelis, per equales portiones, pro omni servitio, exactione, indebitis, et demanda."—*Rotulus Pipae Clonensis*, pp. 36, 37.



Bishop, and may have been a relative. A carucate, otherwise termed a "plough-land," or "hide of land," appears to have comprised sixty acres in England, and twice that measure in Ireland.<sup>1</sup> Be this as it may, the grant to this good cleric was confirmed by Bishop Alan O'Sullivan, and re-confirmed by Bishop Daniel, in a document which appears to have been copied into the Roll by a notary public nearly a hundred and fifty years after its original date of issue. This document is of interest, not only for its reference to "the venerable Fathers David and Alan, of happy memory," but also because it contains one of the earliest allusions to a name which afterwards became illustrious—the name of Sarsfield.<sup>2</sup>

Such are the recorded incidents of Bishop MacKelly's brief episcopate in Cloyne. They are few in number, yet they seem to indicate clearly the character of the man. His fearless decision against Geoffrey de Marisco, one of the most unscrupulous, as one of the most influential, of the Anglo-Norman barons, proves him to have been a strong and just man. His readiness to make liberal grants of land on easy terms to his diocesans, proves that he was a prelate who loved to promote the temporal welfare of his people. The sole blot on the escutcheon of the diocese was the servile condition of native Irish dwellers on the Church's estates. For that condition, not the Bishop,

<sup>1</sup> Sir Frederic Madden, in his glossary to Matthew Paris, *Hist. Angl.*, III. 354; Dr. MacCaffrey, in *Black Book of Limerick*, p. 169.

<sup>2</sup> "Universis Christi fidelibus presentes literas inspecturis vel audituris, Frater Daniel miseratione divina Clone Episcopus, salutem in Domino. Noverit universitas vestra nos, de assensu et voluntate Decani et Capituli Clone, dedisse, concessisse, et hac presenti carta nostra confirmasse, dilecto clerico nostro Gillacomdach Machicallig, unam carucatam terrae cum pertinentiis in tenemento de Coulleneny, videlicet, illam quam venerabiles patres bonae memoriae, David et Alanus predecessores nostri, concesserunt et confirmaverunt eidem, quae est ex parte australi cemiterii ejusdem villae. Tenedum et habendum de nobis et successoribus nostris, sibi et heredibus suis masculis in perpetuum, libere, integre, quiete, et pacifice, in plano et bosco, in pratis et pasturis, in moris et marescis, in aquis et molendinis, cum omnibus libertatibus et liberis consuetudinibus ad eandem terram spectantibus, quas warrantizare possumus vel donare. Reddendo inde nobis et successoribus nostris, ipse et heredes sui antedicti, unam marcā argenti ad duos terminos consuetos, videlicet, medietatem ad Pascham, et aliam medietatem ad festum Sancti Michaelis, pro omni servitio et demanda ad nos et successores nostros spectantibus. Nos vero et successores nostri, dominium sive redditum annuale predictae terrae, nulli omnino homini permutabimus. Ut autem haec nostra donatio, concessio, et cartae confirmatio, in posterum robur optineat firmitatis, presenti cartae sigillum nostrum duximus apponendum. Hiis testibus: G. Decano, M. Archidiacono, M. Precentore, O. Thesaurario, D. Cancellario, Clonensibus; G. Archidiacono de Omachatha, domino Philippo filio Willielmi de Barry, Philippo filio Odonis de Barri, domino Henrico de Chapella, Willielmo de Sharisfeld et aliis. Datum anno gratiae millesimo CC. quinquagesimo secundo.—Scriptum de manu domini Johannis Sandy notarii, apud Balaghath xxiii die Aprilis anno Domini [millesimo] CCCC. secundo."—*Rotulus Pipae Clonensis*, pp. 53, 54.

but the feudal system introduced by the Anglo-Norman invaders, was directly responsible. For the rest, the system was more humane in practice than in theory. A man who was theoretically born in servitude could yet in practice become the owner of "thirteen tenanted houses and some land." A good many "freemen" of the present day might, perhaps, envy the "slavery" of a well-to-do tenant on some Church lands of the thirteenth century. The German proverb, "Happy are they who dwell beneath the crozier," found its application in Ireland, no doubt, as well as elsewhere.

*DAVID MACKELLY, ARCHBISHOP OF CASHEL*  
1238-1253

The see of Cashel fell vacant in May, 1237, when Archbishop Maurice (or Marianus) O'Brien passed from this world after a fairly lengthened episcopate. He had been translated from Cork to the metropolitan see on June 10, 1224.<sup>1</sup> To him and his successors King Henry III remised and quitted claim (so run the words of the charter) to the new town of Cashel, and granted the same from thenceforth to be held of him and his heirs in frank, pure, and perpetual almoign, quit of all secular service and exaction. Such is the official version of this transaction, as narrated by Ware and other writers. But the affair assumes another complexion when we learn that this seemingly liberal, pious, and philanthropic donation was merely a tardy and partial act of restitution. It was simply an act of reparation for robbery, as is clear from a letter of Honorius III. That Pontiff reigned from 1216 until 1227; his contemporary, Donatus O'Lonergan, a Cistercian, was Archbishop of Cashel from 1206 until 1223. Writing to his Legate in 1221, Pope Honorius drew attention to a series of complaints made to the Holy See, some years previously, by the Archbishop of Cashel. The Archbishop complained, in the first place, that the temporal possessions of his diocese had been unjustly seized and detained by many individuals; and more especially, that the new town of Cashel and other properties of the see had been unjustly wrested from the Archbishop by Geoffrey de Marisco, Justiciary of Ireland, and his accomplices. No reparation for these acts of robbery had yet been made, though Henry III of England had been repeatedly informed of the misdeeds of his subordinates. The Pontiff himself, at the Archbishop's request, had written to the English monarch, commanding him to restore the town of Cashel, as well as the other ecclesiastical

<sup>1</sup> Eubel, *Hierarchia Catholica*, 12. 170.



possessions which had been wrongfully seized and detained.<sup>1</sup> Still, no restitution had been made, and none was made during the lifetime of Archbishop O'Lonergan. It was only after the accession of Archbishop O'Brien that the town of Cashel was restored to its rightful owner, and even then the transfer was invested with a fictitious air of piety and liberality.

The Archbishop afterwards granted the town, or confirmed a grant of it, to the mayor and burgesses of Cashel, reserving certain small pensions to his see. By this prelate's licence, David de Latimer, a certain knight or seneschal, built a hospital at Cashel for lepers, and there placed his own daughter who suffered from that disease. Afterwards, in 1231, Archbishop O'Brien fell very ill on his way to Rome. Apprehending the approach of death, he took the religious habit in a Cistercian monastery; but recovering, and having dispatched his business at Rome, he returned to Cashel, where, after five years, he died, and was buried in the Abbey of Inishlaunaght.<sup>2</sup>

The Archbishop's demise was duly reported to the English authorities, and on June 6, 1237, Henry III issued a mandate to Maurice FitzGerald, Justiciary of Ireland, "to take into the King's hand, and safely keep till further orders, the Archbishopric of Cashel, and all its lands, tenements, and possessions, whereof Marian, formerly Archbishop of that see, was seized at his death."<sup>3</sup> Nearly fourteen months later, the see was still

<sup>1</sup> "Cassellensis archiepiscopus, suggerens olim nobis, quod ipse possessiones ecclesie Cassellensis a quampluribus iniuste detentas, et specialiter villam novam de Cassello, et possessiones alias eiusdem ecclesie, quibus eam nobilis vir G. de Marisco iustitarius Ybernie, ac eius complices indebite spoliarent, adhuc non potuit rehabere, quamvis Rex super hoc fuisset monitus diligenter, ad eundem Regem nostras litteras impetravit, ut sibi restitui faciens tam villam predictam quam alia, quibus erat contra iustitiam spoliatus, eum in iustitiis et libertatibus suis defenderet et foveret."—Theiner, *Vetera Monumenta*, p. 19. It is worthy of remark that no attempt is made by Henry III and his advisers to rebut this charge; they must have known that it was only too well founded. They plead that King John had died in "quasi-pacific possession" of the confiscated see-lands—that is, in quasi-pacific possession of the fruits of robbery; and that Henry III, being a minor, should not be called to account for such property or hindered from detaining it, during his minority. As King John died on October 19, 1216, the see-lands of Cashel must have fallen into the unrighteous grasp of Geoffrey de Marisco and his accomplices before that date. Henry III, in the ordinary course of things, would not attain his majority until October 1, 1228, though he actually declared himself of age and refused to be bound by charters in 1227. The plea put forward by Henry's advisers would enable the Crown to remain undisturbed in its enjoyment of the fruits of spoliation for a clear period of eleven or twelve years. This, in fact, eventually happened. The town of Cashel was not restored to Archbishop O'Brien until November 16, 1228, and was then given back only on payment of 300 marks to the King, a sum equivalent to £2,400 in modern currency. Truly a strange instance of frank, pure, and perpetual almsgiving.

<sup>2</sup> Ware's *Antiquities*, 1705 ed., s.v. "Archbishops of Cashel."

<sup>3</sup> *Calendar of State Papers, Ireland*, 1171-1251, p. 346.

vacant. On July 29, 1238, Henry III signed "letters of presentation for Michael de Reymvill to the prebend which belonged to Nemyn Cheyn, in the church of Cashel. This presentation pertains to the King, because the church of Cashel is in the King's hand in consequence of vacancy."<sup>1</sup> A few years earlier—between October 28, 1228, and same date in 1229—the King and his officials had confiscated, by reason of a similar vacancy in the archdiocese of Dublin, Church revenues to the amount of £445 1s.,<sup>2</sup> equivalent to nearly £5,000 in our present-day currency. From the foregoing facts we can infer that not only were the revenues of Cashel confiscated for the benefit of English officialdom, but also that the vacancy afforded a pretext for the intrusion of another English cleric into a canonry of the archdiocese.

There is abundant reason to suppose that Bishop MacKelly was not the original nominee of the Chapter of Cashel. On October 21, 1237, after the archdiocese had been about five months vacant, Pope Gregory IX issued a mandate to Otho, Cardinal of St. Nicholas in Carcere, Papal Legate, on petition of the Dean and Chapter of Cashel, stating that, the see being void, they begged of the Justiciary of Ireland, acting as Viceroy, licence to elect or postulate an Archbishop, and, on being refused, postulated the Bishop of Killaloe, to which postulation the King refused to consent. The Pope orders the Cardinal to verify the above statement, and if he finds that the postulation was made canonically, to induce the King to consent to it, and by letters patent to provide that such consent shall not be to the King's prejudice; also to free the Archbishop-elect from the tie by which he is bound to the see of Killaloe, and place him in that of Cashel. Otherwise, the Cardinal is to cause election or postulation to be made."<sup>3</sup>

Some important particulars, contained in the original mandate, should be added to the summary just quoted. The Canons' petition, as rehearsed in the Pope's letter to Cardinal Otho, set forth the fact that they had repeatedly asked the Justiciary's permission to proceed to an election, though they were not bound, either by law or custom, to seek such permission. In the second place, they lay stress on the fact that the archdiocese has suffered grave loss and injury, both in spirituals and temporals, for which reason they are anxious to secure, as speedily as possible, a suitable pastor. All this is clearly stated in the original mandate.<sup>4</sup>

<sup>1</sup> *Calendar of State Papers, Ireland, 1171-1251*, p. 368.

<sup>2</sup> *Thirty-fifth Report of Deputy-Keeper of Public Records, Ireland*, p. 32.

<sup>3</sup> *Calendar of Papal Registers*, I. 166. Eubel, I<sup>2</sup>. 170, seems to have quite mistaken the meaning of this mandate.

<sup>4</sup> "Decani et Capituli ecclesie Cassellensis exhibita nobis petitio continebat, quod ecclesia ipsa pastoris solatio destituta, ipsi ex super-



For some reason now unknown—perhaps as a compromise with the English king, or by reason of some canonical flaw in the election—the candidature of Bishop Donald O’Kennedy of Killaloe was set aside, and the Bishop of Cloyne chosen in his stead. The standard authorities are unanimous in fixing 1238 as the year of Bishop MacKelly’s translation to Cashel, though no record now exists as regards the precise date of his translation to the metropolitan see. On October 22, 1239—two years and a day after the solution of the Cashel deadlock had been entrusted to Cardinal Otho—the Pontiff granted the pallium to Archbishop MacKelly: “The Pope sends to the Archbishop of Cashel the pallium which he had asked for, by Simon, a Canon, and David, a clerk of that church; the Bishops of Emly and Ardferf, bearers of the same, are to receive from the Archbishop his oath of fealty to the Pope.” On the same day, Gregory IX addressed a mandate to the above-named Bishops, directing them to return the said oath to the Pope, under letters patent sealed with their seal.<sup>1</sup> The Bishop of Emly at this time was named Christian; and Bishop Brendan had lately been installed in the see of Ardferf, after serving as Provost of the diocesan Chapter for some time before his election.<sup>2</sup>

### ENGLISH ABUSES IN MUNSTER

The see of Cashel at this time needed a strong, vigilant, and resourceful pastor. The affairs of the archdiocese were in a condition far from satisfactory. There were grave difficulties to be faced, and serious abuses to be remedied. In 1237 the Canons had informed the Holy Father that much evil had been wrought to the spiritual and temporal interests of the diocese. A papal letter of 1235, directed to the Archbishop of Dublin, may furnish a clue to the causes responsible for this spiritual and temporal decay. In the time of Honorius III, as we learn from this letter, the Archbishop of Cashel, of happy memory—Archbishop O’Lonegan, the Cistercian—had complained to the Pope of the “intolerable customs” existing in

habundanti a nobili viro Iustitiario Ybernie, . . . eligendi seu postulandi licentiam, quamquam ad hoc nec de iure, nec etiam de consuetudine tenerentur, sepius postularunt. Cumque postmodum nequeunt petitam super hoc licentiam obtinere, ne dicta ecclesia, que graviter erat in spiritualibus et temporalibus iam collapsa, gravius sub vacatione diutina laberetur, sicut moris est, convenientes in unum, spiritus sancti gratia invocata, Venerabilem fratrem nostrum. . . . Laoniensem Epum. suffraganeum ipsius ecclesie, in suum Archiepiscopum canonice ac concorditer postularunt.”—Theiner, 37.

<sup>1</sup> *Calendar of Papal Registers*, I. 184; Theiner, 39.

<sup>2</sup> Cotton, *Fasti*, I. 86, 437.

Ireland. Pope Honorius acted with decision. He twice directed his Legate to call a conference of nobles and prelates, both English and Irish, to investigate the Archbishop's charges and the English monarch's pleas in defence. The Legate soon afterwards withdrew from the English court and nothing was done.

We know the date of one of these mandates ; it was addressed by Honorius III to his Legate in 1221. Archbishop O'Lonergan's complaints had probably been laid before the Holy Father in 1217 or 1218 ; yet in 1235 most of the abuses, against which that worthy prelate had protested, were still in vigorous and baneful operation. In 1234 the English monarch advanced another stage on the road of aggression. Claiming that the " customs " in question had been introduced as useful and necessary, he demanded that the Holy See should invest them with its formal and definitive sanction, even though an Archbishop of Cashel had denounced them collectively as " intolerable," and though more than one of them had been severely reprobated by the Holy See. On January 4, 1235, therefore, Gregory IX commanded the Archbishop of Dublin to summon the prelates and nobles of both kingdoms to a conference, to investigate the whole question thoroughly, and report to Rome. Meanwhile, the King and his officials were not to be rashly molested for adhering to any reasonable and approved customs which might exist in Ireland.<sup>1</sup> The results of this conference, if it was ever held, are not stated ; but it is abundantly clear that the " intolerable customs " introduced by the English and denounced by one Archbishop of Cashel, were mainly accountable for the dilapidation of the see, of which we hear after the death of that prelate's successor.

A bare recital of these abuses and oppressions, against which Archbishop O'Lonergan protested in vain, suffices to show the really intolerable state of affairs which existed in Cashel. The existence of these abuses was not denied by the English king and his ministers, who endeavoured to justify them on the ground that they were the normal outcome of the feudal system or of statute law, or else that they were legitimised by custom or covered by a special indult from the Holy See—on the whole, that they were reasonable and necessary. The grievances set forth in 1217 or 1218 by Archbishop O'Lonergan may be summarised as follows :

I. The diocesan manors and other possessions of the see have been sequestered and unjustly detained by sundry individuals. In particular, the new town of Cashel and other properties pertaining to the see were wrongfully seized by Geoffrey de Marisco and his accomplices, and have never since been restored to the Church. This grievance was only partially

<sup>1</sup> *Calendar of Papal Registers*, I. 142 ; Theiner, 30.



remedied in 1228, after a long struggle, when Archbishop O'Brien had to pay an enormous fine for recovering portion of the lands which rightfully belonged to his see. Even in this transaction, the national hypocrisy found expression in the English monarch's charter of restitution.

II. When an English colonist loses anything, he need only swear that he believes it to have been stolen by some Irishman or other, and six other Englishmen will swear that they believe him, whereupon the Irish inhabitants of the neighbourhood are compelled to make restitution, as if they were thieves, even though they may produce thirty sworn witnesses in their own defence. On the other hand, when an Irishman has been robbed by an Englishman, even though the former may be able to identify the thief, yet he has no means of redress, as an Irishman's oath will not be received.<sup>1</sup>

III. The Archbishop of Cashel and his suffragans, the Bishops of Munster, complain that the lands belonging to their respective sees have been, for the most part, unjustly seized and as unjustly detained by Anglo-Norman barons and other laymen. Besides, in regard to the few ecclesiastical possessions which have escaped confiscation, the Bishops and their tenants are constantly called upon to answer before secular judges.

IV. Throughout the province of Munster, certain Englishmen seize unjustly upon Church lands, and construct forts in the same. When these Englishmen die, the King's bailiffs sequester the entire annual revenues of such properties, during the minority of the heirs, though the aforesaid properties and revenues alike belong to the Church.

V. Innocent III (1198-1216) commissioned the Abbot of Jerpoint and others to enforce the restoration of certain ecclesiastical properties to the Archbishop of Cashel, which had been unlawfully alienated from that see. The Justiciary of Ireland, and other Englishmen resident in Munster, prevented the Abbot and his fellow-commissioners from carrying out the Pope's mandate, and strictly forbade them to meddle in any wise with the properties in question. Furthermore, these Englishmen, with the Justiciary at their head, representing themselves as despoiled of certain lands by Munster Bishops, constrained the said Bishops to appear before secular judges, by whom they were wrongfully deprived of the lands aforesaid, to the grievous loss and detriment of their respective churches.

In defending these abuses, the King's advisers display a considerable fund of disingenuous cleverness. They contrive,

<sup>1</sup> This practice was repeatedly condemned by the Holy See. Compare the meagre and misleading account of it as given by the English king, with the fuller and more accurate account as given by the Pope, in Theiner, pp. 19, 56.

by turns, to flatter the Pope and slander the Irish. They are always ready with some reason of State to palliate or justify their misdeeds. They evince a bitter animosity towards Archbishop O'Lonergan. That prelate's successor, Archbishop O'Brien, appears to have been a much more plastic personage; and, on the close of his administration, the Holy See was officially informed by the Chapter of Cashel, that the archdiocese "in spiritualibus et temporalibus graviter est collapsa." That most of the Anglo-Norman abuses were still in existence when Archbishop MacKelly began his rule at Cashel is only too probable. One of these abuses—the unfair discrimination between Irishmen and Englishmen in matters of theft—was once more condemned by the Pope in vehement language, only a few months prior to MacKelly's death. On the whole, the task which confronted Archbishop MacKelly in the thirteenth century was indefinitely less pleasant than that which confronts a new Archbishop of Cashel in our time.

#### ARMAGH *versus* CLOGHER—THE STRUGGLE FOR LOUTH

In 1240 Archbishop MacKelly was entrusted with a papal commission of a delicate and momentous character, closely affecting the interests of the archdiocese of Armagh and of the newly-appointed Primate. In conjunction with the Cistercian Abbots of Jerpoint and Gaignamanagh,<sup>1</sup> MacKelly was to sit on a commission of inquiry into the affairs of the archdiocese of Armagh, to which Albert Suerbeer, a German ecclesiastic,<sup>2</sup>

<sup>1</sup> This was perhaps, the personage whose judgment had been reversed by MacKelly, some three years earlier, in the case of Hubert de Burgh v. Geoffrey de Marisco.

<sup>2</sup> See his life, *Albert Suerbeer, Erzbischof von Preussen, Livland, und Ehstland*, by P. von Goetze, St. Petersburg, 1854. A rare copy exists in the British Museum; I have transcribed most of its contents. Primate Albert never was a Dominican, though most of the standard authorities describe him as a member of the Order. He is never mentioned as a Dominican by any Dominican writer of the thirteenth century, and he was equally unknown to Dominican writers down to the eighteenth century. His name occurs frequently in German, English, and Irish chronicles, as well as in State Papers and Papal Letters—nowhere in these original sources is he described as a Dominican. Nearly four centuries after his death, the legend of his Dominican character arose, apparently, from the blunder of a Polish Jesuit. At Thorn, in 1638, Frederick Schembek, S.J., published a volume on the patron saints of Prussia. One of these patrons was St. Jutta, or Juditha, or Otta. According to Father Schembek, one of this saint's spiritual directors was Henry, or Heidenrich, "who had been Provincial of the Dominicans, and was raised to the Archbishopric of Armagh, whence he was translated to Prussia," etc. (*Acta SS.*, Maii, tom. vii. p. 597). This, of course, is a palpable confusion of two entirely distinct personalities. Henry, the Dominican Provincial, who became Bishop of Culm, was a totally different



had lately been appointed. The papal mandate was dated November 15, 1240. It set forth the state of affairs, from the new Primate's point of view, as follows :

The Archbishop-elect of Armagh<sup>1</sup> has represented to the Holy See that, being called by Cardinal Otho to rule the aforesaid diocese, he appeared in person before the Cardinal, and placed himself unreservedly at his disposal. The Archbishop-elect is deeply grieved to find the diocese almost incredibly dilapidated. It has been despoiled by the prelates and barons of neighbouring regions, and some of the suffragans have been among the worst enemies of the primatial see. In particular, the late Bishop of Clogher was the direst of all the foes of Armagh. This prelate, by misrepresentation of facts, succeeded in inducing the secular authorities to seize upon most of the possessions and revenues of the archdiocese. Wherefore, the late Archbishop of Armagh appealed to the Holy See, and obtained Apostolic Letters ordaining that Cardinal Otho should annul all concessions obtained by misrepresentation, and strive to effect an amicable settlement between the contending parties, failing which, the whole case was to be decided in proper judicial form. Meanwhile, the Archbishop of Armagh died ; the Archbishop-elect petitioned that the cause should be tried in due course, and his petition was granted. Upon which, the Bishop of Clogher also died. The Elect of Armagh now declares that the mischievous dissensions subsisting between the two sees can be properly healed only by a union of both, more particularly as Clogher at one period formed part of the archdiocese of Armagh. Besides, the two sees are now so impoverished that both together can scarcely maintain a single Bishop.

Questions of this nature, adds the Pontiff warily, require to be handled with prudent and painstaking care, wherefore it will be the duty of the Archbishop of Cashel and his fellow-commissioners to inquire sedulously into the facts and forward a sealed report to the Holy See.<sup>2</sup>

personage from Albert, the scholasticus of Bremen, who became Archbishop of Armagh, and was afterwards translated to Prussia, Livonia, and Esthonia. The Jesuit's mistake filtered through Brémond's *Bullarium* into De Burgo, and thence into the pages of a host of Irish writers, who were vastly puzzled at finding one and the same Primate of Armagh sometimes styled Albert and sometimes Henry. I may add that Father Mandonnet, O.P., of the University of Fribourg, one of the greatest of living medievalists, fully concurs with my view that Primate Albert Suerbeer was never a Dominican.

<sup>1</sup> Albert was consecrated at Westminster, in presence of Henry III and Cardinal Otho, on September 30, 1240. He is wrongly called "Andelm" by Matthew Paris, who, however, records the prevailing impression as to the poverty of Armagh : "Die vero sancti Ieronimi magister Andelmus, natione Coloniensis, praesente rege et legato, consecratus est in archiepiscopum Armachanae ecclesiae, quae est totius Hyberniae metropolitana, licet exilis existat in temporalibus."—Matthew Paris, *Hist. Angl.*, II. 438.

<sup>2</sup> Theiner, 40 ; *Calendar of Papal Registers*, I. 192.

A century-old contest had been waged between the Primate of Armagh and the Bishop of Clogher, mainly in regard to jurisdiction over the territory of Louth. The fortunes of controversy or of diplomacy had allotted that territory, now to the see of Armagh, now to that of Clogher. Between Primate Donat O'Furey and Bishop Nehemiah O'Brogan (or O'Bragan) the contest had been waged with the usual warmth and vivacity of Celtic personages, even though they happen to be Bishops or Primates. Primate O'Furey prevailed with the Holy See—at least, a papal rescript of 1231 regards Louth as clearly belonging to the see of Armagh. Bishop O'Brogan, on the other hand, though defeated in Rome, managed to emerge victorious at home. He instituted a number of suits against his Metropolitan, with conspicuous success, from his own point of view. How far the success of his legal ventures may have been promoted by Anglo-Norman influences we need not stay to inquire. In the event, Bishop O'Brogan succeeded in gaining possession of the territory of Louth, by the aid of the barons of Louth and other friendly supporters. Primate O'Furey proceeded to Rome, doubtless to complain of his suffragan's usurpation, but on his homeward journey, in 1237, he died in England. The Primate's death gave Bishop O'Brogan an opportunity which he hastened to turn to the best account. The vacancy of Armagh lasted a year or two, and O'Brogan, with the assistance of the barons of Louth, endeavoured to consolidate his jurisdiction over the disputed territory.

When Primate Albert succeeded to Armagh, in 1238 or 1239,<sup>1</sup> he found Bishop O'Brogan of Clogher in possession of one of the richest regions of the one-time territory of Armagh; he also found the claims of the Bishop of Clogher strongly supported by the barons of Louth. Primate Albert, therefore, demanded that the action instituted at Rome by Primate O'Furey should be tried and decided in due legal form. The death of Bishop O'Brogan shortly afterwards, whilst seeming to introduce a fresh complication, seemed also to furnish a ready means of terminating the dispute, by reverting to the old arrangement, and uniting both sees. Besides appealing to Pope Gregory IX to effect this union, Primate Suerbeer endeavoured also to gain the support of Henry III. In this he was successful, as on February 8, 1241, the English monarch issued a mandate to his Justiciary in Ireland "to unite the Bishopric of Clogher to the Archiepiscopal See of Armagh, upon account of the poverty of them both, and that he should cause full seisin to be given of all the lands belonging to the

<sup>1</sup> From the continuator of Gervase of Canterbury it is quite clear that Albert was Archbishop-elect of Armagh before March 4, 1239. (Gervase of Canterbury, *Opera*, Rolls Series, ed. Stubbs, II. p. 159.)



see of Clogher to Albert, Archbishop of Armagh." No decisive step could, of course, be taken without the consent of the Holy See, and the Pope's decision would depend mainly upon the report of the commissioners. The findings of the commission appear to have been unfavourable to Albert's design. The two sees were not united, and David O'Brogan was chosen from among the monks of Mellifont to succeed his brother Nehemiah on the episcopal throne of Clogher. But if Primate Albert Suerbeer failed in his larger design of annexing the diocese of Clogher, he succeeded in having the territory of Louth restored to the primatial see, from which, apparently, it has never since been severed.<sup>1</sup>

### *MACKELLY FOUNDS CASHEL PRIORY*

The year 1243 is a red-letter date in the life of Archbishop MacKelly. He had been discharging the onerous duties of the episcopate for some four years in the new sphere to which Providence had called him ; mature experience had led him to a clear perception of the needs of his archdiocese. He, therefore, resolved to seek assistance from his Dominican brethren of Cork, with whose zeal and activity he was well acquainted. In 1243 he built for them a beautiful church and priory, close to his own cathedral on the Rock of Cashel. This priory flourished for nearly two centuries and a half, until it was accidentally consumed by fire. Rebuilt by Archbishop Cantwell in 1480, it was regarded as the most beautiful among Irish Dominican establishments. It shared the fate of other religious houses in the reign of Henry VIII, being swallowed up in the great pillage. The priory may possibly have been restored to its rightful owners in 1641 ; certain it is that, in the seventeenth century, the Dominican house at Cashel was the home of not a few distinguished and devoted men.

Here lived Father Richard Barry, who was barbarously tortured and slain by the soldiery of Morrogh the Burner, during the massacre of Cashel in 1647. To this community also belonged Father Gaspar Boyton, whose pathetic figure stands out against the dark background of savage despotism which characterised the Cromwellian regime. During that fearful period, thirty at least of the Irish Dominicans sealed their Faith with their blood ; several were transported as slaves to the West Indies ; many were exiled to the Continent, and a few remained at home. Though it was death to harbour a priest, these devoted men hid under various disguises, and ministered as best they could to the afflicted people. Thus,

<sup>1</sup> Gogarty, *The Boundaries of Some Irish Dioceses*, n.d., p. 27.

during three years of that period of horror and slaughter, Father Gaspar Boyton, in the disguise of a herdsman, tended the cattle of a Catholic nobleman by day, and went about by night to exercise his spiritual ministrations in the homes of the people. Afterwards, "when he had lost his sight, owing to unaccustomed hardships," he "went about from house to house, clothed as a beggar, hearing the confessions of the faithful." <sup>1</sup>

### CONTESTS WITH SUFFRAGANS—OPPOSITION TO THE PRIMACY

The year in which Archbishop MacKelly founded the Dominican Priory of Cashel was also marked by a less happy event. A contest of some kind arose between the Archbishop and certain of his suffragans. The nature and merits of this controversy are singularly obscure. On October 28, 1243, the English king commanded Maurice Fitzgerald, Justiciary of Ireland, not to interfere if David, Archbishop of Cashel, should sue Hubert, Bishop of Limerick; Griffin, Bishop of Lismore; Donald or Daniel, Bishop of Killaloe; Brendan, Bishop of Ardferit; and Christian, Bishop of Emly, the Archbishop's suffragans, touching the spiritualities of their sees; not to permit the Archbishop to disturb the Bishops regarding their lands and temporal matters belonging to the King's crown and dignity; and not to lay his hand on their temporalities at the Archbishop's mandate without the King's special order.<sup>2</sup>

It is noteworthy that several of MacKelly's suffragans—the Bishops of Cork, Cloyne, Ross, Waterford, and Kilfenora—are not mentioned in the foregoing mandate. It would appear as if, for some unexplained reason, the Munster prelates were evenly divided—six Bishops, including the Metropolitan, being on one side, and six on the other. More than once, in succeeding years, the Archbishop came into collision with some of the prelates who are found opposing him on this occasion.

Ecclesiastical unrest was rife at this period. It is not quite clear whether the contention between MacKelly and some of his suffragans was immediately preceded, or immediately followed, by another dispute respecting the Primacy of Armagh. If the latter quarrel succeeded the former in order of time, we must infer that the breach between MacKelly and his suffragans was speedily healed. Be this as it may, in the *Crede Mihi* is preserved an undated document, drawn up most probably in

<sup>1</sup> Acts of Gen. Chapter of 1656; O'Heyne-Coleman, *Irish Dominicans*, pref. p. xxii.

<sup>2</sup> *Calendar of State Papers, Ireland*, 1171-1251, pp. 393, 394.



1243,<sup>1</sup> as a compact between the Archbishops and Bishops of Leinster and Munster, to resist the claims of the Archbishop of Armagh. It is piquant to find the Irish-born Archbishop of Cashel joining hands with the English Archbishop of Dublin in this struggle against a German Primate of Armagh. The covenant between the Munster and Leinster prelates may be translated as follows:

"Be it known to all the faithful of Christ, who shall see or hear these presents, that the Archbishops of Dublin and Cashel and their suffragans, by common accord and with the unanimous assent of their Chapters, out of consideration for the interests of their churches, have entered into a faithful pact with one another, in the manner hereafter mentioned, to wit, that each and all of them, for the protection of the liberties and possessions of their churches against the Archbishop of Armagh, particularly in reference to the Primacy, while maintaining the fidelity and reverence due to the Apostolic See and to the Lord King, shall afford one another mutual counsel and assistance; and that they shall not, except by common consent and accord, show favour to the said Archbishop of Armagh in his claims to the Primacy, neither shall they submit to him in any wise, nor obey him. All expenses incurred by reason of this covenant,

<sup>1</sup> Ware, De Burgo, and Dr. Grattan Flood refer this document to the time of Archbishop MacKell. Harris, essaying to correct Ware, and relying on what he calls the *Black Book of the Archbishops of Dublin*, refers this compact and contest to a date anterior to 1221, presumably to the year 1215. He speaks of a certain Bull, in favour of Dublin and against Armagh, as having been "twice renewed in the year 1216, in favour of Archbishop Loundres, by the Popes Innocent the III<sup>d</sup> and Honorius the III<sup>d</sup>; notwithstanding the opposition given to it by Eugene Mac Gillivider, Archbishop of Armagh, whose Death the same Year put an end to any Contest at that Time. . . . There is a Copy of a Covenant still extant, and to be seen in the black Book of the Archbishops of Dublin; whereby Archbishop Loundres covenants with Marian O'Brien, Archbishop of Cashell, to oppose the Primate's Claim with joint Care and Expences; and, being also the Pope's Legate, and a Favourite of the Court of Rome, his Interest prevailed so far that, in 1221, he obtained a Bull from Honorius the III<sup>d</sup> . . ." (Ware-Harris, I. 73, also *ibid.* I. 472). Harris is demonstrably wrong in an important date: O'Brien was not Archbishop of Cashel in 1216 or 1221; he was translated to that see on June 20, 1224 (Eubel, I<sup>2</sup>. 170). If the *Black Book* on which Harris relies is the *Crede Mihi*, all that need be said is, that in Sir John Gilbert's edition of that volume, the "covenant" is undated, and contains neither the name of the Archbishop of Dublin nor that of the Archbishop of Cashel. If the work to which Harris refers is the *Liber Niger Alani*, I have failed to find any mention of the "covenant" in Dr. George T. Stokes' calendar of that ancient volume. (Cf. Stokes in *Journals* R.S.A.I., September, 1893; June, 1897; and December, 1897; also Dr. H. J. Lawlor in *Hermathena*, No. xxxiii. pp. 296-306.) It seems likely that Harris has fallen into an anachronism of more than a quarter of a century. Anyhow, from the *Calendar of Papal Registers* it is abundantly evident that in 1243 the Archbishops of Dublin and Cashel had combined to resist the claims of the Primate of Armagh.

in any court whatsoever, shall be borne in equal shares, and shall be divided between the provinces of Dublin and Cashel.

"All the aforesaid prelates have firmly pledged themselves, that if any one of their number shall violate this compact in any way whatever, he shall pay a penalty of £500 to those who faithfully observe the said compact.

"All the aforesaid prelates have likewise resolved and firmly decreed, under the same penalty as above, that if any one or more of their number shall prove unwilling to carry out the said compact in an efficacious manner, those who betray such unwillingness are to be regarded as cut off from fraternal unity, to be treated as schismatics and excommunicate, and to be left absolutely unaided and undefended in all their affairs.

"Wherefore it has been fully arranged and agreed upon by the said prelates, that each and all of them may freely and without opposition pronounce sentence of suspension and excommunication against any one or more of their number who shall refuse to observe this compact; that no appeal from such sentence shall be allowed, nor any remedy at law whether canon or civil; that they expressly renounce the possibility of having recourse to any such legal remedy; so that no parties excommunicated for any of the reasons aforesaid, or cast out from the unity of their brethren for any such motive, shall be in a position to receive absolution, except by the common agreement and assent of the prelates aforesaid.

"In testimony whereof, the undersigned have appended their seals to this document."<sup>1</sup>

Thus the issues are firmly knit; we have in this "band"—as it would have been styled by Scotchmen of a later period—an early and acute phase of the long-drawn controversy in regard to the Primacy. A papal mandate of February 13, 1244, seems to regard Archbishop MacKelly as the protagonist of this struggle against the Primate of Armagh; it also gives us to understand that the Archbishop of Tuam had meanwhile joined forces with the two other Metropolitans in opposition to the claims of the Primate. On the date just mentioned, Innocent IV issued a "mandate to the Abbot of Pontigny and the Dean and the Archdeacon of Auxerre to inquire and report concerning the Primacy of the Archbishop of Armagh, which is disputed by the Archbishops of Cashel, Tuam, and Dublin."<sup>2</sup> This commission by no means succeeded in setting the question at rest; it was agitated, sometimes with passionate earnestness, between great and good men, down almost to the middle of the eighteenth century.

<sup>1</sup> *Crede Mihi*, Gilbert's edition, pp. 60, 61. The signatures are wanting.

<sup>2</sup> *Calendar of Papal Registers*, I. 204.



The Bishops of the thirteenth century appear to have caught a good deal of the fighting spirit from the warlike princes and barons by whom they were surrounded. It is unfortunate that we know so little of the good deeds which were undoubtedly performed by these worthy men. Ten thousand good actions will go unrecorded, save on the tablets of the Recording Angel: but a single lawsuit or dispute, a single appeal to the higher powers in Church or State, will be registered for all time in official archives. From the very nature of the case, the records that survive of our Irish thirteenth-century prelates are records which exhibit them in their least amiable aspect: they are valuable records, it is true; but they set before us only a small portion, and that the least edifying portion, of the whole truth. The deficiency might have been supplied by our Irish annalists, had they endeavoured to set before us life-like portraits of the men of their time; unhappily, they resorted, for the most part, to an austere and heart-breaking laconism.

While the contest was still warm between the Primate of Armagh and the prelates of the three other provinces, Archbishop MacKelly became involved in another conflict with one of his own suffragans. This we learn from a mandate addressed by Innocent IV, on January 10, 1245, to the Bishops of Annadown and Clonfert. The pontifical letter gives an avowedly *ex-parte* statement of the cause of this quarrel; it merely reproduces the allegations of the Bishop of Killaloe. It states that the Bishop of Killaloe has appealed to the Holy See on the following grounds:

The said Bishop was canonically and amicably (*concorditer*) elected to his see; his election was duly confirmed by the late Archbishop of Cashel, of happy memory, who himself consecrated the new prelate. Notwithstanding which, Richard de Burgh, then Justiciary of Ireland, detained the episcopal insignia, declining to part with them except on payment of a certain sum of money; whereupon the Bishop forbade, under pain of excommunication, the payment of any money for such purpose. Afterwards, without the Bishop's knowledge or consent, the noble Donogh Cairbreach O'Brien, Lord of Thomond, in the diocese of Killaloe, paid the money demanded, and the insignia were thereupon restored to the Bishop. Now, however, the Archbishop of Cashel, having conceived an antipathy towards the Bishop for another reason, holds him guilty of simony in this transaction, and disturbs and molests him in manifold ways. As it is proper that the said Archbishop should prove himself a father to his suffragans, and should display kindness and good-will towards them; that he should never place any obstacle in their path through rancour or hatred, whereby they might suffer loss of honour or reputa-

tion; the Archbishop is to be respectfully entreated and exhorted (these letters being shown him, and assuming that the facts are as stated) to desist from all undue molestation of said Bishop in this regard. Should the Archbishop neglect to comply with these instructions, the commissioners are empowered to compel him thereto, after due warning, and without permission to appeal.<sup>1</sup>

This Bishop of Killaloe was Donald O'Kennedy, whose candidature for Cashel was set aside in 1238, when MacKelly was selected in his stead. After this disappointment O'Kennedy is found among the Archbishop's opponents in 1243. These circumstances may have lent additional sharpness to the tone in which O'Kennedy formulated his complaints against the Archbishop, a year or so later. Be this as it may, nothing further is heard of the affair; we may presume that the Connacht prelates succeeded in promoting an amicable agreement between the Bishop of Killaloe and his Metropolitan.

A few months later, Archbishop MacKelly is said to have "assisted at the First General Council of Lyons, to the acts of which his name is subscribed."<sup>2</sup> This was the thirteenth of the General Councils of the Church; its sessions were held from June 28 to July 17, 1245, and resulted in the deposition of the despotic Emperor, Frederick II. But Archbishop MacKelly's presence at Lyons on this historic occasion seems highly doubtful. No reference is made to him in the great collections of Labbé and Mansi, nor does any mention of him occur in the pages of Matthew Paris. In like manner, Hefele and his learned translator, Dom Leclercq, are silent as to MacKelly's presence in this illustrious assemblage; on the other hand, they record the fact that a prelate of the Irish Church, Primate Albert of Armagh, was one of the Archbishops who signed the acts of the Council.<sup>3</sup> It is true that Touron, who includes Archbishop MacKelly in his first list of "Illustrious Men of the Dominican Order," represents this distinguished prelate as one of the Conciliar Fathers.<sup>4</sup> But Touron is a rather fanciful writer; he loves to deck out a very slim body of fact in a showy raiment of conventional fiction. Much of what he writes concerning MacKelly is evolved from his inner consciousness, and some of it is demonstrably inaccurate. De Burgo was well acquainted with Touron's panegyric on this worthy prelate, yet De Burgo was careful to avoid copying Touron's unsupported assertion that MacKelly took

<sup>1</sup> Theiner, 43; *Calendar of Papal Registers*, I. 212.

<sup>2</sup> O'Heyne-Coleman, *Irish Dominicans*, Appendix, p. 46.

<sup>3</sup> Hefele, *Histoire des Conciles*, nouvelle traduction par H. Leclercq, V. 1635.

<sup>4</sup> Touron, *Histoire des Hommes Illustres de l'Ordre de Saint Dominique*, Paris, 1743, I. p. 138.



part in the Council of Lyons. It is quite possible that Archbishop MacKelly may have been one of the Fathers of the Council; but before we can positively affirm that he was present on the occasion, we shall require some stronger authority than the graceful rhetoric of Tournon.

### *PROTECTION FOR DOMINICANS—A REMARKABLE DOCUMENT*

Three months after the close of the Council, MacKelly was appointed Protector of the Dominican Order in Ireland. On September 17, 1245, Innocent IV issued an Encyclical to "his Venerable Brethren the Archbishops and Bishops, and to his beloved sons the Abbots, Priors, Deans, Archdeacons, Archpriests, Provosts, and other Prelates of the Church throughout Ireland." A similar document was addressed to the prelates and dignitaries of the various other nations of Europe. It reveals a truly extraordinary state of affairs, not so much in Ireland as abroad, and should stand as a warning against narrow and disedifying jealousies between seculars and regulars. The text of the document runs somewhat in this manner:

"It is a singularly unjust requital to the Giver of all good things when men who have grown fat on the patrimony of Christ, and luxuriate damnably in the same, are not afraid to persecute Christ openly in His servants, as though the Lord of vengeance had forgotten His power. Whereas our beloved sons, the Friars Preachers, with salutary self-abnegation, as though having nothing and possessing all things, have chosen a life of strictest poverty wherein to serve Christ, Who Himself was poor; yet there are very many Prelates of the Church and others, who are led astray by blind cupidity. These men regard as lost to their own grasping selfishness, whatever is given by the piety of the faithful to the aforesaid Friars. For this reason they disturb and molest these religious in manifold ways; they seek sundry opportunities of harassing them. They, or many of them, insist on hearing the confessions of these Friars against their will; they insist on imposing penances upon them, and giving them Holy Communion; they decline to allow the Body of Christ to be reserved in their oratories.

"These men compel the Friars to bury their deceased brethren in secular churches, and they reserve the funeral service to themselves. If a dying Friar chooses to be buried elsewhere than in a secular church, these men insist that the funeral procession shall start from their own church, that they may annex the offerings of the faithful. They will not suffer the Friars to have a church bell or a consecrated cemetery; and they will not permit them to celebrate Mass, except at

certain times. Moreover, they arbitrarily claim to limit the number of priests, clerics, and lay-brothers which each house of the above-named Friars shall contain. In a similar arbitrary spirit they fix the number of candles, lamps, and ornaments which shall be permitted in the churches of the Friars; nay, they compel them to hand over the remains of wax candles when fresh ones are placed on the altars. They constrain the newly-ordained priests of the Order to celebrate their first Masses in secular churches only; besides which, they compel the priests of the Order, when saying their Masses in churches and at altars of the Order, to receive and reserve offerings for the secular clergy. When these priests celebrate the solemnities of Holy Mass within the precincts of their own houses, whatever is given them by the pious devotion of the faithful is sought to be extorted from them again, under colour of an offering, by the persecutors aforesaid. Whatever is given as an absolute gift to such priests, whether in the way of ornaments for the church or ecclesiastical books, is falsely and unjustly claimed by the persecutors already mentioned.

"These men compel the Friars to attend their synods and submit to their regulations. Not content with this, they threaten to hold Chapters and investigations in the houses of these Friars, under pretext of correcting the Friars in question, and they extort an oath of fidelity from the Priors of the Order. Furthermore, for trivial reasons, they order the Friars to accompany them in processions, both in cities and outside of them. They pronounce sentence of excommunication against the benefactors of the Friars; and by threats of excommunication against the Friars themselves, they strive to drive them away from the places in which they serve God, unless they obey their persecutors in all the matters above mentioned. Again, they inhibit the Friars from coming to large cities and towns, where they may live religiously and honourably, and to which they are invited by the devout people. These men have the audacity to pronounce sentence of excommunication against the Friars who come to such cities and towns, and against the faithful who receive them. The same persecutors insist on taking tithes of the fruits of the Friars' gardens; they also persist in extorting money from the Friars' houses, as from the habitations of the Jews, alleging that if the Friars were not living in such places other persons would be resident there and would contribute money. Finally, in order to subject the Friars utterly to their will and pleasure, these persecutors claim the right of arbitrarily appointing Priors over the Friars aforesaid. From such annoyances, it is said that all of you do not entirely abstain.

"Now, as the Order of Friars Preachers, by reason of the worth and merits of its members, has been approved by Our



predecessors of happy memory, Honorius and Gregory, as well as by Ourselves, and as you are bound to receive humbly and carry out reverently the decrees of the Apostolic See; for fear lest you may seem to condemn such decrees, We gravely admonish you, and by these Apostolic Letters We strictly command you to pay salutary attention to your conscience and your good name, in such wise that each and all of you shall utterly desist from imposing the aforesaid or any similar grievances upon the Friars above-mentioned, and that you shall rigorously prevent your subjects from doing the like. Otherwise, We would have you remember, that We are forwarding letters to Our Venerable Brethren the Archbishop of Cashel and the Bishops of Cloyne and Cork, strictly enjoining them to compel you to observe the precepts above-mentioned—if necessary by means of ecclesiastical censure after due admonition, but without any possibility of contradiction or appeal. Should you, however, even under these circumstances, neglect to obey Our commands, We would have you know that, with God's help, We shall be able to make provision, in another manner, for the Friars aforesaid.

"Given at Lyons, on the fifteenth of the Kalends of October, in the third year of Our Pontificate." <sup>1</sup>

<sup>1</sup> "Nimis iniqua vicissitudine largitori bonorum omnium respondetur, dum hi, qui de Christi patrimonio impinguati luxuriant damnabiliter in eodem, Christum patenter in famulis suis persequi non verentur, ac si factus sit impotens Dominus ultionum. Cum enim dilecti filii Fratres Prædicatores, abnegantes salubriter semetipsos, elegerint in altissima paupertate, Christo pauperi ad placitum famulari, tanquam nihil habentes & omnia possidentes, non desunt plerique, tam Ecclesiarum Prælati quam alii, qui caeca cupiditate traducti, propriæ aviditati subtrahi reputantes quicquid prædictis Fratribus fidelium pietas elargitur, quietem ipsorum multipliciter inquietant, molestiarum occasiones exquirentes varias contra ipsos. Volunt namque, etsi non omnes, ipsis invitit, eorum confessiones audire, ac eis injungere pœnitentias, & Eucharistiam exhibere, nec volunt ut Corpus Christi in eorum Oratoriis reservetur, & Fratres ipsorum defunctos apud Ecclesias suas sepeliri compellunt, & illorum exequias celebrari. Et si quis decedentium Fratrum alibi, quam in Ecclesiis suis eligit sepulturam, funus primo in Ecclesias suas deferri cogunt, ut oblatio suis usibus cedat: nec sustinentes eos habere campanam, vel coemeterium benedictum, certis tantum temporibus permittunt ipsos celebrare Divina. Volunt etiam in domibus eorundem certum numerum Fratrum Sacerdotum, Clericorum, & Laicorum, necnon cereorum, lampadarum, & ornamentorum pro sua voluntate taxare, ac residuum cereorum quando noviter apponuntur, exigunt ab eisdem, nec permittunt, ut novi Sacerdotes eorum alibi quam in Ecclesiis suis celebrent primas Missas, eos nihilominus compellentes, ut in quotidianis Missis, quas in locis suis & Altaribus celebrant, oblationes ad opus eorum recipiant & reservent. Quicquid etiam eisdem, celebrantibus Missarum solemnina intra domorum suarum ambitum, pia fidelium devotione donatur, ab ipsis extorquere, oblationis nomine, contententes; quod eisdem tam in ornamentis Altaris, quam in libris Ecclesiasticis absolute confertur, vendicant perperam juri suo; cogendo eos ad Synodos suas accedere, ac suis constitutionibus subjacere; Nec his contenti, capitula, & scrutinia in locis Fratrum, pro his corrigendis, facturos se comminantur, fidelitatem juramento firmatam

During the previous decade of years, the Holy See had found it necessary to issue no fewer than eight rescripts in defence of the Dominicans against various aggressors, particularly in the South of Europe. Among the offenders were the Archbishops of Brindisi and Trani, a Portuguese Bishop, and various personages of Naples, Lombardy, and Toulouse.<sup>1</sup> When Innocent IV issued his Encyclical of 1245, there were only two Dominican prelates in Ireland, Archbishop MacKelly of Cashel, and Bishop O'Sullivan of Cloyne. These two prelates were appropriately designated as Protectors of the Order in this country, Bishop Laurence of Cork being also empowered to act in the same capacity.

Two years later, Archbishop MacKelly figures in as many as four pontifical documents. Three of these are indications of the Holy Father's confidence in the Archbishop of Cashel; the fourth marks an acute phase of the old trouble between the Holy See and Hubert de Burgh, Bishop of Limerick. Charges of unusual gravity were urged against that prelate from time to time. Popes repeatedly ordered investigations to be held, and inquiries to be made. Yet the incriminated prelate enjoys a good reputation with historians, and he died calmly, in full

ab eorum Prioribus exigentes; eis quoque ut tam extra Civitates, quam intra, cum eis processionaliter veniant, ex levi causa mandantes; excommunicationis sententiam fulminant in benefactores eorum: & idipsum Fratribus comminantes, eos de locis, in quibus Domino famulantur, satagunt amovere, nisi eis obediant in omnibus supradictis. Ad haec, ne Fratres ad honorabiles Civitates, & Villas, ubi religiose, ac honeste valeant commorari, a populis devote vocati, accedere audeant, inhibentes, tam in accedentes, quam in receptatores eorum praesumunt excommunicationis sententiam promulgare. Ab eis etiam de hortorum fructibus decimas, necnon de habitaculis Fratrum, sicut de Judaeorum domibus, contendunt redditus extorquere, asserendo, quod nisi Fratres morarentur ibidem, eis ab aliis habitantibus proventus aliqui solverentur. Et, ut ipsos suae subdant totaliter ditioni, eisdem Priores volunt praeficere pro suae arbitrio voluntatis. A quibus omnibus Fratrum molestiis, nec vos omnes omnino, ut dicitur, abstinete. Cum igitur Ordo Praedicatorum Fratrum a bo: me: Honorio et Gregorio, praedecessoribus nostris, & Nobis ipsis, dignis eorum sit exigentibus meritis approbatus, ne Apostolicae Sedis statuta, quae humiliter suscipere, ac reverenter servare tenemini, contemnere videamini; universitatem vestram monemus attente, per Apostolica scripta vobis firmiter praecipiendo mandantes, quatenus conscientiae ac famae vestrae salubriter consulentes, universi & singuli a prae notatis, & aliis praedictorum Fratrum gravaminibus penitus desistatis, subditos vestros ab aliis arctius compescendo: Alioquin venerabilibus fratribus nostris Archiepiscopo Cassellen., ac Colonen. & Corbergen. [recte Clonen. et Corcagien.] Episcopis, damus nostris literis firmiter in mandatis, ut vos ad omnia supradicta servanda, monitione praemissa, per Censuram Ecclesiasticam, sublato cujuslibet contradictionis, & appellationis impedimento, compellant. Non obstante constitutione de duabus dietis, edita in Concilio generali. Si vero, nec sic mandatis nostris curaveritis obedire, noveritis, Nos super hoc memoratis Fratribus aliter, auctore Domino, provisuros. Datum Lugduni XV Kal. Octobris, Pontificatus nostri Anno Tertio."—*Bullarium Ord. Praed.* I. 153, 154.

<sup>1</sup> *Bullarium Ord. Praed.* I. pp. 74, 89, 103, III, 130, 131, 145, 147.



possession of his see, after an eventful episcopate of nearly thirty years. The affair, on the whole, is puzzling and mysterious. We may assume, indeed, that the charges against the Bishop are tainted with wanton exaggeration, yet an impartial survey of the evidence will scarcely warrant a clear verdict of acquittal.

### THE STRANGE CASE OF BISHOP DE BURGH

Hubert de Burgh, who ruled over the see of Limerick from 1223 to 1250, was an ecclesiastic of noble family; he had formerly been Prior of the monastery of St. Edmund, King and Martyr, at Athassel, in the County Tipperary. This was a monastery of Augustinian Canons, founded by William de Burgh, the Anglo-Norman invader—"William the Conqueror," as he is often styled—who is expressly described by his later Dominican namesake<sup>1</sup> as being the father of Bishop Hubert de Burgh.

In 1200, only four years before his death, this William de Burgh ("the Conqueror") and his adherents perpetrated the grossest atrocities in Connacht. "There was no church from the Shannon westwards to the sea that they did not pillage or destroy, and they used to strip the priests in the churches and carry off the women, without regard to saint or sanctuary, or to any power upon earth."<sup>2</sup> Yet this was the man who, probably in the same year, founded the Priory of Athassel. He is denounced by Irish annalists as "the destroyer of all Erin, of nobility and chieftainship."<sup>3</sup> The Irish believed that "God and the saints took vengeance on him, for he died of a singular disease, too shameful to be described."<sup>4</sup> This typical Anglo-Norman filibuster died in 1204, and was buried, it is said, in the monastery of Athassel which he had founded. It was, perhaps, natural that his son Hubert should become Prior of Athassel; it was also natural that the son should inherit some of the undesirable qualities of his father.

This William de Burgh, "the Conqueror," was also the father of Richard de Burgh, who, in 1222-3, received a fresh grant of Connacht from Henry III—that monarch graciously granting what was not his to bestow—and became the founder of the great house of the De Burghs. Richard's son, Walter de Burgh, became Earl of Ulster, died in 1271, and was buried in Athassel. Earl Walter's son, Walter FitzRichard de Burgh,

<sup>1</sup> De Burgo, *Hibernia Dominicana*, 212.

<sup>2</sup> *Annals of Loch Cé*, I. 213.

<sup>3</sup> *Ibid.* 235.

<sup>4</sup> *Four Masters*, I. 143.

renowned as the Red Earl of Ulster, died in 1326, and was also buried in Athassel.<sup>1</sup>

William de Burgh, the invader, is commonly confounded with William FitzAldelm, who appears to have been an entirely distinct personage. William de Burgh, the invader or "conqueror," was uncle of the celebrated Hubert de Burgh, who rose to be Chief Justiciary of England, and was one of the most eminent English statesmen of his time. Hubert de Burgh, the English Justiciary, died in 1243, "and was buried in the house of the Black Friars in London, a convent he had endowed with many gifts, and above all with that of his noble palace, standing not far from Westminster. This palace was bought of the Black Friars by Walter Gray, Archbishop of York, and so bore the name of York Place until it became the King's, and was called Whitehall."<sup>2</sup>

We must now return to Hubert de Burgh's cousin and namesake, Bishop Hubert de Burgh, who survived his English relative by seven years, and was buried in the house of the Black Friars of Limerick. Protestant as well as Catholic historians speak favourably of this energetic prelate. Cotton tells us that "he was a man of talent, and was a great benefactor to the Canons and Vicars-Choral of his Cathedral."<sup>3</sup> Canon Begley reminds us that "Hubert, during his administration, was a great benefactor to the Cathedral. He extended the privileges of the Canons and Vicars of the diocese, inasmuch as he allowed them to have their benefices appropriated for a year after death to pay their debts and discharge the provisions of their wills. He bestowed on the Canons and Vicars serving in the Cathedral all the half-tithes reserved by Donat at the formation of the Chapter. He also augmented the common fund of the Cathedral by grants of certain churches, with specific obligations attached to them. . . . Hubert had a long and eventful reign over the diocese, and ably defended the rights of his church in very trying times. From references made to him while Bishop, he seemed to be appreciated by his successors in office. He was many times reported to Rome and commissions appointed to investigate the charges. How far they were true we have now no means of judging, as there is no record surviving."<sup>4</sup>

Grave and numerous complaints against Bishop Hubert had been laid before Pope Honorius III, a short time prior to his death, which occurred on March 18, 1227. His successor, Gregory IX, was elected and enthroned on the following day,

<sup>1</sup> Ware, *Antiquitates*, 1654 edit., p. 205; De Burgo, *Hib. Dom.*, 223.

<sup>2</sup> Raine, *Fasti Eboracenses*, 291, cited in *Dict. of Nat. Biog.*, VII. 321.

<sup>3</sup> Cotton, *Fasti*, I. 378.

<sup>4</sup> Begley, *Diocese of Limerick*, pp. 131-138.



March 19. The new Pontiff lost no time in proceeding to deal with the Limerick affair in a thoroughly businesslike and determined manner. On April 24, 1227, he issued a commission to the Bishops of Annadown and Clonfert, as also to the Abbot of Parvaccella, a monastery in the diocese of Annadown. The three commissioners were charged to investigate and report upon the offences and shortcomings imputed to the Bishop of Limerick. The allegations were of a very serious nature; they are rather mildly summarised by saying that the Bishop was accused of being "illegitimate, simoniacal, ignorant, and disobedient to his metropolitan."<sup>1</sup>

It is a curious and significant coincidence that these charges were levelled against Bishop de Burgh, on two distinct occasions, immediately after he had been in collision with Geoffrey de Marisco. It seems highly probable that the charges emanated from Geoffrey and his agents, in which case a large margin must be allowed for malicious exaggeration and wilful falsehood. From sundry incidents of his career, it seems fairly obvious that Geoffrey de Marisco was capable of any species of villainy. This unruly and perfidious personage was thrice Viceroy of Ireland—once under King John, when he robbed the see of Cashel, and twice under Henry III. The dates of his several periods of Justiciaryship are 1215–21, 1226–28, and 1230–32.<sup>2</sup> He was a nephew of John Comyn, the successor of St. Laurence O'Toole, and first Anglo-Norman Archbishop of Dublin. It is said, though on insufficient grounds, that Geoffrey was also the nephew and heir of Hervey de Marisco (or Mountmorris), one of the earliest Anglo-Norman invaders. On similarly inadequate evidence, it is also alleged that Geoffrey was a brother of Richard de Marisco,<sup>3</sup> Bishop of Durham, who became Chancellor of England and confidential adviser to King John. Geoffrey, an unscrupulous soldier of fortune, became very powerful in the south of Munster and Leinster. In 1208 he led an army against the Viceroy, Hugh de Lacy, and defeated him at Thurles; for this act of rebellion he afterwards received the King's pardon. In 1221, Geoffrey was dismissed from the Viceroyalty of Ireland "because he had neither accounted for the King's revenues, which he had received, nor fulfilled the other terms of his Vice-regal contract with the Crown."<sup>4</sup> In 1226 he was again appointed Viceroy, but in 1228 the Viceroyalty was again transferred to another.

<sup>1</sup> *Calendar of Papal Registers*, I. 117; but see the original document in Theiner, 27.

<sup>2</sup> *Dict. of Nat. Biog.*, index volume, p. 840.

<sup>3</sup> The name was a common one, Marsh being the plain English equivalent. The Latin word occurs more than once in extracts already quoted from the *Pipe Roll of Cloyne*.

<sup>4</sup> Gilbert, *Viceroyals*, p. 85.

In 1226 a pair of episcopal intruders were ousted from the sees of Killaloe and Ardfert; and both of these intruders had been despotically forced upon an unwilling clergy and people by Geoffrey de Marisco. In or about 1234 he plundered the diocese of Limerick; and in the same year he treacherously compassed the death of that gallant young nobleman, Richard, Earl Marshal, "the Flower of Chivalry," on the Curragh of Kildare. In 1238 Geoffrey was suspected of having plotted the assassination of Henry III, for which reason he fled to Scotland, whence he was expelled in 1244.

The sequel may be narrated in the words of Sir John Gilbert:

"His second son, Guillaume de Marreis, conspired against Henry III, in whose presence, at London, he killed a priest named Clement, sent from Ireland to denounce him; but Marguerite Biset, one of the Queen's maids, while at her devotions at midnight, accidentally discovered, concealed under the straw of the royal bed, at Woodstock, the assassin whom he had employed to murder the King. Guillaume de Marreis for some time maintained himself at the head of a band of piratical outlaws, in the almost inaccessible island of Lundy, at the entrance of the Bristol Channel. He was eventually captured, with sixteen of his men, and drawn at horses' tails, hanged and quartered at London. His father, Geoffroi, a peer of England and Ireland, lord of large estates in both countries, founder of religious houses, and thrice Viceroy of the Anglo-Norman colony, ended his days at Paris in exile [in 1245], pitifully, says the chronicler, yet undeserving of pity, for his own treason against his lord, the Earl Richard, in Ireland, and that of his son Guillaume, against his King in England."<sup>1</sup>

Such was the character and such the end of the men whom there is good reason for regarding as the prime authors of the charges against Bishop de Burgh, and who had been excommunicated by him in 1234. The decline of the fortunes of Geoffrey and his son may be said to date from this excommunication. There is a remarkable parallelism between Geoffrey's collisions with the Bishop and the charges formulated against the Bishop at the court of Rome.

On May 9, 1226, Honorius III issued a "mandate to the Archbishop of Cashel and the Bishops of Limerick and Cloyne, on the part of the Chapter of Killaloe, who state that on the election of the late David, Archdeacon of Killaloe, to that see, Robert Travers, priest, procured himself *by lay influence* to be thrust into the same and consecrated. . . . The said Archbishop and Bishops are ordered to remove Robert from the

<sup>1</sup> Gilbert, *Viceroy's*, p. 99.



administration of the diocese, and to commit it to a faithful, powerful, and fit person." <sup>1</sup>

The "lay influence" which had intruded Travers into the see of Killaloe was that of Geoffrey de Marisco,<sup>2</sup> who appears to have been a relative of the intruder, and whom we know to have been guilty of a similar misbehaviour at Ardfert, about the same time.<sup>3</sup> The fact that, in 1226, the Bishop of Limerick had a share, and perhaps a principal share, in the expulsion of Geoffrey de Marisco's unworthy nominee from Killaloe, may go far to explain the shower of accusations which fell upon the Bishop in Rome in 1227. Besides, there may have been some family feud between the De Mariscos and the De Burghs, as Geoffrey was supplanted in the Viceroyalty by Richard de Burgh, the Bishop's brother, about this time.<sup>4</sup>

For several years nothing further was heard of these accusations, and the Bishops of Limerick and Emly were the two prelates commissioned by Gregory IX, on April 24, 1235, to receive the resignation of the Bishop of Ardfert, assigning him a fitting provision, and causing an election to be held for the vacant see.<sup>5</sup> It is true that about this time (the date is rather uncertain) the Bishop of Limerick was excommunicated, most probably for non-payment of debts to Italian money-lenders. The excommunication was revoked in due course; it appears to have had no manner of connexion with the charges formerly levelled against the Bishop.<sup>6</sup> The years 1234-1237 witnessed the spirited contest between Bishop Hubert and Geoffrey de Marisco, which ended in the triumphant vindication of Bishop de Burgh and the discomfiture of his adversary. This result was due to the just and fearless judgment delivered by David MacKelly, then Bishop of Cloyne. But in 1238 the storm burst afresh upon the devoted head of Bishop de Burgh. On March 5 of that year Gregory IX addressed an extraordinarily severe letter to Cardinal Otho, the Papal Legate, in reference to the "nefarious arts" of the Bishop of Limerick. In this scathing epistle the Pontiff recapitulated all the former charges against Bishop Hubert, adding, that the commissioners appointed in 1227 had been deterred from performing their duty by the "wickedness and power" of the Bishop of Limerick, whose evil conscience shrank from everything in the nature of an investigation. Cardinal Otho was ordered to make a rigorous

<sup>1</sup> *Calendar of Papal Registers*, I. 110.

<sup>2</sup> *Dict. of Nat. Biog.*, art. "De Marisco, Geoffrey."

<sup>3</sup> *Calendar of Papal Registers*, I. 68.

<sup>4</sup> Sir John Gilbert gives 1227 as the date of this change of Viceroys; the writer in the *Dict. of Nat. Biog.*, with perhaps greater accuracy, gives 1228.

<sup>5</sup> *Calendar of Papal Registers*, I. 146; Theiner, 31.

<sup>6</sup> MacCaffrey, *The Black Book of Limerick*, xcvi. 135.

inquiry, and forward a report thereon to the Holy See.<sup>1</sup> It is suggested, with much reason, by Canon Begley, that this renewal of hostilities against the Bishop of Limerick was due to the machinations of Geoffrey de Marisco, whom the Bishop had excommunicated, and on whom he had inflicted a signal and crushing defeat.

Nothing further is heard of Cardinal Otho's inquiry, but in 1246 Bishop Hubert again appears to enjoy the favour of the Apostolic See. On October 26 of that year, Innocent IV issued a "mandate to the Bishops of Limerick and Killaloe to admit the postulation of the Bishop of Cloyne [Alan O'Sullivan, a Dominican] to the see of Lismore, if it has been made unanimously and canonically."<sup>2</sup> This was but the prelude to a fresh storm.

In 1247, or earlier, Archbishop MacKelly deemed it his duty to make certain representations to the Holy See with reference to his suffragan, the Bishop of Limerick. MacKelly had formerly given an eminently just decision in the Bishop's favour, but nine years' experience of the ways of his suffragan had led him to regard the Bishop's resignation as a thing to be desired. Hence, on April 17, 1247, Innocent IV issued a fresh mandate respecting the Bishop of Limerick, this time to the Bishop, Dean, and Archdeacon of Kildare. From this document we glean that Bishop de Burgh had formerly written to Gregory IX, expressing his willingness to resign; that his resignation had been duly accepted, but that Hubert still clung obstinately to his see. It would appear that the charges made against the Bishop, twenty years earlier, and repeated since, had never been satisfactorily answered. This papal mandate is officially summarised as follows:

"Mandate, on the showing of the Archbishop of Cashel, to the Bishop, the Dean, and the Archdeacon of Derry [*recte*, Kildare], to compel the Bishop of Limerick, who is simoniacal, illegitimate, and ignorant, to resign the see, he having refused to do so under letters addressed by Pope Gregory to the Bishop of Killaloe, alleging some special papal privilege, though he had asked Pope Gregory to receive his resignation."<sup>3</sup>

<sup>1</sup> Theiner, 37; *Calendar of Papal Registers*, I. 168.

<sup>2</sup> *Calendar of Papal Registers*, I. 229; Theiner, 45.

<sup>3</sup> *Calendar of Papal Registers*, I. 231.—The original, as given by Theiner, is clearer and fuller. It runs thus: "Innocentius Episcopus, etc. Venerabili fratri. . . Episcopo, et dilectis filiis. . . Decano et . . . Archidiacono Darenibus, salutem, etc. Ex parte venerabilis fratris nostri Cassellensis Archiepiscopi fuit propositum coram nobis, quod venerabilis frater noster. . . Limiricensis Episcopus, olim attendens, quod idem symonie labe respersus, ac defectum in natalibus et scientia patiens, non erat idoneus ad episcopalis oneris dignitatem, felicitis recordationis G. pape predecessori nostro per suas litteras humiliter supplicavit, ut dignaretur ipsius recipere cessionem. Et licet idem predecessor



The measures taken against Bishop de Burgh in 1247 appear to have proved as ineffective as those tried in 1227 and 1238, for he died in quiet possession of his see in 1250. His powerful family connexions may have deterred the commissioners from discharging their duty—in those days it was no light thing for a struggling Bishop to oppose a high-placed and resourceful Baron. Such considerations, indeed, had obviously failed to terrify Archbishop MacKelly, who had now taken action against the Bishop of Limerick for the second time; but other prelates may not have been so advantageously situated as the Archbishop of Cashel was, and they may have been cast in a different mould.

A candid survey of the evidence reveals the fact that the charges against Bishop Hubert, in the main, found credence with Honorius III, with Gregory IX, and with Innocent IV. Archbishop MacKelly, after nine years' knowledge of his suffragan, regarded these charges as substantially true. During twenty years the charges in question were never fully and satisfactorily answered. Bishop Hubert had shrunk from an investigation of his acts by a Papal Commission, and had prevented that investigation from taking place. Finally, the Bishop's offer of resignation to Gregory IX seems clearly based on an admission of the substantial truth of these charges. However much we may feel disposed to allow for malicious exaggeration and wilful falsehood on the part of the Bishop's enemies, the conclusion seems irresistible that the charges against Bishop de Burgh rested on a firm substratum of fact. He was evidently a man of fine natural qualities, with the defects which we should expect in the son of a turbulent, semi-Christian father; for it always seems to me that the Anglo-Normans in Ireland, at this period, were only partly Christianised. Hastily promoted by family influence, and by devious ways, to a high ecclesiastical

*noster venerabili fratri nostro. . . . Laoniensi Episcopo super hoc sub consueta forma direxerit scripta sua, nichilominus tamen dictus Limiricensis Epus asserens, se a nobis, ne ad cedendum compelli valeat, specialem gratiam reportasse, quamquam eam non proferat in communi, cedere pro sue voluntatis arbitrio non curavit, in anime sue periculum et Limiricensis ecclesie non modicum detrimentum. Verum cum intersit eiusdem Archiepiscopi loci metropolitani suorum suffraganeorum insufficientiis, ac ecclesiarum ipsorum indempnitatibus precavere, nobis humiliter supplicavit, ut super hiis providere salubriter curaremus. Cum igitur prefatus Limiricensis Episcopus, in postulatione cessionis huiusmodi, ecclesie sue commodum et salutem videatur propriam attendisse, que suasionibus aliquorum querentium que sua sunt, seu etiam levitate qualibet nolumus impediri: mandamus, quatenus si vobis plene constiterit de premissis, eundem episcopum, nisi predictam gratiam, quam allegat sine suppressione veritatis obtentam, exhibeat coram vobis, ad cedendum, monitione previa, per censuram ecclesiasticam, appellatione postposita, compellatis. Quod si non omnes, etc., tu, frater Episcope, etc. Datum Lugduni xv Kalendas Maii, Pont. nostri anno quarto."*—Theiner, 46.

position, Bishop de Burgh, during most of his episcopal career, had to bear the reproach of sins for which his relatives and his inherited temperament may have been chiefly responsible. His defects of parentage and education, his elevation to the see of Limerick by improper means, his Anglo-Norman tendency to use illegal and corrupt methods in appointing to benefices and in endeavouring to ride rough-shod over opponents—these were gravely irregular from a strictly Christian, Catholic, and ecclesiastical point of view. On the whole, however, when we consider the characteristics of his family and his race, it must be admitted that, despite his faults, Bishop de Burgh—with his open-handed generosity, his activity and energy, his zeal in defence of his diocese—was a refreshingly worthy specimen of an Anglo-Norman Bishop.

### *ROUTINE WORK—AN ABORTIVE CRUSADE —TYRANNY OF HENRY III*

The year 1247 was an anxious one for Archbishop MacKelly, involved as he was in the conflict between Innocent IV and Hubert de Burgh. Sundry matters of administration also claimed his attention. On May 30 of this year, the Pope addressed a mandate to the Archbishops and Bishops of Ireland,<sup>1</sup> directing that a tax should be levied upon all benefices enjoyed by Italian clerics in this country. This tax was meant as a contribution in aid of the Church, then sorely harassed by "the barbarity of an impious man." The impious man was Frederick II of Germany, for whose marriage with Isabella, sister of Henry III, the Irish Bishops had been asked to pay a subsidy in 1237. Relatively few Italian clerics, at this period, were in possession of ecclesiastical revenues and pensions drawn from Irish sources. Those who enjoyed such benefices, however, had to submit to a tax of 25 per cent. on all benefices worth 100 marks and under, and a tax of 50 per cent. on benefices worth more than 100 marks, sterling. This impost was to be levied for a single year, beginning on St. John's Day, 1247; it was to be collected by the Bishops in their respective dioceses, and forwarded to the Holy See for the needs of the Church.<sup>2</sup>

On June 8, 1247, Innocent IV granted an "Indult to the Archbishop of Cashel to bestow on fit persons certain benefices of his province, whose collation has devolved on him, notwithstanding the opposition of his suffragans, and allowing

<sup>1</sup> The Irish Dominican Bishops at this date were MacKelly of Cashel, O'Sullivan of Lismore, and probably Reginald of Armagh.

<sup>2</sup> Theiner, 47, 48; *Calendar of Papal Registers*, I. 235.



no appeal."<sup>1</sup> This was an expression of the Pontiff's confidence in MacKelly, and a proof of the legality of the Archbishop's action. Some such dispute concerning benefices may have given rise to the conflict which took place between MacKelly and certain of his suffragans in 1243; indeed, the present decision may possibly represent the closing episode of that conflict.

In 1247 the see of Cloyne was vacant by the translation of Alan O'Sullivan to Lismore. On October 12, therefore, Innocent IV commanded the Archbishop of Cashel, with the Bishops of Killaloe and Lismore, to inquire into the manner in which Father Daniel, a Franciscan, had lately been elected. The proctors of Cloyne had in person represented to the Holy See that Father Daniel had been elected *concorditer* by the Chapter. The Archbishop and his colleagues are ordered to make diligent inquiry as regards the qualities of the Elect, the desires of the electors, and the mode in which the election has been held. If satisfied, they are to enjoin upon the said friar, as a penance for his sins, to proceed to the Church of Cloyne, and to administer that see faithfully and prudently. The Elect is to be consecrated by the Archbishop of Cashel, with the customary number of assisting prelates.<sup>2</sup> There is good reason to believe that this venerable Franciscan prelate, whose documents figure so prominently in the *Pipe Roll of Cloyne*, was a faithful and prudent pastor of that see, until his death in 1264. "Historians," says Cotton, "have given a high character of him." It would seem that by the year 1247, the Canons of Cloyne had determined to re-assert their independence; they elected Bishop Daniel without troubling to ask or obtain the consent of the English king.<sup>3</sup>

Of Archbishop MacKelly's activities during the next two years we know nothing; but on March 11, 1250, Henry III signified to the Archbishop of Cashel his royal assent to the election of Master Henry, Archdeacon of Waterford, as Bishop of that church.<sup>4</sup> By a curious coincidence, Master Henry's election had been confirmed by the Holy See exactly a year earlier.<sup>5</sup> His episcopate was destined to be very brief; and on March 26, 1252, a papal mandate was addressed to Archbishop MacKelly, ordering him to consecrate Philip, Elect of Waterford, the Archbishop himself having borne witness that Philip's election had been peaceful and unanimous.<sup>6</sup> It is interesting

<sup>1</sup> *Calendar of Papal Registers*, I. 232.

<sup>2</sup> Theiner, 48; *Calendar of Papal Registers*, I. 236.

<sup>3</sup> Cotton, *Fasti*, I. 291.

<sup>4</sup> *Calendar of State Papers, Ireland, 1171-1251*, p. 453.

<sup>5</sup> Eubel, 12, 517, gives March 11, 1249, as date of Master Henry's confirmation by the Pope.

<sup>6</sup> Theiner, 55; *Calendar of Papal Registers*, I. 275.

to note how studiously MacKelly refrained, on this occasion, from any word of commendation in favour of the candidate. The reason is not far to seek: Waterford, like Limerick, was about to be ruled by a prelate of illegitimate birth, though he had been careful to obtain a dispensation. From his name it would seem that Philip, like Hubert de Burgh, was an Anglo-Norman. Archbishop MacKelly must have regarded such episcopal appointments with resentment and repugnance. To an Irishman of the old race it must have seemed that the Irish Church was not only being robbed, but degraded likewise, by the Anglo-Normans and their offspring.

On June 16, 1250, Henry III wrote to the Archbishop of Cashel with reference to the projected crusade which the Pope had so much at heart, and which Henry professed to favour. The English monarch had "taken the Cross"; it was an astute manœuvre for raising money throughout England and Ireland, with the shrewd expectation that such money could afterwards be deflected into the royal exchequer. Henry's professions of crusading zeal enabled him to secure fresh concessions and privileges *ad libitum* from the Holy See, seldom to the advantage of Ireland; they enabled him to gain a freer hand in the nomination of English ecclesiastics to Irish sees. Certain it is that Henry III took no part in the crusade; and he appears to have hoodwinked Innocent IV during a notable part of that Pontiff's reign. Henry's letter to Archbishop MacKelly is summarised as follows:

"According to papal letters which the King sends, the Pope had conferred a special grace on the King, by granting many boons to the promoters of the crusades on account of the King having assumed the Cross. The King proposing to carry out his vow, prays the Archbishop to have the cause of the crusaders preached throughout all Ireland, and the Pope's letters published, sending copies to some persons. The Archbishop is directed to cause the Pope's letters, which Walter Maunsel bears to him, to be deposited after publication with the Dominicans of Cashel."<sup>1</sup>

Similar letters, *mutatis mutandis*, were dispatched by Henry III on this occasion to the Archbishops of Armagh and Dublin, as well as to the Irish superiors of the Franciscans and Dominicans. Curiously enough, the only places in which the above-mentioned papal letters are directed to be deposited are the Priory of the Holy Trinity (Christ Church) in Dublin, and the Dominican Priory of Cashel. The Walter Maunsel mentioned in the King's letter is presumably the person of that name who was appointed on January 23, 1251, to the serjeanty of Munster.<sup>2</sup>

<sup>1</sup> *Calendar of State Papers, Ireland, 1171-1251*, p. 457. <sup>2</sup> *Ibid.* p. 462.



Four events in which Archbishop MacKelly was closely concerned are commemorated in official documents of 1251. On February 23, of that year, the Pope issued a "mandate to the Archbishop of Cashel and the Bishops of Cork and Kilfenora,<sup>1</sup> to carry out the papal letter with regard to Concord, Canon of Annadown, if the Archbishop of Tuam does not confirm his postulation to the see within two months."<sup>2</sup> An earlier mandate had been addressed, on January 12, to the Archbishop of Tuam, ordering him to receive, in place of the Pope, the postulation of Concord, Bishop-elect of Annadown.<sup>3</sup> But the manifest reluctance of the Archbishop was obviously well known to the Pope, who, in consequence, was compelled to resort to other measures.

The Archbishop of Tuam at this time was Florence MacFlynn, a great friend and benefactor of the Dominicans of Athenry; he had been consecrated on Christmas Day, 1250. Concord, Bishop-elect of Annadown, whose native name was probably Conchubhar, is also called Cormac. Annadown was "A see co-extensive with the seignory of the O'Flahertys, whose territory before 1235 embraced a large tract lying on the east of Lough Corrib, and of the town and river of Galway. But when this part of Ireland was planted with castles by the English at the period referred to, the O'Flahertys were driven to extend their settlements towards the west, where their district of Iar Connaught was confined to the limits of Moycullen and Ballinahinch baronies, and the half barony of Ross and Aran.<sup>4</sup> The Archbishop sternly resisted the appointment of Cormac, and entered into possession of the see, and retained it against him, representing to the King that the Church of Annadown had been a parish church belonging to the Archbishop of Tuam, but was made a bishopric by the King's presenting two Bishops to it; that he (the Archbishop) had procured a Bull from the Pope to reduce it to a parish church as before, which Bull the King, at the instance of the Archbishop, confirmed. The controversies, nevertheless, were with varying results subsequently carried on with much acrimony for centuries."<sup>5</sup>

In the present contest, Archbishop MacFlynn appears to have gained the victory; "his opponent, Concord, was at first supported by the King, but MacFlynn eventually obtained confirmation."<sup>6</sup>

<sup>1</sup> Cork was then ruled by Bishop Laurence, and Kilfenora apparently by Bishop Christian (Eubel, *I.* 211, 249).

<sup>2</sup> *Calendar of Papal Registers*, I. 267.

<sup>3</sup> *Ibid.* I. 265; Theiner, 53.

<sup>4</sup> O'Flaherty's *Iar Connaught*, ed. Hardiman, pp. 1-6.

<sup>5</sup> Burke's *Archbishops of Tuam*, p. 24.

<sup>6</sup> *Dict. of Nat. Biog.*, art. "MacFlynn, Florence or Flann."

Shortly after doing his part in this troublesome Annadown affair, Archbishop MacKelly was called upon to deal with the intrusion of an Englishman into a Canonry of Emly. By letter, dated April 11, 1251, "the King notifies to the Archbishop of Cashel that the see of Emly being vacant and in the King's hand, he has granted to Master Roger of Bristol the prebend which William de Warham held in that church. The King prays the Archbishop to admit Master Roger." On the same day the English monarch signified his "royal assent to the election of Robert, Archdeacon of Limerick, as bishop of that church," in succession to Bishop Hubert de Burgh, who had closed his chequered career in 1250. By a mandate from Henry III, contained in the document just quoted, the Archbishop of Cashel was directed "to do what is his in this matter."<sup>1</sup>

A fortnight later Henry III learned that Archbishop MacKelly had been striving, within the limits of his own sphere, to vindicate the ancient rights of the Irish Church; that he proposed to confirm or set aside the Bishop-elect of Limerick, without regard to the pretensions of English officialdom. Henry was incensed at the Archbishop's action, which he probably regarded as the sign of an awakened spirit of independence among the Munster clergy. On April 29, 1251, the King addressed a mandate concerning this affair to Richard of Rochelle, his Justiciary in Ireland:

"The Archbishop of Cashel having cited the Elect of Limerick to appear before him in the church of Limerick on Thursday next before the Passion of our Lord [March 30] last past, [had stated] that if he found the election to be canonical, he should confirm it, notwithstanding the King's dignity. He was enjoined to revoke whatever he had attempted in prejudice of the King; and Richard of Rochelle was commanded to take the Archbishop's temporalities into the King's hand if he did not recall his error, and to renew the King's appeal."<sup>2</sup>

The final clause of this mandate refers, doubtless, to the King's appeal to the Archbishop of Cashel on behalf of Master Roger. The entire document is a strange combination of tyranny and entreaty. While adopting harsh and high-handed measures against the Archbishop of Cashel, the King meanly craves a favour from the prelate whom he is assailing. MacKelly may have yielded to *force majeure*, so far as the Elect of Limerick was concerned; but his fighting instincts would naturally lead him to refuse his sanction, if possible, to the intrusion of Master Roger into a Canonry of Emly. Very shortly after this, MacKelly procured from the Holy See a

<sup>1</sup> *Calendar of State Papers, Ireland, 1171-1251*, p. 464.

<sup>2</sup> *Ibid.* p. 465.



document which must have proved rather unpalatable reading for the English monarch.

Meanwhile, on May 31, 1252, Innocent IV wrote to the Bishop of Ferns (Godfrey St. John) and his Chapter, informing them that Master Richard, surnamed the Chancellor, a native of the diocese of Ferns, had spent a long time in Paris engaged in the study of scholastic science, and had, by God's grace, made good progress in the same. As Master Richard, according to his own statement, had never been provided with a benefice of any kind, the Pope ordered Bishop Godfrey and his Chapter to provide him with a canonry, notwithstanding any regulations or laws to the contrary. In case of non-compliance with this mandate, the Archbishop and Precentor of Cashel were commissioned to enforce due obedience to the Pope's orders.<sup>1</sup>

### ENGLISH "CUSTOMS" AGAIN CONDEMNED —MACKELLY'S DEATH

On July 20, 1252, at Archbishop MacKelly's request, Innocent IV passed a trenchant condemnation upon certain customs in use among the English colonists of Munster. These customs had repeatedly incurred the condemnation of the Holy See, but the English had contumaciously clung to them; Henry III and his advisers had strained every nerve to defend and justify them. The iniquitous practices in question had been rife among the English of Munster long before MacKelly's promotion to the see of Cashel; and now, the latest recorded act of his career was a determined attempt to prevent the continuance of this galling system of injustice.

The condemnation is couched in the form of a rescript from Innocent IV to the Archbishop of Cashel. It is a scathing indictment of one of the many injustices to which the Irish people of Munster had long been subjected.

"We have long since been informed," writes the Pontiff, "that a detestably vicious custom prevails in the province of Cashel, to wit, that if an Englishman there residing loses any of his property, he makes oath that it was stolen by some Irishman, whereupon six other Englishmen swear that they regard the sworn declaration of the former as true. . . . The Irish, however, though they may be innocent, and of good repute and blameless life, and though they may be

[178] <sup>1</sup> Theiner, 56; *Calendar of Papal Registers*, I, 287. This document is dated 1253 in the *Calendar*; but 1252, the date given by Theiner, corresponds with the regnal year.

in a position to prove their innocence of the alleged crime by thirty sworn witnesses or more, yet are they compelled to make restitution as though they were thieves. On the other hand, if the Irish lose any of their property, even though they know for certain that it has been stolen by an Englishman, and are ready to substantiate the charge by sworn testimony, yet are their sworn declarations summarily rejected by the English. And thus, in each case alike, justice is trodden underfoot, and grievous wrong is often done to your churches and tenants. Wherefore, since unjust weights and false measures are abominable before God, We, in accordance with your petition, condemn this custom, and prohibit it forever, and by the present letters We ordain that the said custom be abolished, as being a pernicious corruption of good morals. We further ordain that great and small, Irish and English alike, shall be judged fairly and impartially, and that the causes of rich and poor shall be decided in a spirit of even-handed justice, and without respect of persons. . . . Given at Perugia, XIII kal. of August, in the tenth year of our Pontificate."<sup>1</sup>

On October 21, 1252, Innocent IV issued an Encyclical to the Archbishops and Bishops of all lands subject to Henry III, empowering them to grant indulgences, at their discretion, to all persons who should attend processions, litanies, and sermons on behalf of the King and his allies, until they reach the Holy Land.<sup>2</sup> This was probably the last papal document which reached the hands of Archbishop MacKelly before the grave closed over all that was mortal of that estimable prelate. On this occasion also, Pope Innocent addressed letters to the Abbots, Priors, and communities of Benedictines, Cistercians, Augustinians, and all other Orders whatsoever, imploring them to pray earnestly for the happy success of the arms of the royal crusader.

The Pope, in his ardent zeal for the cause of the crusade, displays a most pathetic confidence in the honesty and sincerity of the English monarch. He writes of Henry III in terms of enthusiastic praise, such as might have been appropriate in papal references to St. Louis of France. He seems to imagine that Henry is already about to set sail with an army and fleet for the conquest of the holy places. But the English monarch had no such chivalrous intention in mind. He was far removed from the greatness of St. Louis of France. He

<sup>1</sup> Theiner, 56. This document is rather briefly summarised in the *Calendar of Papal Registers*, I. 283.

<sup>2</sup> *Calendar of Papal Registers*, I. 280. The last royal document in which MacKelly is named is a letter from Henry III to the Justiciary, stating that Bishop Florence of Ross had placed his resignation in the hands of David, Archbishop of Cashel. This letter is dated January 22, 1253.



was merely "humouring the Vatican," in his own fashion, and for his own petty ends. Innocent IV, with his lofty crusading ardour, seems to have entirely failed to gauge the littleness of the English monarch's character. Henry, of course, took admirable care to avoid embarking on a crusade; and Archbishop MacKelly, who knew Henry's character, must have smiled sardonically as he perused the flamboyant phrases in which the English king's intentions were lauded by the high-minded and trustful Pontiff.

Archbishop MacKelly passed to his reward on March 2, 1253, after a strenuous and well-spent episcopate. His death is commemorated in several of the Irish annals, as well it might, for he had been a sturdy Irishman, a devout ecclesiastic, a just and fearless administrator, and a zealous defender of the rights of his see. Ware informs us, with some hesitation, that "he was buried in the little Chappel of the Apostles (which, if I mistake not, stood on the left hand of the entrance into the Quire), perhaps in the North Wall thereof, where I have seen, truly, a fair Statue of a Bishop engraven on the Tomb."<sup>1</sup> To this we may append the remark of a recent writer:

"That such a statue was utterly destroyed with other similar constructions at the time of the Reformation is, of course, most likely; but still, I cannot but mention here that the effigy of a bishop, now lying in the monument to Miler Magrath, is evidently not the likeness of Miler, for that prelate wore both beard and moustache, neither of which appear on the effigy."<sup>2</sup>

This episcopal effigy may possibly be identical with the "fair Statue" which attracted the observant eyes of Ware; whether it bears the likeness of Archbishop MacKelly, or rather that of some successor of his, is a question which cannot be solved here.

The Dominican Priory of Cashel, founded by Archbishop MacKelly and rebuilt by Archbishop Cantwell, "still remains in a state of considerable preservation, and could it be detached from its present position, crushed and crowded as it is on all sides by modern buildings, its lofty tower, elaborate stone work, and beautiful windows would be by no means one of the least interesting sights of the City of the Kings."<sup>3</sup>

The news of Archbishop MacKelly's death was slow in reaching the Holy See. On June 23, 1253, Innocent IV wrote to inform MacKelly of the appointment of Isaac O'Cormacain to the see of Killaloe, whereof he was formerly Dean, and for

<sup>1</sup> Ware's *Antiquities*, 1705 edit., "Archbishops of Cashel."

<sup>2</sup> Rev. R. H. Long in *Journal of Waterford Archaeological Society*, 1897, p. 149.

<sup>3</sup> *Idem*, *ibid.*

which he had just been consecrated by the Bishop of Ostia.<sup>1</sup> But Archbishop MacKelly, at this time, was more than three months in his grave. By August 17 following, however, Innocent IV was aware that the Archbishop of Cashel had gone to his reward. On the date just mentioned, the Pope issued a "mandate to the Bishops of Killaloe, Limerick, and Emly, on the showing of the Dean and Chapter of Ardfert that they elected to their church, void by the cession of Bishop Brendan, Cristin [or Christian], a Friar Preacher of the Convent of Tralee, which election, the Archbishop of Cashel dying before he could confirm it, they pray the Pope to confirm. The above Bishops are ordered to examine the election, and if they find it to be canonical, to confirm it; if not, to cancel it, and make provision by another election."<sup>2</sup>

Clearly the election of Bishop Cristin was found to be flawless, and he was duly placed in possession of his see. He must have been warmly recommended by the Canons of Ardfert, as the Pontiff writes of him in terms of more than usual praise, describing him as "virum litteratum, providum et honestum, atque in spiritualibus et temporalibus circumspectum."

These phrases might well serve as a fitting epitaph for Archbishop MacKelly, on whose monument might also be inscribed this recent verdict of a hostile historian: "MacKelly, a man of firm and upright disposition, was a member of the Dominican Order, and appears to have been much attached to that body."<sup>3</sup> Happily, the Church in Ireland to-day enjoys an incomparably greater measure of religious freedom than it possessed in Archbishop MacKelly's time; and this freedom has been won by the unflinching constancy of our Catholic forefathers.

By way of epilogue, it will be worth while to cite a document which may possibly throw light on the yearly or triennial routine of labour which fell to the lot of David MacKelly and his medieval successors. An *Order of the Archbishop of Cashel's Visitation* of his own diocese and province is found "recorded in an ancient book in the Registry of Cashel, marked AA, much injured by damp and falling into decay."<sup>4</sup> This "Order" in its present form was drawn up in 1603 by the unhappy Miler Magrath, Protestant Archbishop of Cashel; but, in part at least, it is admittedly a renewal of a much more ancient ordinance. Internal evidence, such as the fixing of dates by means of Saints' days, seems proof positive of the medieval origin of this "Order," which may well have been in use in Archbishop MacKelly's day.

<sup>1</sup> *Calendar of Papal Registers*, I. 287; Theiner, 57.

<sup>2</sup> *Ibid.* I. 289; Theiner, 58.

<sup>3</sup> Seymour, *Pre-Reformation Archbishops of Cashel*, Dublin, 1910, p. 21.

<sup>4</sup> Cotton, *Fasti*, I. 30.



Every year, according to this document, the Archbishop of Cashel held a visitation in his own diocese, the period assigned for this duty beginning on March 18 and closing on November 1. The Archdeacon of Cashel, in like manner, held his annual visitation between November 3 and February 3. Every year also, the Dean of Cashel's jurisdiction ran from June 25 to March 18. Every third year, the Archbishop of Cashel went on a visitation tour through the suffragan dioceses of his province. Curiously enough, he chose the drearier months of the year, as a rule, for this series of toilsome and unpleasant journeys. His visitation began in Waterford on October 19; in Killaloe on November 3; in Emly on December 7; in Kilfenora on January 2; in Lismore on February 3; in Cloyne on March 2; in Cork on April 5; in Ross on May 4; and, finally, in Ardferd and Aghadoe on August 2. In the course of these visitations, the Archbishop stayed two days with each of his suffragans. Such was the rule observed in ancient times, and renewed in 1603 by Miler Magrath, the Queen's Archbishop of Cashel.<sup>1</sup>

The diocese of Limerick does not figure on this programme; but, as early as 1342, an ancient custom prescribed that Limerick should be the second last diocese in order of visitation. In 1342, John O'Grady, Archbishop of Cashel, essayed to begin his visitation of Limerick about June 29, which we may regard as the approximate date of the triennial visitation of that diocese.<sup>2</sup>

1 "Visitatio Archiepiscopi Cassell. currit in sua dioecesi a crastino S. Patricii usque ad festum Omnium Sanctorum inclusive, singulis annis.

"Visitatio Archidiaconi Cassell. currit a crastino Animarum, annuatim, usque ad crastinum Purificationis B. Mariae Virginis.

"Jurisdictio Decani Cassell. currit annuatim a crastino S. Joannis Baptistae usque ad crastinum S. Patricii.

I. Visitatio provincialis Archiepiscopi currit quolibet tertio anno, viz., in dioecesi Waterfordensi a crastino S. Lucae Evang., inclusive, in Ecclesia S. Trinitatis.

II. In dioecesi Laonensi, crastino Animarum in Ecclesia S. Flannani.

III. In dioecesi Imolacensi, crastino S. Nicholai Epi., in Ecclesia S. Albi alias Elibei.

IV. In dioec. Fenaborensi, crastino Circumcisionis Domin., in Ecclesia S. Fechnani.

V. In dioec. Lismorensi, crastino Purificationis B.M.V., in Ecclesia S. Carthagii alias Mocodii.

VI. In dioecesi Clonensi, crastino S. Davidis, in Ecclesia S. Colmani.

VII. In dioec. Corcagiensi, crastino Divi Ambrosii, in Ecclesia S. Finbari.

VIII. In dioec. Rossensi, crastino S. Brandani, in Ecclesia S. Faghnanani, 4to Maii.

IX. In dioecesi Ardferdensi et Aghadensi, crastino Petri ad Vincula, in Ecclesia S. Brandani.

"Biduo moram trahit Archiepiscopus praedictus apud quamlibet suffraganeum. Haec regula servabatur priscis temporibus, et renovata erat in cursu Visitationis provincialis anno Dom. 1603."—Cotton, *Fasti*, I. 30-31.

<sup>2</sup> *The Black Book of Limerick*, ed. MacCaffrey, pp. 140, 141.

## ALAN O'SULLIVAN, BISHOP OF CLOYNE AND LISMORE

BISHOP ALAN O'SULLIVAN ruled the diocese of Cloyne from 1240 to 1246, and that of Lismore from 1246 until his death in 1253. His life-story, though brief, is interesting and informative. To the discerning reader it offers an epitome of the trials and tribulations which beset the path of many Irish Bishops in the thirteenth century. The narrative of Alan's thirteen years' episcopate, as set forth in the pages of standard authorities, is usually meagre, occasionally it is quite inaccurate and misleading. Since the publication of the Calendars of State Papers and Papal Registers, however, it has become possible to study this worthy prelate's career in fuller and more accurate detail.

Alan O'Sullivan (whom the annalists rightly call *Ailín*) was a Dominican. His surname, coupled with his appointment to a Cork diocese, would seem to stamp him as a Corkman. It is highly probable, if not entirely certain, that he was a member of the Dominican community of Cork. The only houses of the Order established in Munster prior to the year 1240 were those of Waterford, Limerick, and Cork, which had been founded respectively in 1226, 1227, and 1229. That Alan was a Dominican is unquestionable; and, as a Corkman, he would naturally have entered the Order in the city of St. Finbarr rather than in Waterford or Limerick.<sup>1</sup> As a member of the Cork community, his merits and accomplishments would have been well known to Bishop David MacKelly, his Dominican predecessor in the see of Cloyne, who had lately been a member of the same community. MacKelly was raised to the see of Cloyne in 1237, and translated thence to Cashel in 1238; and it is more than possible that MacKelly's influence with the

<sup>1</sup> Against this theory, it may reasonably be urged that his ashes repose in the old Dominican Priory of Limerick—which would seem to indicate that he belonged to the Limerick community. It is quite possible that he may have been an *alumnus* of Limerick. Still, the fact remains that, in those days even more than in our own, the *habitat* of the O'Sullivans was in Cork and Kerry, rather than in Limerick. Besides, we know absolutely nothing of the circumstances which led to his burial in the latter city.



clergy of Cloyne, combined with the prestige of his new dignity as Archbishop of Cashel, may have had something to do with the elevation of O'Sullivan to the chair of St. Colman.

The diocese of Cloyne had been vacant since the close of 1238, and 1240 is the date universally assigned for Bishop Alan's consecration. No record survives in Papal Registers or State Papers as to the precise date of his appointment to Cloyne. Only two important incidents of his administration in that diocese have been saved from oblivion. They are noteworthy as examples of the vexations and humiliations which Irish prelates of that period were constrained to endure.

### *HIS CONCORDAT WITH MAURICE FITZGERALD*

The earliest of these incidents is commemorated in a documentary agreement preserved in the *Pipe Roll of Cloyne*. The agreement in question is apparently the very oldest document existing in that ancient compilation, though the fact seems to have escaped the attention of the learned editor of the Pipe Roll. This document, on inspection, proves to be a species of concordat between Bishop Alan of Cloyne and Maurice Fitzgerald,<sup>1</sup> Justiciary of Ireland; it is dated April 6, 1244. A protracted dispute had existed between the Bishop of Cloyne and the Justiciary, in regard to the possession of certain lands and the right of presentation to certain churches, within the borders of the diocese of Cloyne. Eventually a compromise was arrived at, by which certain disputed lands and advowsons were granted to Maurice Fitzgerald, while certain others were conceded to Bishop O'Sullivan. The unvarnished truth appears to be that the Bishop was not only compelled to surrender some

<sup>1</sup> Four persons of this name flourished in Ireland about the year 1244. Maurice Fitzgerald, the Justiciary, was born in 1194, or thereabouts, and died in 1257. Maurice Fitzmaurice Fitzgerald, son of the preceding, was born about 1238 and died about 1277. Maurice Fitzgerald, a nephew of the Maurice Fitzmaurice Fitzgerald just mentioned, inherited the Barony of Ofaly, and was drowned in the Irish Channel in 1268. Finally, in the Desmond line, there was Maurice Fitzgerald, son of John of Callan; father and son both perished at the battle of Callan in 1261. Obviously the agreement of 1244 could have been entered into only with Maurice the Justiciary or Maurice of Desmond—the others were too young. But Maurice of Desmond had not yet succeeded to the family estates in 1244, his father, John of Callan, being still alive. Besides, there appears to be no evidence to show that the Desmond family at this period possessed estates in the neighbourhood of Youghal, where the disputed lands lay. Thus by a process of exclusion we are led to infer that the agreement with the Bishop of Cloyne must have been made by Maurice Fitzgerald, then Justiciary of Ireland. This conclusion is confirmed by the indisputable fact that Maurice the Justiciary held lands in Youghal and its vicinity; he had founded the Franciscan Friary there in 1230 or a few years later.

of the immemorial possessions of his see to this grandson of an Anglo-Norman filibuster, but that he was forced in like manner to abandon the right of appointing suitable pastors to a number of churches in his diocese.

Maurice Fitzgerald, grandson of Maurice the Invader, had spent part of his life as a commander of soldiery in Brittany. Later on, while enjoying a long tenure of office as Justiciary of Ireland, he had been a leading conspirator in the plot which led to the assassination of Richard, Earl Marshal, on the Curragh of Kildare, in 1234. Most of his contemporaries believed him guilty of having procured the poisoning of the gallant Earl Marshal on this occasion. Afterwards, during various years, he led bands of sanguinary marauders, who carried slaughter and havoc through Connaught and Ulster. With the assistance of Richard de Burgh, he intrigued to supersede the rightful princes of Connaught, designing to supplant them by creatures willing to accept the sway of the Anglo-Normans. With the usual inconsistency of these Anglo-Norman soldiers of fortune—though writers are careful to remind us of the Italian and Welsh blood which likewise flowed in his veins—Maurice founded the Franciscan Friary of Youghal in 1230 or 1234; and he is also credited with founding the Dominican Priory of Sligo in 1252 as an act of expiation, that the community might pray for the soul of the murdered Earl Marshal.<sup>1</sup>

In his restless career of violence and aggression, Maurice Fitzgerald would have little time and probably less inclination for close inquiry into the merits of the Cloyne dispute. We cannot suppose, with any degree of probability, that he was better acquainted than the Bishop of Cloyne with the exact extent of the rightful possessions of that see. He would scarcely be deterred by a scrupulous sense of equity from prosecuting a false claim against the Bishop; his whole career forbids any supposition of the kind. Wherever there was land to be seized or power to be usurped, the rapacity and ambition of these Anglo-Norman barons were seldom checked by scruples of conscience. In this Cloyne dispute, therefore, it is more than probable that justice was on the side of Bishop O'Sullivan, but that the prelate, weary of a protracted conflict with so powerful an adversary, ended by making sundry concessions for the sake of peace.

These concessions are set forth in the Pipe Roll document of 1244. The "venerable father Alan, by the grace of God, Bishop of Cloyne," for himself and his successors, with the unanimous assent of his entire Chapter, remits in perpetuity all right and claim which he and his successors may have,

<sup>1</sup> Gilbert, *Viceroys*, 93-102; *Dict. of Nat. Biog.*, XIX, 136-139; the notice of Maurice Fitzgerald in Alfred Webb's *Compendium of Irish Biog.*, p. 181, is full of errors.



whether to the temporal ownership of certain specified lands, or to the advowson and right of patronage arising from such ownership. The lands thus ceded to Maurice Fitzgerald and his heirs for ever are those of Clonpris, Balycheran, and Inche-koyng, as likewise those of Kylle, Kylgligne, and Kyllan; he and his heirs are also granted the right of presentation to churches existing on all these lands. The Bishop likewise cedes to Maurice and his heirs the temporal ownership, without the advowson, of the lands of Kylcridan, as well as of "all other lands and tenements held by the said Maurice and his men in Oglassyn."<sup>1</sup>

On the other hand, the Bishop reserves to himself and his successors the right of presentation to the church of Kylcridan, possession of said church being guaranteed to Master Thomas de Cavilla during his lifetime, and the incumbent being bound to give, as an offering, one pound of wax yearly to the church of Cloyne. Maurice Fitzgerald also, for himself and his heirs, grants to the Bishop of Cloyne and his successors one carucate (120 acres) of land in Kylgrellan, as well as another parcel of land which is called Bretne, with the right of presentation to churches on these lands. The said Maurice likewise, for himself and his heirs, grants to the Bishop and his successors "the entire advowson and right of patronage" in the land of Balykeneled, in that of Ponce Fitz Ponce, and in that of Robert Fitz John, also in Drumokenache, Balyglassyn, Balmacketh, and Balynylan, as also in the land of John de Kenfeyk, and in the whole land of Philip Fitz Walter which he has in Oglassyn, the benefices of Masters Thomas de Cavilla and Denis of Cloyne, which they held before the date of this agreement, being guaranteed to them during their civil or natural life.<sup>2</sup>

<sup>1</sup> To Mr. Richard Foley, the well-known Irish scholar, the localities here mentioned have been familiar since childhood. Through his kindness I am able to identify most of them. *Clonpris* is the modern Clonpriest. *Balycheran* is Ballycarnane, par. of Killeagh. *Inche-koyng* is obviously Inchiquin, par. of Clonpriest. *Kylle* is identical with Killeagh. *Kyllan* may be Ballycullane, par. of Mogeely (Imokilly). *Kylcridan* is now written Kilcredan. *Oglassyn* I take to be the territory round about *Balyglassyn*, now Ballyglashen, par. of Killeagh. *Kylgligne*, which is probably a misreading, remains a puzzle. In the parish of Killeagh there is a townland called Ballycurraginy—in Irish *Baile tí Cúragíu*—which may possibly afford a clue to the elusive Kylgligne.

<sup>2</sup> Kilcredan once enjoyed the spiritual ministrations of Master Thomas de Cavilla, whose proper surname was de Capella, of which Capel is the modern form. The family gave their name to Capel Island. Their present head is Sir Arthur Richard de Capell Brooke, Bart. *Kylgrellan* is now Kilgrellane, par. of Cloyne. *Bretne* is probably Britway, near Whitegate, or else Breeda, par. of Ardagh. *Balykeneled* is Ballykeneale, par. of Kilmodonogue. *Balmacketh* is Ballymakeagh, par. of Killeagh. *Balynylan* may be Ballyellane, par. of Templerobbin (Great Island). The "*land of John de Kenfeyk*" may be Ballykenefick, or Garranekenefeaik, or Ringkenefeaik (now shortened into Ring); the Kenefick family and

However, the said Maurice and his heirs are to hold the land of Bretne from the Bishop and his successors at a yearly rent of 1 mark ( $\frac{1}{2}$ 8 in present-day currency); they are also to hold the land of Balykeneled at a yearly rent of 2 lbs. of wax. These rents are to be paid to the Bishop at the accustomed periods, and Maurice and his heirs are to do homage and service to the Bishop and his successors for the lands here specified.

By way of further concession to the Bishop and his successors, the said Maurice remits and relinquishes whatever right or claim he may have to the lands of Bernibrogwan, Ochied, and Balycoyg, and to all other lands which belong, or should belong, to the Bishop and diocese of Cloyne.<sup>1</sup>

If we assume, as we may fairly do, that Bishop O'Sullivan had claimed, as the property of his see, all the lands mentioned in the foregoing agreement, together with the right of presentation to all the churches existing thereon; and if we further assume, as we may fairly do, that the Bishop was much better informed and much more scrupulous, in regard to such matters, than the Justiciary was likely to be; we can scarcely resist the conclusion that Bishop Alan was constrained by *force majeure* to surrender some of the rights and possessions of his see; and that Maurice Fitzgerald, while diplomatically affecting to make concessions, had by far the best of the bargain. A man who advances a false claim can well afford to abate his pretensions by one-half or less, when his wearied antagonist consents to a compromise.

### HENRY III ORDERS THE ARREST OF AN IRISH BISHOP

Passing over Bishop Alan's renewal of a lease of one carucate of land with its appurtenances at Coulleny to a cleric named Gillacomdach Machicallig—a transaction of uncertain date, mentioned in 1252 by the Franciscan Bishop Daniel, who was O'Sullivan's immediate successor in Cloyne, and who obviously held "the venerable fathers David and Alan of happy memory"<sup>2</sup> in much veneration—we now come to a

its branches held lands in all three places. *Drumokenache* may be a corruption of one of these names; it cannot be identified with certainty. I need scarcely add that the surname FitzPonce has been modernised into Punch, which was the name borne by a once celebrated Cork theologian.

<sup>1</sup> *Rotulus Pipae Clonensis*, ed. Caulfeild, pp. 43-45.—*Bernibrogwan* is Barnabrow, par. of Cloyne. *Ochied* is Eochail, the modern Youghal. *Balycoyg* may be Ballytigueen, par. of Corkabeg, as Irish and ancient it was frequently misread for c.

<sup>2</sup> *Rotulus Pipae Clonensis*, pp. 53-54.—*Coulleny* was on the outskirts of the town of Cloyne, south of the ancient cemetery—*ex parte australi cemiterii ejusdem villae*.



sensational incident in Bishop O'Sullivan's career. This was nothing less than an order for his arrest issued by Henry III of England.

The State Paper which furnishes particulars of this incident bristles with legal terminology, which it may be proper to explain. In the first place, a "*Disseisor*" is "a person who unlawfully puts another out of his land." "*Disseisin*" is defined as "a wrongful putting out of him that is seised of the freehold, not, as in *abatement* or *intrusion*, a wrongful entry, where the possession was vacant; but an attack upon him who was in actual possession, and turning him out; it is an ouster from a freehold indeed, as abatement and intrusion are ousters in law. A title by disseisin is a good title against all but the rightful owner." There is a legal maxim, "*Disseisinam satis facit, qui uti non permittit possessorem, vel minus commode, licet omnino non expellat*."—He makes disseisin enough who does not permit the possessor to enjoy, or makes his enjoyment less beneficial, although he does not expel him altogether." Finally, an "*Assise of Novel Disseisin*" is "an action to recover property of which a party has been disseised, i.e., dispossessed, after the last circuit of the judges. It is abolished by 3 & 4 Wm. IV, c. 27."<sup>1</sup>

These legal definitions throw fresh light on the extraordinary mandate issued by Henry III to Maurice Fitzgerald, Justiciary of Ireland, about the end of April, 1245—a year after the signing of the agreement between Fitzgerald and the Bishop of Cloyne. The mandate is summarised as follows:

"The King to the Justiciary of Ireland. The latter having written to inquire the King's pleasure regarding an assise of *Novel disseisin*, arraigned by Christian, Bishop of Emly, against Alan, Bishop of Cloyne, touching a tenement in Kelconmyr, the King expresses his astonishment that, through fear of excommunication, the Justiciary should have deferred to give judgment regarding the manifest disseisin which the Bishop of Cloyne confesses he has wrought, and to restore seisin, according to law and custom in Ireland, to the Bishop of Emly. The King therefore commands the Justiciary to proceed to judgment, notwithstanding the threats of the Bishop of Cloyne; and amercing the disseisor, according to the extent of his offence, to restore seisin to the Bishop of Emly, with the damages adjudged to him. As for the judges who, spurning the King's prohibition, proceeded in the ecclesiastical court regarding this tenement, and the said Bishop of Cloyne, who prosecuted this plea against the King's crown and dignity, the Justiciary shall cause them to be arrested and imprisoned until they shall have made repa-

<sup>1</sup> Wharton's *Law Lexicon*, 11th ed., pp. 83, 287.

ration for their contempt. The Justiciary shall pursue the same course in other similar cases."<sup>1</sup>

From this imperious mandate it seems clear that Bishop Alan took possession of the "tenement of Kelconmyr" after it had been adjudged to him by the ecclesiastical court. The finding of the ecclesiastical judges creates a strong presumption in Bishop Alan's favour. Obviously he believed that the property in question belonged of right to the see of Cloyne, and the judges decided that his claim was valid and proven. It would seem that Bishop Christian of Emly, unable to sustain his claim before the proper tribunal, adopted the improper course of seeking the intervention of the secular arm in an ecclesiastical dispute, with the disedifying result that his brother-prelate and the judges of the ecclesiastical court were ordered to be imprisoned, while the Bishop of Cloyne, in addition, was to be mulcted in heavy damages. The strangeness of Bishop Christian's unwarrantable action is quite in keeping with the despotic violence of the King's intervention.

King Henry's statement regarding "the manifest disseisin which the Bishop of Cloyne confesses he has wrought," is manifestly misleading. It is most unlikely that the Bishop of Cloyne believed, or confessed, that he had been guilty of wrongful entry, or that he had wrongfully ousted another from his lands. The Bishop of Cloyne would naturally make no secret of the fact that he had taken possession of the glebe lands in question, after the ecclesiastical tribunal had decided in his favour. But Henry III and his advisers were not the men to shrink from a falsehood when they desired to inflict defeat on an Irish Bishop. Two decades earlier, for instance, they had striven with might and main to justify the intolerable abuses practised by the English in Ireland, though these abuses had more than once been sternly censured by the Holy See. In the course of this controversy, Henry III and his agents assured the Pope that "when the English entered Ireland by Apostolic command, they reduced that country to the obedience of Rome, but the savagery of the Irish (to use a mild expression) was such"<sup>2</sup>—as to justify the abuses in question. To modern

<sup>1</sup> *Calendar of State Papers, Ireland, 1171-1251*, pp. 408-409.—*Kelconmyr* is the modern Kilcummer. The King's unquestioning belief in the justice of Bishop Christian's cause is rather strange; it is rendered still stranger by the fact that, seven years earlier, the King himself had expressed a rather unflattering opinion of Bishop Christian. A mandate of October 25, 1238, is thus summarised: "The King having learnt, after the departure of Christian, Bishop of Emly, that he is deceitful, commands the Justiciary, that ere putting the Bishop in possession of the temporalities he firmly bind him, so that the King may not be hereafter prejudiced by fraud" (*ibid.* p. 369).

<sup>2</sup> "Fuit etiam ex parte ipsius Regis propositum coram nobis, quod ab eo tempore, quo Anglici de mandato apostolice sedis intrantes



minds it would seem that slander and spoliation, sacrilege and oppression, are scarcely the outward badges of a civilised and Christian nation; yet these were among the chief characteristics of Henry III and his barons in their dealings with the Irish people.

Protestant writers applaud the drastic punishment meted out by Henry III to the Bishop of Cloyne on this occasion, even as they applaud the same monarch's despotic treatment of the Archbishop of Cashel, exactly six years later. In general, these writers appear to imagine that whenever a collision occurs between a King and a Bishop, in reference to some ecclesiastical matter, the King is invariably right and the Bishop invariably wrong. Starting from the twofold principle that "the King is Supreme Head of the Church" and that "the King can do no wrong," such writers, without pausing to examine each individual case, unfailingly find a verdict in the King's favour. They are merely writing false history when they interpret the events of the thirteenth century as though the men of that age recognised, or had any thought of recognising, the headship of the King in ecclesiastical affairs. The men of that age knew very well that, in Church matters, the Bishop was likely to be a far better judge than the King; they knew that the King was a personage singularly ill-qualified to meddle in such matters; they knew, moreover, that the King's intervention in ecclesiastical affairs was often conducive neither to the interests of justice nor to those of religion. In a word, they knew that the King was apt to display "the peculiar incompetence of a royal person who meddles with religion."<sup>1</sup>

We may presume that Bishop O'Sullivan and the ecclesiastical judges were arrested and imprisoned, in pursuance of the King's mandate, while Bishop Alan was also compelled to pay heavy damages. There is, however, a slender probability that the oppressive order of the English monarch may have remained inoperative. Maurice Fitzgerald may have been slow to execute a task which he must have felt distasteful, and which exposed him to the dreaded penalty of excommunication. He was dismissed from the office of Justiciary, some four months after the issue of the mandate concerning Bishop Alan; and it is possible, though not very probable, that the change of Viceroys, together with the bustle of warlike preparations—for Henry III was engaged, from the beginning of July to the close of October, in a futile expedition against Wales—may have caused the

Yberniam, ipsam ecclesie Romane obedientie subiecerunt, habito respectu ad Ybernensium feritatem, ne ulterius exprimatur, necessitate ac utilitate pensatis," etc.—Letter of Honorius III, 19 March, 1221; Theiner, *Vetere Monumenta*, 19.

<sup>1</sup> Canon Barry, *The Papacy and Modern Times*, p. 180.

mandate to fall into abeyance. This conjectural note closes the record of Bishop Alan's administration of the diocese of Cloyne. He was translated in the following year to Lismore.

*ALAN O'SULLIVAN, BISHOP OF LISMORE*  
1246-1253

The diocese of Lismore had fallen vacant in 1243 or 1244, by the resignation of Bishop Griffin Christopher, seemingly a prelate of Welsh descent, whose chequered episcopate had lasted since 1223. An active and adventurous bishop, Griffin had sided with Richard the Earl Marshal, had his revenues confiscated by Henry III, and had given a just and unflinching judgment against Geoffrey de Marisco. Even in his retirement, Bishop Griffin knew how to safeguard his personal interests; he survived his successor, and died at a ripe old age.

In 1246, for some obscure reason, the vacancy was still unfilled,<sup>1</sup> and the impecunious English monarch was congratulating himself upon the fact that Bishop Griffin's resignation would entail no drain upon the Treasury. On August 8, 1246, Henry III issued a mandate to the Justiciary of Ireland—this was John Fitz Geoffrey, the successor of Maurice Fitzgerald—stating that "the King considers as saved the provision made for G[riffin], Bishop of Lismore, after his resignation, of 50 marcates of rent and 2 carucates of land out of the possessions of that see, according to the mandate of the Pope through Geoffrey,<sup>2</sup> Bishop of Ossory. Further mandate to the Justiciary to restore to the Bishop such seisin as he had thereof on the arrival of the Justiciary in Ireland."<sup>3</sup> A *marcate* is defined as "the rent of a mark by the year, anciently reserved in leases, etc."<sup>4</sup> A *carucate* of land, otherwise called a *carvage* or *carve* of land, meant a ploughland of 100 acres, or, according to Skene, as much land as might be tilled in a year and a day by one plough. This quantity varied in different English counties from 60 to 120 acres;<sup>5</sup> in Ireland it usually rose to the latter figure. Provided with an annual income equivalent to £400 in our modern money, together with

<sup>1</sup> On May 21, 1244, Innocent IV ordered Primate Albert Suerbeer and another to examine the election of Master John, Rector of St. Bean Major, to the see of Lismore (*Cal. Pap. Reg.*, I. 209; Theiner, 42). By this was meant the diocese of Lismore in Scotland.

<sup>2</sup> This was Geoffrey de Turville, Bishop of Ossory (1244-1250), the friend and benefactor of the Dominicans of Kilkenny.—Carrigan's *Ossory*, pp. 37-39.

<sup>3</sup> *Calendar of State Papers, Ireland*, 1171-1251, p. 425.

<sup>4</sup> Wharton's *Law Lexicon*, 11th edit., p. 540.

<sup>5</sup> *Ibid.* p. 147.



240 acres of land, Bishop Griffin Christopher could afford to live in comparative affluence.

The resigning Bishop's pension being thus satisfactorily settled, Henry III granted with alacrity his royal licence for the election of a successor. On August 12, 1246—four days after the preceding mandate—Henry addressed to Christian de Chaumery, Canon of Lismore, his licence for the Dean and Chapter of that diocese to elect a bishop.<sup>1</sup> The name of this Canon, as well as that of the pensioned Bishop, indicates the success which had attended the Anglo-Norman policy of intruding aliens into influential positions in the Irish Church.

By the unanimous choice of the Canons of Lismore, Bishop O'Sullivan was selected to govern the vacant see. In requesting the Pope to confirm this election, the Canons described Bishop Alan as "a prudent and learned man, highly esteemed for his virtuous life and soundness of judgment." They also represented to the Holy See that the diocese of Lismore had suffered grievously in its spiritual no less than its temporal interests; and they hoped that, under the wise rule of Bishop Alan, the diocese would soon be restored to its former flourishing condition. Innocent IV, by a mandate of October 26, 1246, ordered Hubert de Burgh, the veteran Bishop of Limerick, and Donald O'Kennedy, Bishop of Killaloe, to make the customary inquiries. The Pontiff authorised them, in case the investigation should prove satisfactory, to sanction Bishop Alan's election by Apostolic authority, and to translate him from Cloyne to Lismore.<sup>2</sup> It was a distinct rebuff for Henry III to discover that the prelate, for whose imprisonment he had so lately given orders, was now unanimously chosen as their pastor by the clergy of a neighbouring see.

In bowing to the decision of the Holy See, Bishop Alan must have felt a keen pang of regret at his severance from Cloyne. He was now entering on a new field of labour, in a diocese whose condition was far from satisfactory, and whose resources were sadly crippled. The three or four years' interregnum would account, in part, for the spiritual and temporal

<sup>1</sup> *Calendar of State Papers, Ireland, 1171-1251*, p. 425.

<sup>2</sup> "Ex parte dilect. filiorum . . . Decani et Capituli ecclesie Lismorensis presentate nobis littere continebant, quod ecclesia ipsa pastoris solatio destituta, iidem convenientes in unum de futuri substitutione pontificis tractaturi, spiritus sancti gratia invocata, venerabilem fratrem nostrum. . . . Clonensem Episcopum, virum, ut asserunt, providum, vita et honestate decorum, litterarum scientia preditum et consilii maturitate preclarum, in eorum Episcopum pari voto et voluntate unanimi postularunt, nobis humiliter supplicantes, ut cum sperent, quod dicta ecclesia, que tam in spiritualibus quam in temporalibus graviter est collapsa, possit per sue diligentie studium grata in utroque suscipere incrementa, postulationem eandem admittere de benignitate sedis apostolice dignemur."—Theiner, 45; cf. *Cal. Pap. Reg. I.* 229.

disorders into which Lismore had fallen. It also seems probable that Bishop Griffin, intent on external affairs, had somewhat neglected the care of his own diocese. In these circumstances, the Chapter felt that a vigorous and apostolic prelate was needed to repair the losses suffered by the see, and Bishop O'Sullivan was chosen for the task.

He found his new diocese burdened with an annual pension of 50 marks (£400) to Bishop Griffin, while six goodly manors, comprising 240 acres of land, had also been ceded to that prelate for his personal support. Bishop Alan secured these manors on lease from his predecessor, doubtless at a considerable yearly rental. The see was further impoverished by reason of an improper donation made by Bishop Griffin, who had "granted away eighty Acres of Land, two Acres of Meadow, and eighty Acres of Wood, part of the Possessions of his See, to Philip Fitz Adam Christopher senior, without the assent of his Chapter; which his fourth Successor, *Richard Cor*, afterwards recovered by a Writ of Entry in the Post, from the son of the Grantee."<sup>1</sup> Still worse than this act of nepotism on the part of Bishop Griffin was the arbitrary action of the English king, who retained possession of all the available lands and revenues of the diocese during a full year and a half after Bishop Alan's translation. It was only on May 25, 1248, that Henry III signified his assent to this translation, and ordered Fitz Geoffrey the Justiciary to surrender the temporalities of Lismore to Bishop O'Sullivan.<sup>2</sup> This circumstance accounts for the common mistake of Protestant writers, who assign 1248 as the year of Alan's transference to Lismore.

Meanwhile, the new Bishop of Lismore was given a share in the task of providing himself with a successor in Cloyne. Three commissioners were appointed for this purpose by Innocent IV on October 12, 1247; these were David MacKelly, the Dominican Archbishop of Cashel, Donald O'Kennedy, Bishop of Killaloe, and Alan O'Sullivan, Bishop of Lismore. The commissioners were commanded "to enquire into the postulation made by the Chapter of Daniel, a Friar Minor, to the see of Cloyne, and if he is a fit person to admit it, and consecrate him, he being first absolved from his obedience."<sup>3</sup> There was little difficulty in deciding the question of Daniel's fitness for Cloyne; he ruled that diocese for seventeen years, and proved an admirable prelate.

The next official transaction in which Bishop O'Sullivan was concerned was one which he must have viewed with deep repugnance. This was nothing less than the appointment of

<sup>1</sup> Ware-Harris, I. 552.

<sup>2</sup> *Calendar of State Papers, Ireland, 1171-1251.*

<sup>3</sup> *Cal. Pap. Reg.*, I. 236; Theiner, 48.



an absentee pluralist to the pastorate of Dungarvan. Under date September 10, 1251, we find the following entry in the State Papers: "The King having conferred the vacant church of Dungarvan on Master William of Kilkenny, Archdeacon of Coventry, commands the Justiciary of Ireland to present Master William by his proctor to the person who ought to institute him.—The King's letters of presentation to the vacant church of Dungarvan, directed to the Bishop of Lismore, for Master William of Kilkenny."<sup>1</sup> This pluralist was doubtless of English extraction; he was now intruded by the English sovereign into the most important parish in Bishop O'Sullivan's diocese.

The importance of Dungarvan is attested, by the convincing eloquence of figures, in the Pipe Rolls of the period. According to these Rolls, the Treasury receipts from the "Honour of Dungarvan" were considerably higher than those from either Waterford City or Waterford County.<sup>2</sup> A zealous and apostolic prelate like Bishop O'Sullivan must have regarded, with aversion and indignation, the appointment of an alien pluralist to so large and populous a parish, well knowing that the aim of the absentee pastor would be to shear the sheep, not feed them. It is, indeed, less than likely that Master William would resign his Archdeaconry of Coventry in order to devote his energies to the spiritual and temporal welfare of the people of Dungarvan. It is no wonder that, as a result of such appointments, scandals and abuses became rife in the Irish Church.

But the end of Bishop O'Sullivan's earthly troubles was drawing near. The annalists, followed by historical writers in general, place his death in the year 1253. He must have passed to his reward rather early in that year, as on April 27, 1253, a royal licence was issued for the election of his successor. "Richard of Cornwall, Canon of Lismore, having prayed the King on behalf of the Dean and Chapter of that Church for licence to elect, the King grants licence accordingly."<sup>3</sup> Canon Richard of Cornwall, as his name implies, was another alien beneficed in Lismore. But the worthy Irish Bishop of that see was no longer liable to molestation or embarrassment from the "King of the Saxons" and his foreign nominees. His mortal remains had been laid to rest in the Dominican Priory of Limerick, as we shall see later, in the chapter on Bishop O'Curran.

<sup>1</sup> *Calendar of State Papers, Ireland, 1171-1251*, p. 474. At a later date, Master William of Kilkenny had the good fortune, from his own point of view, of being promoted to the Bishopric of Ely. Apart from his pluralism, he seems to have been a very worthy man. Godwin (*De Praesulibus*, 256) gives a brief but highly favourable account of him.

<sup>2</sup> *Thirty-fifth Report of the Deputy-Keeper of Public Records in Ireland*, pp. 36-39.

<sup>3</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 27.

Though Bishop Alan was summoned to a better life, his predecessor, Bishop Griffin, still survived. In his retirement, Bishop Griffin was not indifferent, perhaps could not afford to be indifferent, to pecuniary affairs. On January 15, 1250—during Bishop Alan's lifetime—Henry III issued a "mandate to the Justiciary of Ireland, that if he receive letters of the King pardoning to G[riffin], late Bishop of Lismore, certain amer-ciements amounting to 12½ marks, which he had incurred in the administration of his diocese, the Justiciary shall not distrain but cause him to be quit thereof."<sup>1</sup> An *amercement* or *amercia-ment* is defined by lawyers as "a pecuniary punishment or penalty assessed by the peers or equals of the party amerced for an offence, by the commission of which he has placed himself at the mercy of the lord. The difference between amercements and fines is as follows: The latter are certain, and are created by some statute; they can only be imposed and assessed by courts of record; the former are arbitrarily imposed by courts not of record, as Courts-leet."<sup>2</sup> We cannot now ascertain the precise nature of the offence for which Bishop Griffin was amerced on this occasion. But in 1235 he had been compelled to pay an amercement<sup>3</sup> for having shown favour to Richard Earl Marshal, in the "war" which ended in the assassination of that Bayard among Anglo-Irish nobles.

A further mandate, issued in the lifetime of Bishop Alan, shows Bishop Griffin still heavily in debt to the Treasury. On August 22, 1252, "the King grants to Master Griffin, formerly Bishop of Lismore, that of the 80 marks [£640 in modern currency] which he owes to the King, he pay every year 20 marks at Easter at the Exchequer, Dublin, until the whole be discharged. Mandate accordingly to John Fitz Geoffrey, Justiciary of Ireland."<sup>4</sup>

Several months after Bishop Alan's demise, a fresh order was addressed to the Justiciary, in reference to some possessions of the see of Lismore. This document contains a valuable list of some glebe-lands belonging to the diocese, and proves that Bishop Alan had secured six manors on lease from his predecessor. The mandate, issued on July 9, 1253, is thus summarised: "As it appears by an agreement made between Brother Alan, late Bishop of Lismore, and Griffin his predecessor, for a lease of the manors of Ardmore, Glasmore, Methallia, New Ville, Lismore, and Frekans, which manors had by papal authority on Griffin's retirement been assigned to him for his maintenance, that Alan had received from Griffin a lease of those manors,

<sup>1</sup> *Calendar of State Papers, Ireland, 1171-1251*, p. 452.

<sup>2</sup> Wharton's *Law Lexicon*, 58.

<sup>3</sup> *Thirty-fifth Report of Deputy-Keeper*, p. 36.

<sup>4</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 13.



with condition of re-entry in favour of Griffin in case of Alan's retirement or death, the King commands the Justiciary of Ireland to restore to Griffin those manors which on Alan's death had been taken into the King's hand."<sup>1</sup>

A few other manors held by the Bishops of Lismore are mentioned in a mandate from Henry III to the Treasurer and Barons of the Irish Exchequer, under date January 27, 1257. The Treasurer and Barons had lately issued a writ, ordering the sheriff of Waterford to command Bishop Thomas of Lismore—Bishop Alan's successor—to restore to Bishop William<sup>2</sup> of Waterford the manors of Artmordeglan, Kilmolas, Kilmerdin, and Mochel. Against this proceeding Bishop Thomas appealed to the King. It was urged by Bishop William that his predecessor, Bishop Robert of Waterford (1210-1222), had been unlawfully disseised of these manors by his namesake and contemporary, Bishop Robert of Bedford, the Englishman who governed the see of Lismore from 1218 until 1222. The manors thus wrongfully seized by the Bishop of Lismore remained in his possession. From him they passed to Bishop Griffin Christopher, who on his resignation demised them to Bishop Alan O'Sullivan. After Bishop Alan's death, the manors in due course came into the hands of his successor, Bishop Thomas. To oust this prelate from the disputed lands, Bishop William of Waterford sought and obtained a writ from the Irish Exchequer. This writ was very properly annulled by the King, who dismissed Bishop William's claim as unsustainable in law and equity. The manors claimed by that aspiring prelate formed no part of any debatable borderland between Lismore and Waterford; on the contrary, they may be described, with slight exaggeration, as situate in the heart of the diocese of Lismore. They were therefore justly held, and justly handed down, by Bishop Griffin Christopher and Bishop Alan O'Sullivan.<sup>3</sup>

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 36.

<sup>2</sup> In Sweetman's *Calendar of State Papers* he is wrongly called Walter. Bishop William was formerly Prior of the Hospital of St. John, Dublin; appointed to the see of Waterford on April 2, 1255, he died in 1272. (Eubel, *Hierarchia Catholica Medii Ævi*, 12, 517; *Cal. Pap. Reg.*, I. 313.)

<sup>3</sup> The Lismore place-names are less difficult to identify than those of Cloyne. *Glasmore* is Clashmore. *Methallia* and *Mochel* are identical with Mothel. *Artmordeglan* is the modern Ardmore. *New Ville* is, of course, Newtown. *Kilmerdin* is Kilmeadan. *Frehans* seems to be Freehans, par. of Ballybacon. *Kilmolas* is clearly Kilmolash.

### III

## PRIMATE REGINALD OF ARMAGH

(1247-1256)

A SINGULARLY attractive and appealing figure is that of Primate Reginald, the first Dominican Archbishop of Armagh. His character, so far as we can discern it now, was a blend of sweetness, piety, and unworldliness. An early disciple of St. Dominic, he was privileged to witness one of the kindly miracles wrought by that high-minded and gentle saint. He was, perhaps, the only Irish Dominican—using the phrase in a somewhat loose sense—who was brought into personal contact with the illustrious Founder of the Order.<sup>1</sup>

<sup>1</sup> Primate Reginald was an Irish Dominican only in the sense that, while of foreign birth, he became the Dominican occupant of an Irish see. There appears to be no real ground for Lynch's elaborate statement (*De Praesulibus Hiberniae*, T.C.D. copy, I. 57, 58) that two Irishmen, named Peter Madden and Anthony Geoghegan, figured among St. Dominic's earliest disciples; that Madden became the first Prior of Segovia, by special appointment of the holy Founder; and that these two Irishmen journeyed to their own land, with Reginald, in 1218: "Petrus Madinum (quem Segoviensi monasterio condendo S. Dominicus praefecit) et Antonium Geoganum, ambos Hibernos, illum ex Omaddinis Silanmchiaie, hunc e Geochoganis Midiae, Reginaldum in Hiberniam A.D. 1218 proficiscentem comitatos fuisse." Here we have a curious cluster of errors. In the first place, Reginald did not come to Ireland in 1218, nor did he visit this country, so far as I can discover, until thirty years later. There was no Dominican convent at Segovia until very late in 1218, or early in the following year. It was founded on the occasion of St. Dominic's visit to Segovia, where he passed the Christmas of 1218. Its first prior was not Peter Madden, but a holy religious who is popularly styled Blessed Corbolan the Simple. The convent of Madrid was founded about the same time by Peter of Medina, a Spaniard, who may possibly be the original of the fictitious Peter Madden (Drane, *Hist. of St. Dominic*, 1891, pp. 286, 287; Mortier, *Hist. des Maîtres Généraux*, I. 103). That Anthony Geoghegan was also an imaginary personage seems tolerably certain. The O'Maddens were chiefs of Siol-Anmchadha; their territory comprised the barony of Longford in County Galway, together with the parish of Lusmagh, on the east side of the Shannon, in the King's County (O'Dugan's *Topographical Poems*, ed. O'Donovan, xlv. (350); cf. *Tribes and Customs of Hy-Many*, 69, 143-153). The Mac-Geoghegans, lords of Moycashel in Westmeath, were somewhat near neighbours of the O'Maddens. The story that two scions of these midland septs figured among the first disciples of St. Dominic is, on the face of it, improbable in the extreme. This story, with other notes of a much more valuable character, was received by Archdeacon Lynch from Father John O'Hart, a distinguished Sligo man and confessor of the Faith, who was Provincial of the Irish Dominicans from 1660 until 1669, dying



## HIS NAME AND NATIONALITY

In Primate Reginald's life-story there is something enigmatic withal. His character stands before us in limpid simplicity, and it is a character of uncommon piety and grace; but the heedlessness of historians has left many blanks in the record of his career. His very name is variously given by various writers. His surname, if he ever had one, is nowhere mentioned. His Christian name appears in all manner of fanciful forms. Existing manuscripts of the contemporary *Vitae Fratrum*—a Dominican *Fioretti* of rare interest and charm, compiled by Gerard de Frachet, and worthily translated by Father Placid Conway—usually give his name as "Reginald." The same form is consistently found in manuscripts of the *Chronica Ordinis*, another work which we owe to the industrious pen of Gerard de Frachet. This preponderance of manuscript authority, occurring as it does in coeval works of peculiar value, seems ample warrant for our adoption of "Reginald" as the true form of this worthy prelate's name. In the *Annals of Ulster* he is styled "Raighnedh" and "Raighned," and the latter form is also adopted by the Four Masters. Other writers, according to their fancy, designate him as "Reiner," "Rayner," "Raynald," "Reinold," "Reynard," "Ronald," and so on.<sup>1</sup>

Reginald's nationality, no less than his Christian name, is a question on which historians agree to differ. Echard suggests that he was most probably an Irishman, for "he was raised to the dignity of Archbishop of Armagh and Primate of all Ireland, an office which could properly be filled only by a native Irishman, conversant with the Irish tongue; but this point,"

about the year 1672. "R. P. Joannis O'Hart dignissimi sui ordinis in Hibernia nuper Provincialis (cui plura huic operi à me inserta accepta refero) literis accepi"—such is the preface to the story already quoted from Lynch. Father O'Hart was "a most diligent student of the antiquities of our country"; both O'Heyne and De Burgo bewail the loss of his notes (O'Heyne, *Irish Dominicans*, pp. 240-241; De Burgo, *Hib. Dom.*, 526). But it would seem from the passage just quoted that a good deal of the historical material amassed by Father O'Hart must have found its way into the hands of Archdeacon Lynch, who made excellent use of it, as witness his sketches of Ross MacGeoghegan and other Irish Dominican Bishops, which are unusually detailed and valuable.

<sup>1</sup> In Reichert's critical edition of the *Vitae Fratrum* and the *Chronica Ordinis* (Louvain, 1896) Reginald is thrice mentioned; his name occurs on pp. 80, 130, 329. He is styled "Reginald" in nine out of thirteen manuscripts collated on page 80, in ten out of thirteen collated on page 130, and in all manuscripts which contain the first recension of the *Chronica Ordinis*. In the second recension his name is not mentioned. Gerard de Frachet intended his *Chronica* to be the sixth and final section of his *Vitae Fratrum*; both works are edited in one volume by Father Reichert.

adds Echard warily, "I willingly leave to the careful criticism of our Irish friends."<sup>1</sup> This *a priori* reasoning does not seem very conclusive, for Reginald's immediate predecessor in Armagh was Primate Albert Suerbeer, a German ecclesiastic, whom most of our leading authorities misdescribe as a Dominican. It is poignantly true, as Echard observes, that only an Irish-born prelate, skilled in what was then the daily idiom of the Irish people, would have been properly fitted to govern the primatial diocese of Ireland. But it is equally and sadly true that many of Reginald's successors in Armagh, and many of their contemporaries in other sees throughout Ireland, down to the Reformation period, were ignorant of the language of the people to whom they were supposed to preach "in season and out of season, reproving, entreating, and rebuking in all patience and doctrine." Many of the English prelates appointed to Irish sees were quite incapable of preaching intelligibly to the great majority of their diocesans; some of them never set foot within the borders of their Irish dioceses, whose revenues they consumed.

De Burgo, for no visible reason, twice claims Primate Reginald as an Irishman.<sup>2</sup> Brennan, in his turn, confidently asserts that Reginald was "a native of Ireland," and that, before his appointment to Armagh, he "had already distinguished himself by his apostolical career in various parts of Italy, along the Rhine, and in Switzerland."<sup>3</sup> These missionary journeys seem to be a product of the historical imagination; certain it is that Echard, the only authority cited by Brennan in this connexion, says no word about them. They are not mentioned, so far as I can ascertain, by any reliable historian. Ware's verdict still holds the field as the last word on this discussion: "I have not been able to discover whether this Prelate was of the English Nation or not; but I am of opinion he was a foreigner."<sup>4</sup>

There is not an iota of evidence to show that Primate Reginald was an Englishman, and there is just as little evidence to show that he was an Irishman. His name, in whatever form we choose to take it, is wholly un-Irish. His lack of a family surname is another indication of his foreign nationality. Surnames were very common in Ireland in the thirteenth century, as anybody may verify for himself by looking through our Irish annals; in fact, of twelve Dominican prelates appointed to Irish sees in that century, we know the surnames of all but

<sup>1</sup> "Archiepiscopus Armachanus et Hyberniae primas evectus est, quod munus nonnisi indigenae et ejus linguae homini conveniebat, quae tamen Hybernorum nostrorum diligentiori criterio lubens permitto."—Echard, *Scriptores Ord. Praed.*, Paris, 1719, I. p. 22.

<sup>2</sup> *Hibernia Dominicana*, 458, 533.

<sup>3</sup> *Eccl. Hist. of Ireland*, p. 298.

<sup>4</sup> Ware-Harris, I. 67.



two, Reginald of Armagh and Cristin of Ardfert. On the other hand, such patronymics were by no means common on the Continent at that period. Of the scores of foreign Dominicans commemorated in the *Vitae Fratrum*, nearly all are mentioned by their Christian names—Blessed Jordan of Saxony, for instance—their native town or country supplying the place of a surname. The fact, then, that Primate Reginald's surname, if he ever had one, is nowhere mentioned, affords strong *prima facie* evidence of his un-Irish origin and upbringing. It also furnishes presumptive proof that he was neither an Englishman nor an Anglo-Irishman.

At that period surnames of some kind or other were in common use among Englishmen and Palesmen. If we glance, for instance, through the list of Dublin's guild-merchants of the year 1226, we shall find that they nearly all rejoice in some species of surname. A man's trade, his place of origin, his personal characteristics—these furnish the bulk of the surnames of Dublin's burghers in 1226, though family names are occasionally noticeable.<sup>1</sup> The fact that Primate Reginald appears to have had no such surname is another indication of his foreign origin; it suggests that he was neither English nor Anglo-Irish.

Whatever Reginald's nationality may have been we can safely place his birth somewhere between 1190 and 1200; he was a Dominican at Bologna in 1218, being then presumably in early manhood. It is very improbable that an Irishman of the old race, or even a Palesman, could have been, at that early date, a member of an infant Order, the very name of which was unknown in Ireland. Besides, as the sequel will show, one of the most notable traits of Reginald's character was his predilection for living in France or Italy, a predilection markedly displayed in the course of his career, and which would seem to stamp him as either a Frenchman or an Italian. Indeed, his only namesake among the saintly Dominicans of his time, whose names are written in the *Vitae Fratrum*, was Blessed Reginald of Orleans, a holy and distinguished Frenchman. That one, as well as the other, hailed from the pleasant land of France, seems entirely probable, though the balance of probability would seem to favour the view that Reginald of Armagh was of Italian birth.

### THE MASCARELLA MIRACLE

Towards the close of 1218, Primate Reginald makes his first appearance on the stage of history. In April of that year, four Dominicans had settled at Bologna, in a religious house

<sup>1</sup> See list of guild-merchants in Gilbert's, *Hist. and Municip. Documents*, pp. 82-88.

generously ceded to them by the Canons Regular of Roncevaux in Navarre. These Canons Regular were Spaniards, countrymen of St. Dominic, whom they knew and revered. Their friendship for the holy Founder, coupled with their brotherly feeling for his disciples, who still wore the habit of Canons Regular, caused them to extend a hearty welcome to the new Dominican foundation, and to give expression to that welcome in a highly practical way. St. Dominic, on his side, was eager to send his spiritual sons to Bologna, then a university town famous throughout the world for the learning of its professors and the multitude of its students. In this atmosphere of culture he was eager to establish a foundation, and the kindly Canons of Mascarella came opportunely to his aid. They granted their little church and monastery to his disciples, and retired to another centre. The new foundation was poor and humble enough to satisfy the most exacting lover of poverty. The obscure abode of the new Dominican colony was called Santa Maria di Mascarella, from the street or locality in which it stood. Here the devoted group of Dominicans (whose number soon increased to six, though Reginald was not yet among them) laboured and prayed, enduring meanwhile the discomforts of extremest poverty.

In the course of November, 1218, St. Dominic himself, on his way from Rome to Spain, visited the struggling community. Their numbers had notably increased, but their dire poverty was such that they sometimes lacked the bare necessities of life. Their resources were sadly overtaxed during the brief visit of St. Dominic and his travelling companions; a total of twelve or fourteen religious might easily, to a harassed procurator, seem "a large community." Reginald, the future Archbishop of Armagh, was present on this occasion, and is described as "a deeply religious man" (*vir valde religiosus*) by the contemporary chronicler—no mean tribute from one who knew how common a thing was extraordinary fervour among the Dominicans of that primitive time. Reginald was an eye-witness of the crisis which came, and of the miracle wrought by St. Dominic for the comfort of his brethren. Reginald's account of the incident is thus reproduced by Gerard de Frachet:

"Brother Reginald, a deeply religious man, who was once a papal penitentiary, and afterwards became Archbishop of Armagh, tells us that he was present on one occasion at Bologna, when the Procurator went to our holy Father, complaining that he had only two loaves to set before a large community. Whereupon this faithful imitator of his Lord, taking the two loaves, broke them into fragments, and then, full of trust in God, *Who is gracious to all that call upon Him, and filleth every living creature with His blessing*, he made over them the sign of our Redemp-



tion, and then told the server to go round and put two or three pieces upon each table. When the brother had gone once round the refectory and there was still some bread to spare, he went round it a second and a third time, and yet out of a small quantity in the beginning there was plenty left. What need for further words? The brother continued to supply the tables until all the brethren were satisfied, and more bread was supplied from on high than man was able to consume."<sup>1</sup>

This sober narrative of an eye-witness is obviously trustworthy; its details may have been gleaned by Gerard de Frachet from Primate Reginald himself. Indeed, it is more than probable that the two men were personally known to each other. In view of Reginald's repeated journeys through France, and his long years of service as penitentiary at the papal court in Italy and at Lyons, it seems highly improbable that he should have been unacquainted with Gerard de Frachet, who was one of the most active and esteemed Dominicans in Southern France at the time. During Reginald's residence of nearly three years at Lyons, Gerard de Frachet, who was then actual or titular prior at Limoges, was practically his neighbour.<sup>2</sup>

The miracle witnessed by Primate Reginald is regarded by Father Mortier and Miss Drane, two of the most reliable of latter-day writers on Dominican history, as having been performed by St. Dominic during his brief sojourn in the Mascarella convent at Bologna, in the month of November, 1218. With that view I entirely agree, for a variety of reasons. In the first place, it is favoured by the constant tradition which designates the Mascarella as the scene of a miraculous multiplication of bread by the patriarch of the Friars Preachers. A table on which the miraculous bread was placed is still preserved in the Mascarella church, and was the subject of a careful examination, by command of the Cardinal Archbishop of Bologna, as lately as 1881. The upper and lower surfaces of this table are adorned with paintings representing the miracle. One of these rude paintings is supposed to date from the early part of the fifteenth century; the other is attributed, with more or less certainty, to the thirteenth century. The upper and more modern picture represents twelve persons seated at an oblong table, in the midst of whom appears St. Dominic with his hand raised in benediction. Standing before the table are two angels, only their heads and wings being now discernible. The same subject is treated in the lower and more ancient

<sup>1</sup> *Lives of the Brethren*, translated by F. Placid Conway, 1906, pp. 59, 60; cf. *Vitae Fratrum*, ed. Reichert, p. 80; Mortier, *Histoire des Maîtres Généraux*, I. 94-99.

<sup>2</sup> See details of Gerard's life in Reichert's Introduction to the *Vitae Fratrum*, pp. xi.-xv.

painting.<sup>1</sup> The table itself was constantly regarded as a precious relic, and carefully preserved in a niche, guarded by iron bars, close by an altar in the church of Santa Maria in Mascarella; notwithstanding these precautions, it has suffered not a little from the depredations of the devout. Father Ludovico of Palermo, who inspected this interesting and historic relic in 1528, intimates with sufficient clearness that the tradition of St. Dominic's miracle was still vivid at the Mascarella. Indeed the table and its paintings, piously preserved during so many ages, are mute but eloquent witnesses of the tradition. We may regard the paintings as unhistorical in some incidental details—and I regard them as unhistorical so far as the number of the community, the introduction of angels as servers, and certain other matters, are concerned. Such incidental blemishes are negligible; they do not impair the force of the tradition which the paintings as a whole are intended to embody. There is such a thing as artistic licence, quite as legitimate in its way as poetic licence.

The tradition of St. Dominic's miracle in the Mascarella convent has suffered slightly from the cross-fire of two friendly forces. Malvenda, followed by Echard, contends that this particular miracle was wrought, not in the Mascarella Priory in 1218, but at the convent of St. Nicholas, in Bologna, in either 1219 or 1220. On the other hand, Father Ludovico of Palermo, by his uncritical account of the Mascarella miracle, and by his failure to distinguish clearly between that prodigy and a subsequent miracle at St. Nicholas' Priory, has wrought much confusion, and has partly misled some excellent modern writers, such as Miss Drane and Father Mortier.

To understand rightly the question at issue, we must remember that St. Dominic is credited with having performed, on four distinct occasions, this miracle of the multiplication of bread. The first of these prodigies took place at San Sisto, in Rome; it is attested by Vincent of Beauvais, not a first-hand authority, but an eminent and most respectable writer. The second also happened at San Sisto; it differs in some important details from the former miracle; above all, it is recorded, on the unimpeachable evidence of eye-witnesses, in the contemporary narrative of Sister Cecilia, which is a document of the highest importance and value. In both of these episodes angels appear and distribute miraculous bread to the brethren assembled in the refectory; in the second miracle wine is also produced by the power of God and the intercession of His saint.<sup>2</sup> The third,

<sup>1</sup> Augusta T. Drane, *The History of St. Dominic*, 1891, p. 278. Miss Drane's authority for this local information is a brochure, entitled *Cenni Storici sulla Tavola di S. Domenico*, published at Bologna in 1883, after the examination above recorded.

<sup>2</sup> *Ibid.* pp. 209-212.



which we may call the Mascarella miracle, is attested by Primate Reginald, who was an eye-witness of its performance. Reginald's narrative, reproduced in the contemporary *Vitae Fratrum*, is a document of quite exceptional value; it is sober, clear, and circumstantial. The remarkable feature of Primate Reginald's version is that no angels appear in the Mascarella miracle; everything happens in a quiet, unpretentious, matter-of-fact fashion. The server goes round from table to table, and scarcely discovers until the end that a miracle has occurred.<sup>1</sup> The fourth and last of these miracles also happened at Bologna, in the convent of St. Nicholas delle Vigne, whither the community had removed from Santa Maria in Mascarella. This miracle, wrought most probably between August and November, 1219, is attested by Bonviso of Piacenza, who was an eye-witness of the fact, and whose sworn depositions are included in the acts of St. Dominic's canonisation. Bonviso was procurator of the convent of St. Nicholas when the miracle occurred, and was a keenly interested spectator of the proceedings; he had just informed the holy patriarch, in presence of the waiting community, that not a morsel of bread was left in the house. From his testimony we learn that two angels, in the guise of young men, entered the refectory; they carried two baskets, one of bread and the other of dried figs, so that the brethren all had abundance.<sup>2</sup> Another episode which occurred at St. Nicholas, possibly at this time, but most probably in 1220 or 1221, was the miraculous production of wine by St. Dominic on behalf of sick brethren in the infirmary.<sup>3</sup>

We can now return to the Mascarella miracle, of which Primate Reginald was an eye-witness. Some confusion has been imported into the story of that miracle, partly by Echard's theory, partly also by Ludovico of Palermo's uncritical version of the occurrence. Writing more than three hundred years after the event, and having little in the way of documentary evidence before him, Father Ludovico thus narrates the miracle which we associate with the name of Primate Reginald:

"After our sweet Father, St. Dominic, had finished the arduous business committed to him by the holy Pontiff at Rome, he came to Bologna and lodged at the Mascarella, where

<sup>1</sup> Drane, *History of St. Dominic*, pp. 276, 277.

<sup>2</sup> *Acta Sanctorum*, August, I. 632, 633; Drane, *History of St. Dominic*, p. 395.

<sup>3</sup> *Vitae Fratrum*, pp. 27, 28. Miss Drane (p. 277) represents this miracle as having taken place in the Mascarella convent, which seems very improbable; it was attested by Rudolph of Faenza, who was procurator of the convent of St. Nicholas in 1220 and 1221, and whose office would have made him specially conversant with such incidents. If a miracle of this nature had taken place in the Mascarella convent, it would doubtless have been mentioned by Primate Reginald, who was there at the time.

the friars still abode, not being able to go to St. Nicholas by reason of the rooms being yet too fresh and damp. And it happened on a day that, on account of the great multitude of the brethren, there was no bread except a few very little pieces; and the blessing being given, the good Father raised his eyes and his heart to God, and lo! the doors being closed, there appeared two beautiful youths, with two baskets of the whitest loaves, and giving one thereof to each friar, they so multiplied that there remained an abundance, enough for three days. This great miracle happened twice at Rome and twice at Bologna. And my dear friend the rector of Santa Maria Mascarella told me that every year, on the same day when the holy angels brought the heavenly bread, most sweet odours, which lasted forty hours, were perceived in the space then occupied by the refectory."<sup>1</sup>

Between this picturesque narrative and Reginald's unadorned statement there is a curious and suggestive contrast. Reginald, who was present, saw no angels in the guise of beautiful youths; he merely saw the server prosaically going his rounds. The truth seems to be that the Sicilian chronicler has painted this episode in colours borrowed from the similar but more striking and dramatic miracles of San Sisto and St. Nicholas. The angels which appear in the pictures of this Mascarella miracle may be said to owe their existence, partly to a vivid tradition of angelic appearances in the refectories of the two priories just mentioned, partly also to the exigencies of the pictorial art. It were no easy task for a painter to suggest a miracle while depicting a lay-brother on his round from table to table.

Two miracles, and two only, in respect of the multiplication of bread, are recorded as having been wrought by St. Dominic in Bologna. One of these was witnessed by Bonviso, who expressly informs us that it happened in the convent of St. Nicholas. The other was witnessed by Primate Reginald, who merely states that it took place in the convent of Bologna. For reasons which we have already seen, it is certain that a miracle of this nature was performed by St. Dominic in the Mascarella convent in that city. Therefore we may legitimately infer—indeed, we must infer—that the Mascarella miracle and Primate Reginald's miracle were one and the same. In the face of Reginald's testimony, Father Ludovico's late and legendary version cannot stand. Father Mortier and Miss Drane have been somewhat led astray by Ludovico's story. The former accepts Ludovico's apocryphal angels; and Miss Drane goes so far as to suggest that St. Dominic, during his brief stay of a few days at the Mascarella convent, performed no fewer than three

<sup>1</sup> Drane, *History of St. Dominic*, pp. 277, 278.



miracles. One of these is the miracle attested by Primate Reginald; another is Ludovico's picturesquely unreliable version of the same episode; and the third is the miraculous production of wine, which, as we have seen, belongs to another time and place.<sup>1</sup>

The Dominican community of the Mascarella must have been comforted and encouraged by St. Dominic's visit in the latter part of 1218, accompanied as that visit was by a gracious miracle, such as the kindly and large-hearted Father loved to perform. But the community's troubles were by no means at an end; the Fathers prayed and toiled in poverty and neglect; after a time the prospect of making headway against the apathy and indifference of the great University city seemed hopeless, at least to some. The advent of Blessed Reginald of Orleans, a month or so later, as prior of the community and St. Dominic's vicar in Italy, seemed to create no essential change in the situation. In a short time, however, the fiery eloquence of Blessed Reginald produced an enormous sensation throughout the city. Men flocked from all quarters to listen to his burning words. Some of the most brilliant among the University professors, such as Master Moneta and Master Roland of Cremona, resigned their chairs and assumed the Dominican habit.

Early in 1219, the Dominican community removed to more commodious quarters at St. Nicholas delle Vigne, the rector of that church having yielded to the charm of Blessed Reginald's eloquence and enlisted among the disciples of St. Dominic. The new foundation was destined to be fruitful and glorious above measure; it was destined to be the last resting place of St. Dominic himself, whose tomb is one of the triumphs of Christian art in Italy.

In this priory of St. Nicholas, afterwards renowned under the name of San Domenico di Bologna, Malvenda and Echard place the miracle of the multiplication of bread (which we have called the Mascarella miracle), ascribing it to the year 1219 or 1220. Echard, following Malvenda, contends that "the miracle was wrought in the convent of St. Nicholas, not in that of Santa Maria, in Mascarella, as is clear from internal evidence. For the community in Bologna, before the arrival of Blessed Reginald of Orleans, towards the close of 1218, was extremely small. So small was it that some of the Fathers, seeing no hope of any probable addition to their numbers, desired to enter some other Order, as we learn from the *Vitae Fratrum*, lib. 5, cap. i. par. 1. Here, however [in Primate Reginald's story of the miracle], a vast community is said to have witnessed the prodigy, which is an incontrovertible proof that the miracle occurred only after

<sup>1</sup> Drane, *History of St. Dominic*, pp. 276-278; Mortier, I. 98.

St. Dominic's return from Paris in August, 1219, when he went to Bologna and found there a large muster of the brethren."<sup>1</sup>

Echard must have quoted merely from memory. His reference is wrong—the correct reference is lib. i. cap. 5, par. 1—and the passage to which he refers does not bear his interpretation. From that passage we learn that "when the Order of Preachers was still, as it were, a little flock and a young plantation, there arose among the friars of the Bologna community a certain tumult of temptation which filled them with depression and discouragement, wherefore *many of them* took counsel together as to the several Orders which they should enter; for they feared that the [Dominican] Order, being then a new thing in the Church, and having attained so little strength, was foredoomed to extinction."<sup>2</sup>

What Gerard de Frachet really says is that the entire Order was relatively small and feeble, being then only in its beginnings; but in the same passage he intimates that there must have been a fairly large number of friars in the Bologna community, since "many" of them contemplated leaving the Order. The passage, therefore, on which Echard relies, does not quite bear the weight of his thesis. This period of unrest and dejection followed St. Dominic's departure for Spain, and was of later date than the miracle at Mascarella; it occurred some time between Blessed Reginald's arrival in December, 1218, and the extraordinary influx of postulants whom Reginald's thrilling eloquence attracted to the ranks of the Order.

Echard, however, with his usual acumen, has drawn attention to the only serious flaw in the case for the Mascarella miracle. According to Primate Reginald's statement, reported in the *Vitae Fratrum*, the miracle which he witnessed was performed on behalf of an "immense multitude of friars" (*ingenti fratrum multitudinē*), who were then in the Bologna community. The writer, no doubt, uses the language of hyperbole, but he clearly meant to convey the impression that the community was exceptionally large at the time. This was certainly not the case in 1218; on the occasion of St. Dominic's visit to the Mascarella convent, the total strength of the community, including the Saint and his travelling companions, probably fell short of twenty. A few months earlier the community had consisted of only six religious; and, though fresh recruits had entered, the total number was by no means large. The later dejection of spirit, to which Echard has somewhat inaccurately referred, is inconsistent with the fact of a numerous and rapidly growing community. Even in the wildest flight of imagination it would

<sup>1</sup> Echard, *Scriptores Ord. Praed.*, I. 41; cf. Malvenda, *Annales Ord. Praed.*, ad an. 1220, n. 6.

<sup>2</sup> *Vitae Fratrum*, ed. Reichert, p. 25.



scarcely be possible to describe the Mascarella community, when the miracle described by Primate Reginald was performed, as "an immense multitude of friars." On the other hand, when Blessed Reginald's fervid preaching began to take effect, and when the brethren moved into the spacious convent of St. Nicholas, the community increased by leaps and bounds. From his arrival in Bologna until his departure for Paris—that is from December 21, 1218, until August, 1219—Blessed Reginald is recorded to have received the amazing number of over a hundred novices.<sup>1</sup> Here, then, as it would seem, was the "immense multitude of friars," on whose behalf the miracle recorded by Primate Reginald was performed.

This, no doubt, would be an ample vindication of Echard's theory; but it would compel us to relegate the Mascarella, with its tables and paintings, and its age-long belief in St. Dominic's miracle, to the lumber-room of exploded traditions. We must either jettison the time-honoured traditions of the Mascarella, or else find some way of explaining the obviously hyperbolical expression, which Gerard de Frachet ascribes to Primate Reginald, concerning the "immense multitude of friars." Personally, I cannot bring myself to agree with Echard's opinion; I regard the Mascarella traditions as too strong to be waived aside or lightly overthrown; and I look upon Gerard de Frachet's hyperbolical phrase as suggested by later and remarkable developments. It is, in a word, the result of confusion based upon anachronism. Gerard de Frachet was an honest and worthy writer; but he did not distinguish with sufficient care between the phenomenally flourishing community in the Priory of St. Nicholas—of which he must have heard so many glowing accounts—and the relatively small and poverty-stricken community which existed in the Mascarella convent, some forty years before his time of writing. In all probability, he was at no minute pains to discover which priory had been the scene of Primate Reginald's miracle; he recorded the salient facts, and added his own mistaken colouring. It is rather significant that Echard's theory, built upon Gerard's phrase, and hostile to the Mascarella tradition, has not found acceptance with such careful modern writers as Father Mortier and Miss Drane. It is pretty safe, therefore, to conclude that the miracle which Primate Reginald was privileged to witness in the days of his youthful fervour was none other than the miracle wrought by St. Dominic in the Priory of the Mascarella.

<sup>1</sup> Drane, p. 352.

## DID REGINALD COME TO IRELAND IN 1224?

The record of Reginald's career from 1218 to 1237, so far as documentary evidence goes, is more than distressingly meagre; it is an absolute blank. No contemporary gleaner, no writer of history, from the thirteenth century to the seventeenth, has chosen to tell us anything of Reginald's activities during that large interval of nineteen years. Tradition of a sort, it is true, represents him as leading the first colony of Dominicans into Ireland in the year 1224. This tradition, which often masquerades in the garb of sober historical fact, is vague in character and late in origin; it seems to be based mainly upon inference and conjecture. Father Fontana, an Italian Dominican of acknowledged eminence, whose *Sacrum Theatrum Dominicanum*, so often quoted by De Burgo, saw the light in 1666, while his *Monumenta Dominicana* was published in 1675, appears to have been the first author of this unreliable tradition.

Knowing that Reginald had been one of the early disciples of St. Dominic, and that he afterwards sat in the primatial chair of Armagh, Fontana suggested, with some positiveness, that he might have been a member of the first band of Dominicans who set foot on Irish shores. Worse still, he coupled Reginald's supposed Irish mission with St. Dominic's apocryphal letter to the O'Donnells of Tyrconnell.<sup>1</sup> To quote the quaint English of Stevens, Fontana "believes that Reginald, who was one of the Saint's companions, repair'd to the famous O'Donnells in the Province of Ulster, from St. Dominic, who by his Letters recommended his Order to them, and that those Irish Noblemen immediately caus'd a fine Monastery of Dominicans to be built in the Town of Londonderry; but the Historians of that Order not assigning the Time of the Foundation of this House before the Year 1274, it is so far from being the first of that Order in Ireland, that there were several others before it, for I find ten or twelve built about the beginning of the thirteenth century. As, for instance, that of Dublin is ancients, for it was built in the Year 1224, being the beginning of the same century."<sup>2</sup>

<sup>1</sup> De Burgo, *Hib. Dom.*, p. 39. In this connexion, Fontana offers the still more ridiculous suggestion that St. Dominic himself came to Ireland and became the founder of a church in Ossory. As Alemand and Stevens rightly point out, the only saint of the name identified with Ossory is St. Modhomhnoc, who is sometimes called St. Dominicus in Latin, and who was an Irish saint of the sixth century. (See an account of him in Carrigan's *Ossory*, iv. pp. 225-6.) So that Fontana's blunder involves an anachronism of some seven centuries.

<sup>2</sup> Stevens, *Monasticon Hibernicum*, London, 1722, p. 206. This passage from Stevens is an almost literal translation from L. Aug. Alemand, *Histoire Monastique d'Irlande*, Paris, 1690, p. 199. Stevens'



Nobody believes, nowadays, in the genuineness of St. Dominic's alleged letter to the O'Donnells of Donegal; but the picture of Reginald, as an Irishman, leading the first group of Dominicans who came to this country, has haunted the imagination of many writers. Fontana's surmise was speedily transformed into ascertained fact. Quite a number of modern writers assure us, as though the matter admitted of no doubt whatever, that when St. Dominic sent his apostolic colony of Dominicans to England in 1221, Reginald was one of their company; that three years later he crossed over to Ireland at the head of an adventurous group of missionaries; and finally, that after founding several priories in this country, he retired to Rome, where he was raised to the office of Papal Penitentiary. All this may be absolutely true, and it is the accepted story. But unfortunately it receives no confirmation from contemporary or sub-contemporary writings. So far as I can ascertain, this pleasing legend was never heard of until four hundred years after Primate Reginald had been laid in his grave. The first settlement of the Dominicans in Ireland is recorded by sundry chroniclers, but Reginald is impartially passed over in silence by all chroniclers, whether native or foreign, from the time of the Bologna miracle until the death of Blessed Jordan of Saxony in 1237.

A brief statement of the sequence of events may be in place here. At the second General Chapter of Bologna in 1221, presided over by St. Dominic himself, it was found that sixty Dominican priories existed in various countries, while many more were in course of erection. To cope with this rapid and flourishing development, and with a view to greater convenience of administration, the Order was now divided into eight "provinces," whereof England was one. The entire institute was placed upon a thoroughly democratic basis. Each province, and each house within the province, was to enjoy the fullest measure of local autonomy compatible with observance of a common rule.<sup>1</sup> No Dominican foundation as yet existed in England; but Father Gilbert de Freynet, with twelve companions, whose names are not recorded, was immediately

whole work is avowedly a translation from Alemand, with several additions by the translator, who was a devoted antiquarian. Alemand's book is a very handy compendium of Irish monastic history; it is far from deserving the systematic disparagement heaped upon it by O'Heyne. If enlarged, re-written, and thoroughly brought up to date, it might still furnish a highly serviceable introduction to the literature of the subject.

<sup>1</sup> See *The Dominican Order and Convocation*, by Ernest Barker, M.A., Fellow of St. John's College, Oxford, 1913, *passim*. In this luminous study Mr. Barker lays stress on the essentially democratic spirit in which the constitution and legislation of the Order were conceived. He shows how these democratic ideas gradually spread to the Franciscans and others, influenced the secular clergy, and eventually leavened both Convocation and Parliament.

dispatched to that country. Arriving at Canterbury, in June, 1221, two months before St. Dominic's demise, they received a cordial welcome from the great Archbishop, Stephen Langton, the father of Magna Charta, who was so greatly edified by a sermon of Gilbert's that he ever afterwards bore a special affection for the Dominicans. On the feast of Our Lady's Assumption, Gilbert and his companions settled at Oxford, where they began St. Edward's School, and soon flourished exceedingly.<sup>1</sup>

Many notable University men joined their ranks at this time. John of St. Giles, who was already a Master in Theology when he assumed the Dominican habit, in the midst of a sermon on poverty, was the first professor in the School of St. Edward. A man of ripe knowledge and varied experience, he had lectured in Montpellier as well as at Paris. Trivet describes him as *Suavissimus moralizator* and also *in arte medicinae expertissimus*; while even Matthew Paris, assuredly no friendly critic, admits his medical skill. John of St. Giles was an intimate friend of Robert Grosseteste, the great Bishop of Lincoln, and is frequently mentioned in the letters of that famous prelate.<sup>2</sup>

Robert Bacon, a Dominican kinsman and namesake of the more famous Roger Bacon, was himself a man of great parts. He was the devoted friend and companion of Richard Fitzacker or Fishacre, renowned in his day as a commentator on the *Sentences*. Fitzacker is extolled by Ireland as "the most learned among the learned"; and Anthony à Wood attests that "he was renowned both as a philosopher and as a divine." Robert Kilwardby was perhaps the most remarkable member of this early group of English Dominicans. A prolific author of the old Augustinian and pre-Thomist school, he wrote on Aristotle's *Organon* (including the Prior and Posterior Analytics); on Aristotle's physical and metaphysical writings (including the *De Anima*); on Priscian; on the *Sentences* of Peter the Lombard; on the unity of forms, on the origin and division of knowledge, and on the nature of relation. Kilwardby's treatise on the origin and division of knowledge has been styled "the most important introduction to philosophy of the Middle Ages." He eventually became Archbishop of Canterbury, and ranks as the first of England's Dominican Cardinals.<sup>3</sup>

In 1224 the first band of Dominicans reached Dublin, and established themselves at St. Saviour's Church, on the site where the Four Courts now stand. In the same year they also founded

<sup>1</sup> Trivet, *Annales*, ad an. 1221; Drane, *History of St. Dominic*, pp. 441-442; Barker, *The Dominican Order and Convocation*, p. 28.

<sup>2</sup> Trivet, *Annales*, ad an. 1222; M. Paris, *Hist. Anglorum*, Rolls edit., III. 145; Barker, op. cit., p. 30; *Letters of Bishop Grosseteste*, ed. Luard, *passim*.

<sup>3</sup> Barker, *The Dominican Order and Convocation*, p. 30; Drane, *Hist. of St. Dominic*, pp. 442, 443.



a priory in Drogheda, thanks to the munificence of Luke Netterville, Primate of Armagh. In 1225 the celebrated Black Abbey of Kilkenny was built for them by William Marshal the younger, Earl of Pembroke and Earl-Marshal of England. In 1226 a Dominican settlement was effected in Waterford, where, nine years later, the citizens erected a church and priory for the Fathers, on a vacant site granted by Henry III. In 1227 the Priory of Limerick was founded, largely through the generosity of Donogh Cairbreach O'Brien, Prince of Thomond. Finally, in 1229, the Priory of Cork was built for Dominicans by the liberality of Philip de Barry. A period of eight years now elapsed before the founding of Mullingar Priory, which took place in 1237, and is variously credited to the Petits, the Nugents, and the Bishop of Meath. During this period we might reasonably place Reginald's return to Rome, if the story of his Irish mission were really reliable. We might suppose him to have retired from Ireland in 1230, or a few years later, after witnessing the foundation of six houses of his Order in this island, which some have regarded as his native land.

Fancies such as these, however, must be dismissed to the limbo of uncertain things. Mamachi very sensibly says of Reginald (whom he also calls Raynaldus) that "as to his nationality, or his family, or the events of his youth, nothing of a certain and definite character can be set down. For we must not give credence to recent historians when they cannot adduce any testimony from ancient and approved writers in favour of their opinion." This shaft may well have been aimed at Fontana and Echard for their plausible but unsupported conjectures regarding Primate Reginald. "The fame of Raynaldus," adds Mamachi, "and the memory of his noble deeds, have been obliterated in great part by the ravages of time. Still, it is clear that he was a good and learned man, graced with many honours."<sup>1</sup>

<sup>1</sup> "De ejus patria, parentibus, rebusque in adolescentia gestis nihil certi definitique afferri potest. Non enim fidendum historicis novis est, qui nulla veterum, probatorumque scriptorum testimonia ad suam confirmandam sententiam recitant. . . . Raynaldi laudes, resque praeclare gestas, vetustas injuriaque temporum magnam partem delevit. Nihilominus virum bonum, doctum, magnisque ornatum honoribus fuisse constat." Mamachi, *Annales Ord. Praed.*, Romae, 1756, pp. 601, 602. Mamachi fails to distinguish between St. Dominic's two miracles at Bologna, and obviously imagines that the Saint multiplied bread only once in that city. Citing Gerard de Frachet to show that Reginald was present at a miracle wrought in Bologna by the holy Founder, and having the sound authority of Taegio for asserting that St. Dominic multiplied bread at Bologna in 1220, Mamachi draws the natural but erroneous conclusion that Reginald was a witness of the miracle of 1220, and that he must have entered the Order about that year. The truth, as I have endeavoured to show, is that Reginald was present at the Mascarella miracle of 1218.

## TRAGIC DEATH OF BLESSED JORDAN

In 1237 we are once more on solid ground. In that year we find Reginald notifying the Paris community of the death of Blessed Jordan, the holy and lovable General of the Order, who was drowned off the Anatolian coast on February 23, 1237. The sad intelligence was communicated by Fathers Godfrey and Reginald, penitentiaries of the Pope, in a letter to the Dominicans of Paris, written very probably from Viterbo, where the Pontiff remained with his court, from March until September of that year.<sup>1</sup> This letter, from its quaint, old-world style, does not easily bear translation, but some idea of its contents may be gleaned from the following version :

"To their venerable and beloved brethren, the prior and community of Paris, Brothers Godfrey and Reginald, penitentiaries of our lord the Pope, wish health and consolation from the Holy Spirit.—Be it known to you, that the galley which bore our dearest father, Master Jordan, and two of the brethren, was driven ashore by a violent storm ; and he, with ninety-nine [*al.* twenty-nine] other persons, perished in the waves, and so passed away from this wicked world. Let not your hearts be dismayed on this account, dear friends, for our Heavenly Father, the God of all consolation, has provided for His orphaned children a tranquil refuge after the storm. While their bodies lay unburied, lights from heaven shone above them night after night, as is attested by those who escaped from the shipwreck, and who buried them with their own hands. Numerous crosses were also seen above them by many persons. Attracted by these miraculous appearances, crowds of people gathered to the spot, and perceived an odour of wonderful fragrance. Those who witnessed these miracles, and who afterwards buried the three bodies, declare that for ten succeeding days a delightful odour exhaled from their hands. Round about the burial place for a considerable distance, a similar odour of sweetness was observed. This continued until our brethren came from Acre [Ptolemais] in a boat, and translated the three bodies to their own church, where the said Father now reposes, bestowing many benefits upon many people. Blessed be God in all things. Amen."<sup>2</sup>

<sup>1</sup> *Cal. Pap. Reg.*, I. 160-166.

<sup>2</sup> *Vitae Fratrum*, ed. Reichert, pp. 130, 329. Echard rightly notes that the Bollandists (*Acta SS.*, Februar. 13, 730) have adopted a faulty reading of one clause in this letter. They substitute *Galilaeae* for *galeam*, thus making it appear that Blessed Jordan was drowned off the coast of Galilee, whereas we know from Gerard de Frachet that he was drowned in the gulf of Adalia (also called Satalieh and Satalaya), on the southern coast of Asia Minor. Besides, the bulk of manuscript authority is altogether in favour of *galeam* and against the Bollandist reading. A *galea*,



The circumstances of Blessed Jordan's death were made known to Gregory IX in a letter from Father Philip, then Provincial of the Dominicans in the Holy Land. The facts thus became known to the two Dominican penitentiaries residing at the papal court, and they hastened to forward the sad but glorious news to Paris, and doubtless to other centres of the Order. Such, at least, is the theory of Echard, and its reasonableness can scarcely be called in question, though it gains little support from the passage on which it relies. Fontana and Mortier represent Reginald and his brother-penitentiary as being in Syria at the time<sup>1</sup>; but this view is rejected as erroneous by Echard, and with good reason, for it has hardly a particle of evidence in its favour. Besides, we cannot well suppose that two papal penitentiaries, both Dominicans, were simultaneously absent from their duties at the pontifical court, and that they happened to be simultaneously residing or sojourning in Syria; such a supposition is distinctly improbable. But it is quite possible that Reginald and Godfrey, while discharging their duties at the papal court, may have been in direct communication with Father Philip and the Dominicans of Acre, who would naturally hasten to inform them of Blessed Jordan's fate.

After this, Reginald disappears from view for a further period of ten years. From 1237 until 1247 he, no doubt, remained at his post, exhorting and absolving sinners, and earning golden opinions from those who knew him best. Very probably he had to follow the successive peregrinations of the Pontiff's court, from Viterbo to Rome, thence to Anagni on more than one occasion, and finally to Lyons, in December, 1244.<sup>2</sup> Mean-

according to Ducange, was a species of very fast sailing vessel. The gulf of Adalia, in which Blessed Jordan met his death, is a deep and broad indentation on the coast of Anatolia, being about 100 miles in width at its entrance, and 50 in length. The town of Adalia stands at the head of the gulf, "pleasantly situated on the slope of a hill rising to a height of 70 feet above the level of the sea. The houses being built circularly round the harbour, the streets appear to rise behind each other, like the seats of a theatre. There is a bazaar, or collection of shops, where various articles of European manufacture are displayed. The neighbourhood abounds with orange, lemon, fig, and mulberry trees, with vines, sugar canes, etc.; and the view from the higher houses is said to be very fine, the country being fertile and the mountains 'poetically beautiful.' In the town are fragments of ancient buildings, columns, inscriptions, and statues, which are generally built into the walls of the town with care and some taste. Adalia is begirt with a double wall. Scarcely a ship rides in the ancient harbour, a few boats occupying a port which, in early ages, contained its fleet. A stream in the neighbourhood is supposed to have been the ancient *Catarractes*."—Blackie's *Imperial Gazetteer*, 1876, I. p. 24.

<sup>1</sup> Fontana, *Sacrum Theatrum Dominicanum*, p. 471; Mortier, *Hist. des Maîtres Généraux*, I. 251.

<sup>2</sup> *Cal. Pap. Reg.*, I. 162-210.

while, Pope Gregory IX, the friend and admirer of St. Dominic and St. Francis, had passed to his reward on August 21, 1241; and from June, 1243, Pope Innocent IV reigned in his stead. When the Pope fled in disguise from Sutri, during the night of June 27-28, 1244, and hastened over the mountains to Civita Vecchia, Reginald may possibly have been a sharer in his hardships, journeying with him to Genoa, and ultimately to Lyons.

### *PRIMATE ALBERT RESIGNS—REGINALD SUCCEEDS*

The General Council of Lyons was held in June and July, 1245. It was attended by Primate Albert Suerbeer, of Armagh, who had lately incurred the fierce resentment of Henry III, by daring to appeal to the Holy See for a fair judgment in his dispute with the litigious Prior of Llanthony. Henry III, with his insufferable ecclesiastical pretensions, was a most disagreeable monarch to live under. Like Joseph II of Austria, he had a penchant for perpetual interference in Church affairs. Generally involved in a conflict with some prelate or other, he quarrelled with most of the Irish Bishops of his time. The four Irish Archbishops, whether of Irish or foreign extraction, had grievous reason to complain, one after another, of the misdeeds of Henry and his subordinates. In one thing Henry was steadily consistent: he was ever striving, by aggression and encroachment, to extend his power over the Irish Church and to strangle its liberties.

Primate Albert had incurred his unmeasured wrath by submitting the Llanthony lawsuit to an impartial tribunal at the papal court, instead of allowing it to be tried by Henry's subservient judges. We shall presently have occasion to quote a royal letter, which was addressed to certain ecclesiastical judges in Ireland, ordering them to decide in accordance with the pretensions of the Crown, and warning them that certain litigants would be mulcted in heavy penalties by the Crown if a decision were rendered in their favour. If the English Crown could thus dictate to an independent body of ecclesiastical judges, it would have still less hesitation in bringing pressure to bear upon secular judges, who were merely its own officials. In such circumstances the independence of the judicial bench was a mockery and a sham; Primate Albert could have little confidence in the impartiality of such tribunals. Realising the hopelessness of trying to administer a diocese under so despotic and capricious a potentate as Henry III, Albert resigned the Archbishopric of Armagh about six months after the General Council of 1245.



Towards the end of April in the following year Henry III essayed to forestall the Pope, by hurriedly filling the Armagh vacancy ere Innocent IV should have time to appoint a nominee of his own. Henry's agents had informed their master of the Pope's intentions, and immediate action was deemed necessary. The Irish Justiciary was ordered to expedite the Armagh election; the Canons of that diocese were simply to apply to the Justiciary for licence to elect, which was to be immediately granted, and the royal assent was to be given without delay to the election thus made:

"Having learnt that the Pope intends by all means to ordain to the Archbishopric of Armagh, the King gives power to John FitzGeoffrey, Justiciary of Ireland, in lieu of the King, to grant to the Chapter of that church licence to elect, and to assent to the election. Mandate to the Justiciary to take security by letters patent from the Chapter that this course shall not hereafter tend to the King's prejudice.—The Chapter is instructed to demand licence to elect from the Justiciary."<sup>1</sup>

Shortly afterwards the petition of the Chapter reached the King himself, being probably drafted some weeks before June 4, 1246. It is thus summarised: "[ ] Dean, G. Archpriest, M. Chancellor, R. Precentor, and all the Chapter of Armagh to the King, praying licence to elect an Archbishop in the room of A[lbert], who had resigned on being translated to another diocese by special licence of the Pope."<sup>2</sup> The *cong  d' lire* was speedily granted to Canons Reginald and Thomas, who had been sent over from Armagh to the King at Windsor. Under date of June 4, 1246, we read: "For the Dean and Chapter of Armagh. Licence by Reginald and Thomas, Canons of that church, to elect a Bishop."<sup>3</sup>

But the plot miscarried, and Henry was foiled. The Armagh Canons fell at variance among themselves, and the affair had perforce to be referred to the Holy See. The Chancellor of the diocese and some of the Canons proceeded to hold an election, without notifying the other members of the Chapter who had a legal right to be invited. Against this irregular procedure a protest was lodged by Master Andrew, the Archdeacon, but without avail. The Chancellor and his friends elected Bishop Giolla-in-Coim d O'Cairellan, otherwise known as Gervase or Germanus O'Carolan, an excellent prelate, who had for some time ruled the see of Derry, which was then officially known as Rathluraigh (Maghera). The election, of course, was irregular and illegal. The Archdeacon reported the entire transaction to Innocent IV, at the same time suggesting a strong doubt

<sup>1</sup> *Calendar of State Papers, Ireland, 1171-1251*, p. 423.

<sup>2</sup> *Ibid.* p. 435. This entry is misplaced and wrongly dated in the *Calendar*.

<sup>3</sup> *Ibid.* p. 423.

as to Bishop O'Carolan's fitness to rule the Primatial See. In consequence of these representations Innocent IV issued a commission on October 8, 1246, to the Dominican Prior of Drogheda and the Franciscan Guardian of Dundalk, instructing and empowering them to cite Bishop Germanus and his supporters, the former to appear personally, the latter by proxy, before the Pontiff, at Lyons, by next Laetare Sunday. The faulty summary of this mandate in the *Calendar of Papal Registers* may be here given in a somewhat corrected form :

"Mandate to the Prior of the Friars Preachers of Drogheda and the Guardian of the Friars Minors of Dundalk, in the diocese of Armagh, on the information of Master Andrew, Archdeacon of Armagh, to cite Master M., Chancellor of that church, and his abettors, together with Germanus, Bishop of Rathlure, whom they presumed to postulate for the church of Armagh in the absence of the Canons, and after appeal made. Bishop Germanus is to appear in person, and his postulators by proctors, before next Laetare Sunday, to receive the Pope's decision as to the postulation ; but if they are unwilling to pursue the postulation, they are to send some of their fellow-Canons to receive the Pope's award."<sup>1</sup>

Under the year 1246, the *Annals of Ulster* state that the Bishop of Rathluraigh was chosen to be Archbishop of Armagh, but they give no hint of the irregularities which vitiated his election. In due course the election was voided, and we may regard Laetare Sunday, March 10, 1247, as the approximate date of its annulment. Reginald, who had won the high esteem of Innocent IV, was soon appointed to the Primatial See and duly consecrated. The *Annals of Ulster*, confusing Rome with Lyons, as many later authorities have likewise done, inform us that in 1247, "Raighned was instituted into the Archbishopric of Ard-Macha in Rome."

### REGINALD'S INDULGENCE

Great prelates were accustomed in those days to journey by easy stages. On October 28, 1247, we find Primate Reginald in London ; a document preserved among the muniments of Westminster Abbey shows that he was in the English capital on that day. This document is of interest to theologians ; it is a grant of indulgence to all who should duly venerate the supposed relics of the Sacred Blood, which Henry had brought to

<sup>1</sup> *Cal. Pap. Reg.*, I. 228. For Dr. B. MacCarthy's observations on this passage of the *Calendar*, see *Irish Ecclesiastical Record*, 1895, p. 342. The mandate is published in full by Theiner, p. 45. Bishop O'Carolan's Christian name, Giolla-in-Coimded, means "Servant of the Lord."



Westminster a fortnight earlier, on the feast of the translation of St. Edward the Confessor (October 13). Reginald's grant reveals not only his deep piety but also his eagerness to conciliate the English king:

"Brother Reynard,<sup>1</sup> by Divine condescension, Archbishop of Armagh and Primate of Ireland, to all the faithful of Christ, whom he much loves, eternal salvation in the Lord. Desiring to gain souls for God as far as lies in our power, and thus to fulfil the duty of our pontifical office, we invite all the faithful of Christ, by means of such attractive gifts as indulgences and remissions, to venerate in a special manner the relics of the Saviour of us all, Who assumed flesh for our sakes in the Virgin's womb, and poured forth His own Blood on the gibbet of the Cross, that He might overcome the wickedness of the ancient serpent and liberate the human race from the jaws of death. Therefore, we rejoice in the Lord and exult in our inmost heart, at the zeal and devotion to God's service of the most Christian prince, our lord H[enry], by the grace of God, the illustrious King of the English. Confiding in the mercy of Almighty God, and in the merits of His glorious Virgin Mother and of all the Saints, we hereby grant to all true penitents who have confessed their sins, a remission of forty days out of the penance imposed upon them, provided that they visit and duly venerate the relics of the Most Precious Blood of our Lord Jesus Christ, transmitted by our venerable father . . . the Patriarch of Jerusalem to the most serene prince above named.—London, 5 Kalends of November, in the fifth year of the pontificate of the lord Pope Innocent IV" [Oct. 28, 1247].

An echo of these incidents may be found in the pages of Matthew Paris, under date of October 13, in the following year:

"The King declared and ordered proclamation to be made throughout the city of London and elsewhere that he established a new fair, to be held in Westminster for a full fortnight. He also strictly prohibited, under pain of heavy forfeiture and loss, all fairs, which usually lasted for such a length of time in England, and also all traffic, which is usually carried on in London, both in and out of doors, that the Westminster fair might have a better attendance of people and be better supplied with merchandise. Whence it came to pass that numerous people flocked thither as to the most frequented fair, and the translation of St. Edward was celebrated, and the Blood of Christ worshipped to an unexpected degree by the people gathered and assembled there."<sup>2</sup>

<sup>1</sup> So the name is given in Wilkins' *Concilia*, I. p. 696, but I doubt if it has been correctly copied from the original.

<sup>2</sup> M. Paris, V. p. 29; cf. *The Misrule of Henry III*, by Rev. W. H. Hutton, M.A., p. 121—a bitterly anti-papal manual.

*TEMPORALITIES RESTORED—THE KING'S GIFT*

Primate Reginald's indulgence doubtless did its share in stimulating popular devotion on this occasion. Meanwhile, by a curious coincidence, the very day which witnessed Reginald's grant of indulgences witnessed also the restoration of his temporalities. On October 28, 1247, the new Primate of Armagh, who had just paid his homage to Henry III at Westminster, received custody of the revenues of his see. "The Archbishop of Armagh having rendered fealty, the King commands John FitzGeoffrey, Justiciary of Ireland, to give him seisin of all the lands and possessions of the see."<sup>1</sup>

Three months later Henry III bestowed upon Primate Reginald a fresh mark of his royal favour, in the form of a gift of money, equivalent to about £320 in modern currency. The order for this donation was signed at Westminster on January 29, 1248, and it seems very probable that Reginald at that time was still in London. Be this as it may, Henry III issued a "mandate to the Justiciary of Ireland to cause the Archbishop of Armagh to have out of the issues of the King's Irish land 40 marks of the King's gift."<sup>2</sup> This benefaction must have been highly acceptable to Reginald, whom Providence had suddenly raised from the status of a poor friar to that of an exalted prelate.

He had obviously made a very favourable impression upon the mind of Henry III, and had speedily won the good graces of that monarch. This must have been a feat of peculiar difficulty, in view of the humiliating failure of Henry's plans with reference to Armagh. Reginald had unwittingly been, in large measure, the instrument of Henry's discomfiture. When Innocent IV, early in 1246, determined to fill the Armagh see by a prelate of his own choosing, it is very probable that he had fixed upon Reginald as the future Primate. Reginald was thus the ecclesiastic whose elevation Henry III had vainly striven to thwart; and he might expect to feel the full force of the King's resentment.

It speaks volumes for Reginald's sweetness, holiness, and tact, that he was so soon able to change Henry's enmity into friendliness; indeed, it is creditable alike to the King and the Primate that their early relations were marked by so much good feeling and mutual appreciation.

<sup>1</sup> *Calendar of State Papers, Ireland, 1171-1251*, p. 435.

<sup>2</sup> *Ibid.* p. 346.



## REGINALD IN ARMAGH

The annalists, with great unanimity, assign Reginald's arrival in Ireland to the year 1248. In that year, as the *Annals of Loch Cé* affirm, "the comarb of Patrick, i.e., the poenitentiarius of the Pope, came to Erinn." The Four Masters inform us that "Raighned, Archbishop of Armagh, came from Rome, bringing with him the pallium, in which he said Mass at Armagh on the festival of SS. Peter and Paul"<sup>1</sup>—which fell on Monday, June 29, in the year 1248. Here, as in many instances of a similar kind, the term "Rome" is loosely employed to designate the papal court, which then *de facto* happened to be at Lyons. The entry in the *Annals of Ulster* hardly differs in any respect from that of the Four Masters, except that Reginald's name is given as Raighnedh. Sir James Ware represents the new Primate as coming direct to Armagh in June, 1247, immediately after his consecration; but the authority of the annalists is against this view.

Besides, we know that Reginald was in London in October, 1247, which, in those days of slow travel, seems inconsistent with the theory that he had taken up his residence at Armagh in the preceding June. It is unlikely that, so soon after entering upon his diocesan duties, he would have left his diocese in order to undertake a fresh journey. We may regard it as practically certain that he tarried in London until his temporalities were restored, and that he even prolonged his stay at the English court until the early part of 1248.

<sup>1</sup> O'Donovan, in a note on this passage, avers that the Primate's "real name was Reiner," adding that his "surname or country has not yet been determined." Hennessy's note on the corresponding entry in the *Annals of Loch Cé* asserts that the Primate's name "should be Regnier or Reiner." That his contemporaries knew him as Reginald, has been abundantly shown in these pages.

<sup>2</sup> Adopting Ware's mistaken date, and misled by his own Erastian prejudices, Harris would have us believe that Reginald was elected by the clergy of Armagh, that he journeyed thence to Rome for consecration, and returned to Armagh in June, 1247. This groundless theory needs no refutation; but Harris's passage, with its profusion of capitals, may be cited: "It seems the King having had Intelligence, that the Pope designed to dispose of this Archbishoprick by Provision, was resolved to be beforehand with him; and therefore issued a Commission to the Lords Justices of Ireland, Authorizing them to grant his Licence (without any application to him in England) to the Dean and Chapter to elect a Primate, and at the same Time to give his Consent to such Election; but directed the Justices to take Caution from the Dean and Chapter, by their Letters patent, that such a proceeding should not turn to the Prejudice of his Prerogative at any other Time. Accordingly we see here the Resignation of Albert, the Election of Reiner, his Journey to Rome, and Consecration there, and his Return to Armagh, all by the month of June, 1247."—Ware-Harris, I. 66.

*BENEFICE FOR AN ITALIAN*

On his arrival in Armagh, Reginald must have found awaiting him an order from the Pope to provide a benefice for an Italian cleric named Tedisio di Lavagna, probably some friend or dependent of Innocent IV, who was Count of Lavagna in his own right. This is one of the relatively few instances of the collation of an Italian ecclesiastic to an Irish benefice, and the motives which prompted the Pope's action are not without interest.

"As the Apostolic See, like a loving mother," wrote Innocent IV, in this mandate of February 13, 1248, "has been accustomed at times to make liberal provision for externs and persons unknown, so also should her munificence be extended to those whose devotedness she well knows. In proportion as the fidelity of her ministers is proved by experience, so much the more largely should she reward their merits. Hence, as we intend to confer a special favour upon our beloved son, Master Thedisius de Lavania, cleric and pontifical writer, in reward for his faithfulness and integrity, we command you, by virtue of our authority, to provide him, in person or by proxy, with a prebend or other ecclesiastical benefice of a suitable nature, even with cure of souls, in one of the churches of your province, if any such benefice be now vacant, or as soon as opportunity may arise; and we declare the collation of such benefice, otherwise than in accordance with this mandate, to be wholly null and void."<sup>1</sup>

Probably no vacancy existed at the moment in the province of Armagh, and it is possible that no desirable benefice fell vacant during the next few years. The archdiocese of Armagh, as we know from several sources, was poor in revenues, and its suffragan sees were probably in a similar plight. Primate Reginald would naturally feel disinclined to bestow one of the few fat benefices of his distressed province upon an absentee foreigner, even though he may have personally known Master Thedisius at the papal court. After some interval a second mandate was addressed to Reginald, commanding him to confer the church of St. Patrick, in the diocese of Clonmacnois, upon the worthy Master Thedisius; but this mandate failed like its predecessor, possibly because the Clonmacnois benefice was no longer vacant.

On July 21, 1254—six years after his original effort, and only a few months before his death—Innocent IV returned

<sup>1</sup> Theiner, 49; *Cal. Pap. Reg.*, I. 242. In 1253 Innocent IV sought to have his nephew, Frederic de Lavania, invested with a canonry of Lincoln. This gave occasion to Bishop Grosseteste's famous protest. Possibly Master Tedisio also may have been a relative of the Pope.



once more to the charge on behalf of his protégé. At this time Primate Reginald was in Italy, and David MacCarroll, the new Archbishop of Cashel, had not yet been confirmed. Innocent IV, therefore, addressed his "Mandate to the treasurer of Cashel and Master John de Frusinone, papal chaplains, to proceed to make provision to Master Thedisius de Lavania, papal writer, of some benefice in the province of Armagh; a former mandate to the Archbishop of Armagh, by which provision was to have been made to Thedisius of the church of St. Patrick, in the diocese of Clonmacnois, assigned to the Abbot and convent of Granard, in the diocese of Ardagh, having been without effect."<sup>1</sup>

This mandate seems to imply a mild censure on Primate Reginald, who was probably regarded by Innocent IV as lacking in a proper disposition to oblige, when there was question of providing comfortable Irish sinecures for foreign ecclesiastics. The Irish Church was so overrun with English intruders, many of them pluralists, who monopolised the best livings, that a Primate of Armagh might reasonably be excused for lack of zeal in opening the door to fresh inroads of foreign pluralists, who rendered no service for the revenues they consumed.

### BISHOP O'DOHERTY OF EMLY—JUDGES FOR ARMAGH

Apart from these matters of administration, Reginald had to devote his practical attention to certain questions of a more or less diplomatic nature. Secure, for the time being, in the favour of Henry III, the Primate deemed it advisable to intercede with that monarch on behalf of a Munster prelate, whose appointment had violated some of the feudal canons to which Henry was so jealously attached. About the month of December, 1249, Reginald wrote to the English king, praying the royal assent in favour of Gilbert, Bishop of Emlý, who had been consecrated by the Pope: "R[einer], Archbishop of Armagh, and Primate of Ireland, to the King. Prays the royal assent in favour of Gilbert, Bishop of Emlý, who had been consecrated by the Pope."<sup>2</sup> About the same time the Bishop of Albano wrote to mollify the English monarch, stating that, by special command of the Pope, he had consecrated Gilbert for the see of Emlý, and praying the King to place the new prelate in possession of the temporalities of his see.<sup>3</sup> Henry,

<sup>1</sup> *Cal. Pap. Reg.*, I. 308. The *Calendar* gives "Cloyne" in mistake for "Clonmacnois," as Dr. B. MacCarthy has pointed out (*Irish Ecclesiastical Record*, April, 1895).

<sup>2</sup> *Calendar of State Papers, Ireland*, 1171-1251, p. 452.

<sup>3</sup> *Ibid.* p. 452.

to whom such acts of interference with his feudal claims were intensely abhorrent, vented his displeasure upon the new Bishop of Emly by sequestering his revenues for nearly two years longer. It was only on October 11, 1251, that Bishop Gilbert O'Doherty, who had formerly been Dean of Emly, received the temporal possessions of his see. Bishop O'Doherty must have sighed bitterly for the old days, only fourscore years past, when episcopal elections were carried out in peace and freedom, before Church revenues had become a prey to the rapacity of English kings. With the contemporary English singer, he must have felt that

" This is the sum : the Pope of Rome  
Yields too much to the King,"<sup>1</sup>

and that the recognition by the Holy See of the preposterous feudal claims of English sovereigns was a grievous misfortune for the Irish Church. Bishop Gilbert was destined to outlive Primate Reginald; he ruled his diocese during sixteen years, and died on October 9, 1265.<sup>2</sup>

The administration of justice in Ireland was far from satisfactory, as Primate Reginald speedily discovered, and as we know now from a variety of sources. At the Primate's request, Henry III allowed him to have "justices to be assigned from month to month, if need be, by the Justiciary of Ireland, to hear and determine the complaints and pleas touching the Archbishop and his Church." By a mandate issued from Windsor, on May 29, 1250, the King ordered the Justiciary "to cause the Archbishop to have such justices."<sup>3</sup> No vestige of these pleas and complaints has survived, so far as I can ascertain, among the documents of the Irish Record Office; and we shall presently see how, during the last four or five years of Reginald's life, legal proceedings against him were for the most part suspended.

### KING HENRY'S CRUSADE, AND WHAT CAME OF IT

Meanwhile, Reginald found a vista of fresh troubles opening before him. On June 16, 1250, Henry III wrote from Woodstock to the Archbishop of Armagh and other prelates, enclosing "copies of Papal Letters, whereby many boons had been granted to the promoters of the Crusade on account of the King's having assumed the Cross. The King proposing to carry

<sup>1</sup> *The Misrule of Henry III*, p. 27.

<sup>2</sup> Cotton, *Fasti*, I. 87.

<sup>3</sup> *Calendar of State Papers, Ireland*, 1171-1251, p. 455. This grant was renewed on June 14, following (*ibid.* p. 457).



out his vow, prays the Archbishop to have the cause of the Crusade preached throughout all Ireland, and the Pope's Letters published, sending copies to some persons."<sup>1</sup>

Willing as Reginald may have been to promote the success of the intended crusade, he must have felt that the slender resources of his archdiocese could ill bear the strain of fresh exactions. He probably felt also, with some of his contemporaries, that Henry's "only reason for taking the Cross was that it would give him an opportunity to extort money"<sup>2</sup> from the nobles and clergy of England and Ireland. Much of the crusade money might be diverted from its proper purpose; for the English monarch, always in straits for funds, would find some plausible pretext for appropriating, wholly or in part, the sums subscribed in aid of the crusading armies. That Reginald was eager, in these circumstances, to facilitate the preaching of the crusade seems more than doubtful; at all events, before three years were over, he had incurred the deep resentment of Henry III by his opposition to the extortionate demands of the royal crusader.

Henry III's crusading zeal, for the most part, was assumed and insincere; but Innocent IV was a man of widely different stamp. A chivalrous and noble-minded Pontiff, Innocent was intensely eager to hurl the armies of Christian Europe against the infidel oppressors of the Holy Land. On February 16, 1251, he addressed a "request to the Archbishops and Bishops of England to allow to be collected, for three years before the King's setting out for Palestine, the tenth granted to him by the Pope for two years."<sup>3</sup> King Henry's rapacity had prompted him to lay Scotland also, if possible, under contribution; but in this attempt he was foiled by a point-blank refusal from the Pope, who, on April 6, 1251, firmly declined to permit "that a tenth of the Church proceeds in Scotland should be granted to him."<sup>4</sup>

In England, on the other hand, preparations for the projected crusade were to be made with rapidity and thoroughness. On September 1, 1252, Pope Innocent issued a "mandate to the Archbishops of Canterbury and York, and the Bishops of Hereford, Ely, and Durham, to collect the tenth of Church revenue granted to the King for three years, redemption of vows and legacies for two years, and assign to him when he sets out to cross the sea."<sup>5</sup> Two days later the Pontiff dispatched a "mandate to the Archbishops and Bishops of England,

<sup>1</sup> *Calendar of State Papers, Ireland, 1171-1251*, p. 457.

<sup>2</sup> M. Paris, *Chronica Majora*, ed. Luard, vol. V. p. 101, *Rolls series*; *Misrule of Henry III*, p. 134.

<sup>3</sup> *Cal. Pap. Reg.*, I. 267.

<sup>4</sup> *Ibid.* 270.

<sup>5</sup> *Ibid.* 279.

Ireland, Gascony, and other lands subject to King Henry, to urge the crusaders to be in readiness to set sail with him to the assistance of the Holy Land, compelling them, if necessary, by ecclesiastical censures, and excepting those only who are so prevented that their vows ought to be deferred or commuted by papal decision."<sup>1</sup>

A year later the Pope is still insistent and hopeful, though it is clear that Henry has secured his consent to a postponement of the expedition. On September 5, 1253, Pope Innocent issued a "grant of protection to the King, Queen Eleanor, Edward his heir, and their other children, with their households, and the realm of England, Ireland, Wales, Gascony, and the other royal possessions, rights and liberties, present and future, on the King's intention to set out in aid of the Holy Land."<sup>2</sup> This was followed, on September 4, by a mandate from the Pope "to the Bishops of Norwich and Chichester and the Abbot of Westminster, to compel the Archbishops, Bishops, prelates, and other ecclesiastical persons of the realm to collect the tenth granted to the King, as he intends to set out for the Holy Land in two years from next Midsummer."<sup>3</sup>

The hopes of the trustful Pontiff were doomed to disappointment. He had sadly misjudged the character of the English monarch, who was merely "humouring the Vatican" in his own way, for the sake of obtaining immense grants of money and other valuable privileges. Henry found pretexts in abundance for indefinitely postponing the projected crusade, and the whole enterprise was ultimately abandoned. Innocent IV had lent a partial and over-friendly ear to Henry's numerous requests; indeed, the Popes had been the mainstay of the English nation, which might have become a mere French province, in Henry's own boyhood, but for the unwavering support and protection of the Holy See. In their long and arduous struggle with the German emperor, the Popes had to rely largely upon England for moral and material support; they had a strong and just claim upon English gratitude, but their constant demands for money aroused fiery indignation among the English people. This indignation was intensified by additional levies on behalf of the crusades; it found vent in the palpitating pages of Matthew Paris, and in popular murmurs, loud and deep, against royal and papal exactions.

In Ireland, meanwhile, this policy of extortion was resisted by Primate Reginald of Armagh, as also by Hugh de Taghmon,

<sup>1</sup> *Cal. Pap. Reg.*, I. 279. The Irish Dominican prelates at this date were Archbishop MacKelly of Cashel and Bishop O'Sullivan of Lismore—who both died within the next couple of years—and Primate Reginald of Armagh.

<sup>2</sup> *Ibid.* p. 290.

<sup>3</sup> *Ibid.* p. 290.



Bishop-elect of Meath, Hugh, Bishop of Ossory, and John de Taunton, Bishop of Kildare. It is true that, during the year 1253, Reginald was in Italy; but he seems to have kept up an active correspondence with ecclesiastical authorities both in Ireland and England. It is also true that Hugh de Taghmon was not recognised by Reginald, at this time, as rightful Bishop-elect of Meath; but this proved no obstacle to their agreement in policy with regard to the crusade collections. To the four prelates above-named, therefore, Henry III addressed a severe and menacing letter on July 16, 1253:

"The King to the Archbishop of Armagh, the Bishops of Meath, Ossory, Kildare, and their officials. The King had lately procured from the Pope letters to the Archbishop of Dublin and Master John de Frusinnon, clerk, providing for the collection, in aid of the Holy Land, of a tenth of ecclesiastical profits in Ireland, and of redemptions of vows, legacies, and other grants, from the time when the King assumed the Cross; but the said Archbishop and Bishops, on account of some Papal Letters lately sent by them to the King, impede the collection in disparagement of the kingly dignity. As it was not the intention of the Pope by these letters, nor of the King, to revoke the collection, but rather to pray their aid in carrying it out, the King enjoins and orders the Archbishop and Bishops not to impede the Archbishop of Dublin and John de Frusinnon, but to give favour and grace to the latter, their messengers, and the preachers sent by them: otherwise they will incur the displeasure as well of the Pope as of the King, with the loss of their temporalities."<sup>1</sup>

Such was the course of events in reference to the crusade collection, from 1250 to 1253. As shrewd observers had noted, Henry had assumed the Cross in order to extort money. That impecunious monarch was seldom scrupulous as to the shifts and devices by which he replenished his exchequer. His Parliament was niggardly in voting supplies, mainly because Henry was so unwilling to abate his feudal claims and to modify his autocratic rule. He had lost no time in obtaining permission from the Pope to utilise the crusade money, or a large share of it, ostensibly for the purpose of fitting out an army and fleet for the Holy Land; but his crusading forces were never mobilised, and they never set sail from the shores of England.

Twenty years later (1270), Prince Edward took part with St. Louis of France in the expedition to Carthage, and afterwards led a small force to Palestine. After a few razzias on Saracenic territory, he concluded a truce with Bibars, and returned to Europe.

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 37.

SYNOD OF IRISH CLERGY—COMMISSIONS FOR  
REGINALD

Primate Reginald and his colleagues naturally entertained a strong suspicion that the crusade funds collected in Ireland would ultimately be diverted into the coffers of the English monarch. Still, in spite of the efforts of Reginald and other Bishops, the Irish clergy and people had to submit to their full share of these exactions. They mostly suffered in silence, for Ireland at that period had no picturesque and outspoken chronicler like Matthew Paris. It is noteworthy that in 1251 "a great synod was held by the clergy of Erin at Tuam,"<sup>1</sup> but no particulars are vouchsafed by the annalists. This assembly may have been convened to consider the question of the crusade collection, and we may assume that Reginald was there—the Primate of Armagh could scarcely be absent from "a great synod of the clergy of Erin." To this gathering we may, perhaps, trace the first beginnings of a dispute between Archbishop Florence MacFlynn and Primate Reginald, which was decided, four years afterwards, in favour of the latter prelate.

About this time, and despite the failure of his former effort on behalf of Master Thedisius, Innocent IV essayed to find a benefice in some Irish diocese for another of his clerical friends named Otto Visconti. On July 6, 1250, the Pontiff wrote to Primate Reginald commanding him to "bestow on Otto Visconti, papal subdeacon, a void benefice in some cathedral church in Ireland."<sup>2</sup> This aspiring cleric was a Milanese; whether he eventually obtained a canonry or prebend in Ireland we have no means of ascertaining. It seems fairly certain that the Primate of Armagh would not be unduly disposed to favour his candidature.

A more congenial commission was entrusted to Reginald on March 9, 1252. On that date he was authorised by the Pope to accept the resignation of an unnamed Bishop of Raphoe, who was feeble and blind, and desirous of laying down the burden of the episcopate. Primate Reginald was empowered to arrange for the proper maintenance of the aged Bishop out of the funds of the see; he was bidden, moreover, to enjoin upon the Chapter the duty of providing a successor within the period prescribed by the General Council.<sup>3</sup> The document con-

<sup>1</sup> *Annals of Loch Cé*, ad an. 1251.

<sup>2</sup> *Cal. Pap. Reg.*, I. 272, where this mandate is wrongly dated 1251. The regnal year, as given in Theiner, p. 64, shows that true date is 1250.

<sup>3</sup> Theiner, 55; *Cal. Pap. Reg.*, I. 275. All the usual authorities, Eubel and Gams among them, seem to be unaware of the name of this old Bishop of Raphoe. His name appears to have been Felemy O'Syda



taining these instructions could scarcely have reached Armagh until April, or possibly May, 1252; but by that time Reginald had apparently set out on his journey to the Apostolic See. The mandate was accordingly renewed a year later.

On March 23, 1252, the Pope granted an "indult to the Archbishop of Armagh that Milo, his official, may hold an additional benefice in Ireland."<sup>1</sup> Master Milo was obviously a *persona grata* with Primate Reginald; but his action in regard to the Meath election, shortly afterwards, was destined to cause considerable embarrassment to his principal. For reasons which will appear later, I suspect that this Master Milo was identical with the Master Milo de Dunstable who became Bishop of Ardagh towards the end of 1255, and was named by Primate Reginald as one of his executors.

### REGINALD'S VISIT TO THE HOLY SEE

In April or May, 1252, Reginald left Armagh, to which he was fated never to return. Nearly four years had passed since he assumed the government of his see, and the time had now arrived for his visit *ad limina Apostolorum*. Besides, as we may reasonably assume in the light of later events, there were sundry grave affairs upon which he desired to confer with the Pope. One of these was the question of the crusade collections: it seems clear that Reginald wished to save his diocese and province, if not the whole of Ireland, from an oppressive impost, the fruits of which seemed perilously likely to be misapplied. There was also his dispute with the learned and worthy Archbishop of Tuam, Florence MacFlynn, who declined to recognise certain primatial claims advanced by Reginald. Finally, there was the need for defending himself, and maintaining the rights of his diocese, against his aggressive neighbour and suffragan, Bishop O'Brogan of Clogher.

Reginald, therefore, set out for Perugia, whither Innocent IV had temporarily transferred his court. On July 18, 1252, the English sovereign, who was then at Marlborough, granted "letters of simple protection for one year for R[eynard], Archbishop of Armagh, gone to the Court of Rome."<sup>2</sup> The terms of this grant show that Reginald was no longer at the English court, having already departed on his "Romeward" journey.

[Sheedy]; he figures as the immediate predecessor of Bishop O'Scannell in an early seventeenth-century catalogue of the Bishops of Raphoe. This catalogue is preserved in the British Museum, Additional MSS. 4797 fol. 48. A transcript by Dr. Reeves exists in Trinity College (No. 1059 in Abbott's Catalogue of Manuscripts).

<sup>1</sup> *Cal. Pap. Reg.*, I. 277.

<sup>2</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 9.

In virtue of these letters of protection, lawsuits against the Primate were suspended for a year. Protection, in English law, is defined as "a privilege granted by the King to a party to an action, by which he is protected from a judgment which would otherwise be rendered against him."<sup>1</sup> The term is very fully explained as follows, in a rare and valuable old volume entitled *Les Termes de la Ley* :

"Protection is a writ that lies where a Man will pass over the Sea in the King's service, then he shall have this Writ, whereby he shall be quit of all manner of Pleas between him and any other person, except pleas of Dower, Quare impedit, Assise of Novel Disseisin, Darrein Presentment, and Attaints, and Pleas before Justices in Eyre. But there are two Writs of Protection, one *cum clausula Volumus*, and another *cum clausula Nolumus*, as appears in the Register.

"But a Protection shall not be allowed in any Plea begun before the date of it, if it be not in Voyages where the King himself shall pass, or other Voyages Royal, or in Messages of the King for affairs of the Realm. Nor shall a Protection be allowed for Victual bought for the Voyage whereof the Protection makes mention, nor in Pleas of Trespass, or of Contracts made after the date of the Protection.

"Note, That any may attach or bring any action real against him that hath such Protection, and therein proceed, until the Defendant comes and shews his Protection in the Court, and hath it allowed; and then his Plea or Suit shall go without day. But if after it appears that the party who hath the Protection goes not about the affairs for which he hath it, then the Demandant shall have a Repeal thereof. And if he go, and return, after the business ended, the Demandant shall have a Re-summons to recontinue the former Suit."<sup>2</sup>

The letters of protection granted to Reginald were very different, therefore, from a mere safe-conduct; and we can understand his anxiety, during the next four years, to have these letters repeatedly renewed. Before the Primate reached Perugia a citation was addressed to him from that city, at the instance of David O'Brogan, Bishop of Clogher, on August 13, 1252. Ware affirms, with considerable inaccuracy, that Bishop O'Brogan was stripped "of the Church of Louth, with the three Deaneries of Droghedah, Athirdee, and Dundalk, by the Power of Reiner and Patrick [O'Scannell], Archbishops of Armagh." During much, if not most, of the period since the Synod of Rathbreasal, in 1101, as Father Gogarty has well shown, the territory of Louth had belonged to Armagh. The

<sup>1</sup> Bouvier's *Law Dictionary*, 1898 edit., II. p. 785.

<sup>2</sup> *Termes de la Ley*, 1708, pp. 467, 468. I have quoted these passages at length, because no explanation is given in most of the legal dictionaries and encyclopedias that I have consulted.



dates 1128-82 and 1236-42 approximately represent the periods in which Louth was held by the Bishops of Clogher. Primate Albert Suerbeer, in 1242, had acquired possession of the disputed territory, which had so long been ruled by the Archbishops of Armagh. Ten years later Bishop O'Brogan essayed to renew the contest, but Primate Reginald was not the man to surrender the rights of his see without a determined struggle; and he emerged victorious from the conflict. In the curt language of Ware, "There is extant a Citation, prosecuted by Bishop David [O'Brogan], upon this Account, dated at Perugia the 13th of August, 1252, against Reiner, Archbishop of Armagh, but without relief."<sup>1</sup> Ussher, in his turn, informs us that the "Deaneries of Louth, of Drogheda and Ardee were placed under the Jurisdiction of Armagh; whereof the Bishop of Clogher complained, pretending that since the suppressing of the Bishopric of Louth, the county of that name, which was also called Ergal, had always belonged to his diocese."<sup>2</sup> Bishop O'Brogan's contention was demonstrably incorrect: he was wrong in affirming that Louth had always belonged to the diocese of Clogher; and he was consequently non-suited.

#### CHARGES AGAINST BISHOP MACGEOY

This victory was won by Reginald some time after his arrival at the papal court, possibly in 1252 or 1253. Certain entries seem to suggest that he could scarcely have reached Perugia before the close of November, 1252. One or two documents were addressed to him by the Holy See while on his journey; and one of these official papers failed, apparently, to reach him. This was a commission from Innocent IV to deal with the proffered resignation of the Bishop of Ardagh. That prelate, whose name was Brendan MacGeoy (or Magodaig), had ruled the diocese of Ardagh, with no great happiness to himself, since 1230. Charges of a most unsavoury nature were laid against him in the papal court at Lyons, early in 1245; and on February 13 of that year Innocent IV appointed commissioners to inquire narrowly into the alleged misdeeds and report thereon.<sup>3</sup> These atrocious accusations emanated from an agent of the Dean and Chapter of Ardagh, doubtless by command of some or all of the ecclesiastics comprising that body.

<sup>1</sup> Ware-Harris, I. 182. This citation is not referred to in Theiner or in the *Calendar of Papal Registers*. Cf. Gogarty, *The Boundaries of Some Irish Dioceses*, pp. 18-29.

<sup>2</sup> Cited in Ware's *Antiquities* under "St. Mary's Priory of Louth." The date given by Ussher is 1252; I take it to be merely the date of Bishop O'Brogan's "complaint" against Primate Reginald.

<sup>3</sup> Theiner, 43; *Cal. Pap. Reg.*, I. 216.

If these charges had been true they would have led to the speedy and inexorable deposition of the incriminated prelate. But Bishop MacGeoy was permitted to retain the government of his see, and we find him officially regarded in 1252, seven years later, as a prelate in good standing. Hence we are forced to conclude that the crimes imputed to him were merely a series of dastardly slanders, invented or circulated by some Canons of his own diocese. With such enemies in his immediate household the Bishop's lot was far from enviable. In 1252 he tendered his resignation, assuring the Pope that his diocesans were such a stiff-necked people and so malicious that he could make no progress with them. He found it necessary to abandon all further attempts to rule them, wherefore he besought the Pope to accept his resignation. Obviously, the minds of the people, no less than those of the Canons, were poisoned against the hapless Bishop. Still, unless we suppose that the commissioners flagrantly neglected their duty, or else that their report miscarried, we cannot bring ourselves to conclude that the Bishop was guilty. The Pope, whose office it was to judge him, cannot have condemned him; the last papal mandate concerning him contains not a syllable of censure on his conduct. Charity and truth alike oblige us to refrain from passing an adverse judgment on the sorely-tried prelate.

Be this as it may, Innocent IV commissioned Primate Reginald, by a mandate of October 15, 1252, to consider carefully all the circumstances of the situation; if he should deem it advisable in the interests of the diocese, he was to accept the Bishop's resignation; in which case he should arrange for payment of a suitable and proper pension to the retiring prelate out of the revenues of the see.<sup>1</sup> This commission does not appear to have reached Reginald's hands before his arrival at the court of Innocent IV; it was, therefore, renewed on May 23, 1253.<sup>2</sup> On the same day he also received a renewal of his commission respecting the resignation of the Bishop of Raphoe.

The entire incident illustrates the need of caution in dealing with isolated entries in official registers. If the earlier item, regarding the charges against Bishop MacGeoy, had alone been preserved, we might be tempted to regard the Bishop as a distinctly disreputable person. Happily, the later items are also forthcoming, and these place the prelate's character in a different and more favourable light. It is not uncommon, on the part of some writers of history, to assume that accusations are well founded merely because no record of their refutation has chanced to be preserved.

<sup>1</sup> Theiner, 56; *Cal. Pap. Reg.*, I. 279.

<sup>2</sup> *Cal. Pap. Reg.*, I. 286.



*THE CRUSADE AGAIN*

Further developments were meanwhile taking place in connexion with the ill-fated project of the crusade. On October 19, 1252, four days after the issue of Reginald's original commission to deal with the Ardagh affair, Innocent IV addressed a "mandate to the abbots, priors, and convents of the Benedictine, Cistercian, Augustinian, and other Orders, and all religious in England, Ireland, Gascony, and other lands subject to Henry, to offer prayers, with processions and litanies, for the said King and his Allies, until they reach the Holy Land." Concurrently with this mandate the Pope issued a "faculty to the Archbishops and Bishops of England and other lands subject to King Henry to grant, at their discretion, an indulgence to those who attend processions, litanies, and sermons, as above."<sup>1</sup> On the previous day the Pope had dispatched a "mandate to the Bishops of London and Chichester not to suffer King Henry to be molested by anyone in regard to his realm, lands, rights, and goods, until his return from beyond seas."<sup>2</sup>

These entries have a pathetic interest now, as showing how completely the confiding Pontiff was deceived in his estimate of the character and intentions of Henry III. That monarch, as might have been expected by those who knew him, found a plausible excuse for deferring the expedition, while beguiling the chivalrous Pontiff with specious promises. It is not improbable that one principal object of Reginald's visit to the Holy See was to place the real facts of this "Crusade business" as it was styled, in their true light before Innocent IV. But if it was Reginald's mission to warn that ardent Pontiff against trusting overmuch to the promises of Henry III, his warnings went unheeded; it is doubtful if Innocent ever really understood the combination of meanness and piety which made up Henry's shifty and unreliable character.

*BISHOP O'QUINN OF CLONMACNOIS*

It seems very probable that Reginald did not reach the papal court at Perugia until after November 26, 1252; his journey from Armagh would have taken nearly seven months, just as his original journey from Lyons to Armagh had occupied the better part of a year. On the date just mentioned, the

<sup>1</sup> *Cal. Pap. Reg.*, I. 279, 280. The Irish Dominican prelates at this date were MacKelly, O'Sullivan, and Reginald.

<sup>2</sup> *Ibid.* I. 280.

Pope entrusted him with a commission which assumed that he was still in Ireland, or else that he would return thither without delay. The Dean and Chapter of Clonmacnois had lately represented to the Pontiff that they had elected Father Thomas, Guardian of the Friars Minor of Drogheda, to be their Bishop. The candidate thus chosen, however, was tainted with illegitimacy of a peculiarly painful character; wherefore the Canons implored a dispensation on this head, with a view to confirmation of the election. The Archbishop of Armagh was instructed to make due inquiry, and empowered to grant the dispensation and confirm the election, if he should deem it advisable. The full name of this Franciscan prelate was Thomas O'Quinn; he came personally to the Holy See, and Primate Reginald, who was naturally in a position to form a sound opinion of his qualifications, must have given a favourable account of him to Innocent IV. Bishop O'Quinn was consecrated at the papal court (possibly by Primate Reginald himself) and received Henry III's assent to his election on February 20, 1253.<sup>1</sup>

#### THE MEATH ELECTION—A COMEDY OF ERRORS

Though Primate Reginald was absent from Ireland during the closing months of 1252, Henry III granted his royal assent, on December 23, to the election of Hugh de Taghmon as Bishop of Meath, and issued a "mandate thereupon to the Archbishop of Armagh."<sup>2</sup> This election led to an amusing comedy of cross purposes—a comedy which, unhappily, had a tragic side. On July 24, 1253, Henry III signified to the Bishop of Connor that "Brother Geoffrey de Cusac, whom the Archbishop of Armagh appointed to the church of Meath, had retired, as appears by the Archbishop's letters directed to the King."<sup>3</sup> On September 3 following, the Pope, who was then at Assisi, granted a "faculty to Masters John and Richard, proctors of the Bishop-elect of Meath, to contract a loan of 200 marks [about £1,600] in consideration of their expenses at Rome attendant on the business of the said Bishop-elect and his see"; and on the same day a similar permission was accorded to the proctors of the Bishop of Worcester.<sup>4</sup> The Bishop-elect of Meath, in this case, was Hugh de Taghmon. Afterwards, on January 8, 1254, the Pope issued from Rome "a mandate to Master H. de Thamon, Bishop-elect of Meath, to grant a dis-

<sup>1</sup> Dr. Grattan Flood in *Irish Ecclesiastical Record*, XXXII. pp. 76 sqq.; Theiner, 57; *Cal. Pap. Reg.*, I. 281.

<sup>2</sup> *Calendar of State Papers, Ireland*, 1252-1284, p. 19.

<sup>3</sup> *Ibid.* p. 39.

<sup>4</sup> *Cal. Pap. Reg.*, I. 291.



pensation to Master John de Winton, his proctor, to hold two benefices with cure of souls"; and on January 18 a similar dispensation was granted in favour of the other proctor, Master Richard de Malmesbiri;<sup>1</sup> whence it may appear that Masters John and Richard—both English clerics, as their names prove—had not been oblivious of their own interests while at the court of Rome.

So far all seems admirably clear. Hugh de Taghmon has been elected by the clergy and approved by the King. His proctors have been transacting his business with the Pope, who has no hesitation in regarding him as the rightful Bishop-elect of Meath. On the other hand, Brother Geoffrey Cusack, whom Primate Reginald as Metropolitan had put forward, has retired; and the Primate has informed the King of Geoffrey's retirement. No situation could be clearer.

Two later letters, however, issued in the name of Henry III, on February 11 and May 8, 1254, reveal the existence of an extraordinary imbroglio. If these documents are to be trusted, Brother Geoffrey Cusack, far from retiring from the field, had actually been consecrated by the Archbishop of Armagh, and was even then enforcing his claims to the bishopric of Meath, making appointments to churches, and so on. It further appears that while some papal mandates were being addressed to Hugh de Taghmon as rightful Bishop-elect of Meath, another papal document was being dispatched to the Bishop of Killaloe and his colleagues, commissioning them to decide between the rival claims of Hugh and Geoffrey. As we have seen, in papal letters of July 24 and September 3, 1253, and in further papal letters of January 8 and January 18, 1254, Master Hugh was recognised without question as the rightful Bishop-elect. On the other hand, a royal letter of February 11, 1254, owes its origin to the fact that the Bishop of Killaloe and other commissioners have been specially empowered by the Pope to decide between the conflicting claims of the Meath candidates. This commission must certainly have been appointed prior to January 18; the interval of twenty-four days between that date and February 11 seems inadequate for the transmission of the news from Rome to London. Besides, the royal letter of February 11 assumes that the Bishop of Killaloe and his fellow-commissioners have already received the news of their appointment; and this would have been well-nigh impossible if their commission had not been issued before January 18.

From another point of view these royal letters possess an interest of their own. They set up a false claim on behalf of the *congé d'élire* and the royal assent; worse still, they practically dictate to an ecclesiastical tribunal the particular de-

<sup>1</sup> *Cal. Pap. Reg.*, I. 294, 306.

cision which that tribunal should render. They indicate the heavy pains and penalties that will be inflicted upon one litigant party, in case the judges give their conscientious decision in favour of that party. It is a significant commentary upon English ideas of the independence of judicial tribunals in the mid-thirteenth century.

The claim expressly put forward on behalf of the *congé d'élire* in one of these letters, and tacitly assumed in the other, is that "it has ever been the custom, that in vacancies of sees in Ireland, licence to select should be demanded of the [English] King, and that on election the King's assent should be required." This was utterly false, as regards elections in the Irish Church from the fifth to the twelfth century, that is during a space of seven hundred years. If true in any sense, it could be true only of the interval between 1171 and 1254, that is, a space of eighty-three years, an ordinary man's lifetime. Even in that brief period, the Calendars of Irish State Papers show by what patient, persistent, stealthy aggression the claim was built up. Henry III had been King of England ever since 1216, and though Henry is commonly regarded as a pious but weak and unstable monarch, nothing in his relations with Ireland is more remarkable than the iron pressure of his aggression upon the liberties of the Irish Church. In truth, the feudal autocracy of Henry III and his successors paved the way for the Protestant despotism of Henry VIII and Elizabeth. There can be little doubt that the introduction of feudal absolutism into Ireland by English monarchs—who generally contrived, by misrepresentation and intrigue, to have the Popes on their side—was "the direful spring of woes unnumbered" for the Irish Church.

The first of these notable letters was addressed in the King's name from Windsor (Henry III being then in Gascony) by Queen Eleanor, his consort, and Richard Earl of Cornwall, his brother, to the Irish commissioners who were about to sit in judgment on the respective claims of the Meath candidates. This letter, dated February 11, 1254, ran thus:

"The King to the Bishop of Killaloe, the Archdeacon of Waterford, and the Minister of the Franciscans in Ireland. As it has ever been the custom that in vacancies of sees in Ireland, licence to elect should be demanded of the King, and that on election the King's assent should be required, as was done in the last vacancy of the see of Meath, namely, before Richard [de la Corner], formerly Bishop of Meath, was elected; the King marvels that R., Archbishop of Armagh, and Brother Geoffrey de Cusac, should oppose the King's right in this respect. Wherefore the King commands the above-named Bishop, Archdeacon, and Minister, that in the cognizance of the cause, brought before them by authority of papal letters, between Hugh, Bishop-elect of Meath, of the one part, and the said



Archbishop and Brother Geoffrey of the other part, touching a licence to elect as aforesaid, they so bear themselves that the kingly dignity may suffer no lesion. Otherwise the King cannot refrain from interfering in regard to the Archbishop and Brother Geoffrey aforesaid. Witnesses, Queen Alienor and Richard Earl of Cornwall."<sup>1</sup>

The second royal letter in reference to this dispute was addressed from Westminster by Queen Eleanor and the Earl of Cornwall to the Irish Justiciary, on May 8, 1254. Its tenor is as follows:

"The King to the Justiciary of Ireland. Hugh Bishop of Meath shows that after he had obtained the spiritualities of his see from those to whom his confirmation belongs, and the temporalities from the King, Brother Geoffrey de Cusack, who bears himself as Bishop, and was consecrated by the Archbishop of Armagh, in lesion of the Kingly dignity, as he had not obtained the royal assent, conferred certain churches, in prejudice of the King and of the said Hugh, one of which was obtained by Ralph de Norwich, the King's Chancellor of Ireland. Mandate to the Justiciary to enjoin Ralph not to detain the church; to cause to be arrested, according to the custom of Ireland, those excommunicated by Hugh; and to remove lay resistance to the latter, if any be found in the churches. The Justiciary shall be all the more diligent in executing the premises, as the Archbishop and Brother Geoffrey are endeavouring to supersede the King's licence to elect in the church of Meath, which would greatly injure the King's right. Witnesses, Queen Alienor and Richard Earl of Cornwall."<sup>2</sup>

These letters have the merit of supplementing each other, and of revealing the real attitude of the English court towards this affair. It is quite clear that the English Crown was satisfied that Hugh de Taghmon was properly appointed, from a feudal point of view, however uncanonical his election might prove to have been. It is equally evident that, for this Erastian motive, the English court was determined to support Master Hugh by brute force against his rival, and that the Crown did not shrink from seeking to terrorise the judges appointed by the Pope. The royal threat of "interfering" with the Archbishop of Armagh and Geoffrey Cusack, in case the judges should decide in their favour, could not be misunderstood. Three years earlier—on April 9, 1251—Henry III had ordered the diocesan property of Archbishop MacKelly, of Cashel, to be seized and detained indefinitely, in case that over-bold prelate did not make due reparation for his temerity in saying that

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, pp. 47, 48. The compiler of this *Calendar* wrongly gives B. as the initial of the Archbishop's name.

<sup>2</sup> *Ibid.* p. 54.

he would consecrate the new Bishop of Limerick, if his election were found to be canonical, without regard to the pretensions of the English monarch.<sup>1</sup> Later still, when Primate Reginald and other prelates—among whom, by the irony of circumstance, was Hugh de Taghmon, Bishop-elect of Meath—resisted the crusade collections, which they must have known to be inspired by insincere motives on the part of Henry III, that monarch had very recently threatened to confiscate the property of Primate Reginald and his brother-Bishops, in case they should persist in opposing his designs. This menace to Reginald and his colleagues was followed, a few months later, by the royal attempt to intimidate the commissioners appointed by Innocent IV. It is scarcely a figure of speech to say that Henry's vice-gerents, faithful to the letter and spirit of his policy, brandished their swords in the faces of the papal commissioners, and menaced them in diplomatic language, of whose plain and brutal meaning there could be no doubt. Their warning to the commissioners was tantamount to saying: "Hugh de Taghmon has received the *congé d'élire* and the royal assent; Geoffrey Cusack has not. If you, in the conscientious discharge of your duty, declare that Hugh's election was uncanonical, and seek to place Geoffrey in possession of the see of Meath, we shall confiscate the diocesan property of Armagh and Meath together." Happily, the commissioners were saved, in a dramatic and unexpected manner, from the danger of "infringing the kingly dignity and injuring the King's right."

On October 31, 1254, Innocent IV issued a document which had the triple merit of disposing finally of this troublesome affair, laying bare the misunderstanding from which the entire trouble had arisen, and preserving the text of a notable letter written by Primate Reginald on this occasion. From this document it appears that, though the Meath vacancy had not been filled at the time of Reginald's departure from Armagh, Hugh de Taghmon was shortly afterwards elected by the clergy of the diocese; and his election was confirmed by Master Milo, the Primate's official, already mentioned in these pages. Such confirmation, it may be observed, was by no means uncommon at that period. Henry III gave his royal assent to this election and placed Hugh de Taghmon in possession of the temporalities. Master Hugh's proctors transacted their principal's business at the Roman court, and incidentally obtained some valuable concessions for themselves. Meanwhile, Primate Reginald, unaware of these proceedings, was led to conclude that the Meath vacancy had not been filled within the statutory period—Richard de la Corner, the former Bishop, is said to have died

<sup>1</sup> *Calendar of State Papers, Ireland, 1171-1251*, p. 465.



in 1250—and that it was his duty as Metropolitan to appoint a prelate to the widowed see. The Primate's choice fell upon Geoffrey Cusack, whom he is said to have consecrated, though the point is not quite clear; if the consecration really took place, as it very probably did, it must have been performed in Rome or some Italian city.

The heather was now in a blaze. Two rival personages, each claiming valid appointment, contested the bishopric of Meath. Both sides appealed to the Holy See, and the Bishop of Killaloe, with his colleagues, was appointed to determine which was the rightful candidate. While the investigation was in progress, Geoffrey Cusack opportunely died, and the episcopate of Meath was by common consent awarded to his opponent. Primate Reginald himself confirmed this amicable settlement on October 2, 1254, and the arrangement received its final sanction from Innocent IV at Naples on October 31 following. The document signed by Pope Innocent on this occasion is thus summarised :

"Confirmation, with exemplification, to H., Bishop-elect of Meath, of what has been done by his Metropolitan, the Archbishop of Armagh, in the matter of his election, which was confirmed by Milo, the Archbishop's official, the Archbishop being then at the papal court; upon which the Archbishop, believing that the power had lapsed to him, appointed as Bishop Gualfrid de Cusac. The case between him and the Archbishop of one part, and Hugh of the other, was heard by papal authority before the Bishop of Killaloe and his colleagues, during which Gualfrid died, and the Archbishop thereupon accepted and completed the election and confirmation of Hugh under date of 6 Nones October, 12 Innocent IV, at the intercession of his friends at the Roman court, the former request of the King and the Bishop of Worcester having been ineffectual with the Archbishop."<sup>1</sup>

It is no wonder that Primate Reginald felt disinclined to accede to the request of a monarch who had so lately threatened to sequester his temporalities. Two points, however, still remain obscure. Why did Henry III assure the Bishop of Connor, in July, 1253, that Reginald had just informed him of Geoffrey Cusack's retirement? Was Geoffrey really consecrated by Primate Reginald? These questions may never be satisfactorily answered; but it seems highly probable that Geoffrey received consecration at the hands of Reginald, though the latter is careful to say no word on the subject. Reginald's letter, the last document that we possess from his pen, may be freely rendered into English as follows :

"Brother R., by divine condescension, Archbishop of

<sup>1</sup> *Cal. Pap. Reg.*, I. 307.

Armagh, and Primate of All Ireland, to the Archdeacons, Deans, Abbots, Priors, and the whole body of clergy in the diocese of Meath, health and sincere charity in the Lord. Some years ago, the diocese of Meath fell vacant, and those of you who were entitled to elect a Bishop, chose the venerable Master Hugh de Themum for your pastor; and it is said that Master Milo, our official, confirmed the election, believing that it was his right to do so. We, however, were meanwhile at the Roman court, entirely unaware of these occurrences. Judging, therefore, that the power of providing a Bishop for the said church had devolved upon us by effluxion of time, we deemed it our duty to nominate the late Brother Geoffrey de Cusac, of happy memory, to the aforesaid diocese. A dispute arose over this election and provision, between us and the said Geoffrey on one side, and the above-mentioned Master Hugh on the other. This dispute was in course of investigation by the Bishop of Killaloe and his colleagues, delegated for that purpose by the Pope, when the friar aforesaid went the way of all flesh at the Roman court.

"At this juncture, Richard, proctor of the venerable Master Hugh came to us, imploring that we should take the said Bishop-elect into our favour, that we should sanction his election as already confirmed, and magnanimously supply, so far as we were concerned, for any defect which might exist in the confirmation already given; that, moreover, we should grant him leave to receive the orders of deaconship and priesthood, and that we should consent to his receiving consecration from our own hands. As the spiritual and temporal interests of the diocese of Meath have suffered severely by reason of this conflict, we firmly trust in the Lord that they will derive great benefit in the coming time of peace from the zeal and solicitude of the aforesaid Master, whose merits are many and great, as we have been assured by persons worthy of credit. We now accede to the requests of our illustrious lord, the King of England, and of our venerable brother in Christ, the Bishop of Worcester, both of whom formerly bespoke our favour for the said Bishop-elect, though we, to our great regret, were unable to comply with their wishes. Finally, in compliance with the entreaties of our friends, venerable dignitaries of the Roman court, who have interceded with us on behalf of the said Bishop-elect, and in view of the excellent reputation which he enjoys: In the name of the Father and of the Son, and of the Holy Ghost, we now sanction and ratify what has been done on behalf of the aforesaid Hugh, in regard to his election, confirmation, and promotion; and so far as lies with us, we make good every defect or flaw which may have occurred in the process of his appointment. We approve of him as your chosen Bishop; and by the authority of the present letters we com



mand you to be faithful in showing him all due reverence and obedience, as soon as you shall learn that he has taken the oath of fealty to us, which Bishops-elect are accustomed to take towards their Metropolitans, and which in this instance is to be sworn before Master B., our Archdeacon in England, whom we have specially appointed to be our representative on this occasion. Given at Anagni, the sixth of the Nones of October [Oct. 2], in the twelfth year of the Pontificate of Pope Innocent IV " [1254].<sup>1</sup>

This friendly settlement was formally sanctioned by Innocent IV at Naples on October 31, at the request of Hugh de Taghmon, whose proctors were laudably anxious to place the validity of his appointment beyond question for the future. On this occasion, Pope Innocent, by the plenitude of his apostolic power, made good any canonical defect or irregularity which might have occurred in Bishop Hugh's promotion. Thus did this chapter of misunderstandings come to a happy ending; and Innocent IV passed to his reward some five weeks later.

It will be noted that on the occasion of writing the foregoing letter Primate Reginald was staying at Anagni, where Innocent IV was then residing, as we learn from the *Calendar of Papal Registers*.<sup>2</sup> It would seem that the Irish Primate enjoyed the hospitality of the Abbot and monks of Santa Maria di Gloria of the Order of Flores at Anagni, whom he may have known in days of old, when he served as penitentiary at the court of Gregory IX in that town. His successor, Archbishop O'Connellan, granted an Irish benefice to that community, in token of gratitude for the kindness which Primate Reginald had received at their hands. Moreover, the date of Reginald's letter possesses an interest of its own: it shows that he was still in Italy in October, 1254, and had not returned to Ireland within the period specified in his letters of protection.

### BISHOP O'SCANNELL AND BISHOP MILO

We must now retrace our steps to the beginning of the year 1253. Towards the close of the previous year Reginald would seem to have reached the papal court at Perugia. During his absence from Ireland his name was mentioned in a writ of February 3, 1253, from which it appears that the late Geoffrey de Costentyn held of the Archbishop of Armagh "one knight's fee in Dromiskyn, rendering annually 2 lbs. of wax, and receiving therefrom 2s. a year."<sup>3</sup> On May 23 following, fresh

<sup>1</sup> Theiner, pp. 63, 64.

<sup>2</sup> *Cal. Pap. Reg.*, I. 304-306.

<sup>3</sup> *Calendar of State Papers, Ireland*, 1252-1284, p. 22.

mandates were issued to Primate Reginald in reference to the resignation of the Bishops of Raphoe and Ardagh; they were merely a renewal of the instructions given on March 9 and October 15 in the previous year, already noted.<sup>1</sup>

The Primate lost no time in executing one of these commissions in a way which proved highly advantageous both to his own diocese and to Raphoe. On his recommendation Patrick O'Scannell was selected by the Holy See to govern Raphoe; his consecration was solemnised in the Franciscan Church at Dundalk on November 30 of the same year. Bishop O'Scannell was himself a Dominican, and doubtless well known to the Primate. We may regard him, with good reason, as the trusted friend and confidant of Primate Reginald, who named him as his vicar over the province of Armagh, and afterwards as one of the executors of his will. Under the year 1253, the whole incident is quaintly recorded by the Ulster annalists, whose language reveals the predominant part which Reginald played in securing O'Scannell's elevation:

"Mael-Padraig Ua Sgannuil of the Preaching Order was chosen by the Archbishop of Ard-Macha, by advice of Pope Innocent, to the Bishopric of Rath-both [Raphoe]. And the same Archbishop constituted him his vicar in the province of Ard-Macha, after he was consecrated in the monastery of the Friars Minor of Dundevalgan [Dundalk] on the first Sunday of the Advent of the Lord" [Nov. 30].

During the three following years Bishop O'Scannell rendered invaluable services to the Primate by sending him timely warning of the plots of his antagonists—some of them antagonists in high places. In those years Primate Reginald seems to have been remarkably well posted as to the course of events affecting his see, and it is natural to surmise that the information must have been conveyed to him by his vicar and friend. Bishop O'Scannell was one of Reginald's executors, and was destined to be his second successor in the chair of St. Patrick.

The Ardagh vacancy was not filled until late in 1255, by the nomination of Master Milo de Dunstable, whom I regard as probably identical with Master Milo, the official of Armagh, whose confirmation of the Meath election had been the undesigned cause of so many embarrassments to Primate Reginald. We know that Master Milo, the official, had been a *persona grata* with the Primate and had filled an office of much distinction in the diocese under Reginald's rule. Even in the final settlement of the Meath dispute, the Primate studiously abstained from censuring the action of his official. We may hence conclude that, despite the dust and clamour of the Meath controversy, Master Milo retained the Archbishop's friendship and

<sup>1</sup> *Cal. Pap. Reg.*, I. 286; Theiner, 56, 57.



confidence. Just as Reginald had placed the mitre of Raphoe upon the brows of one trusted friend, so also he might be expected to place the crosier of Ardagh in the hands of another. That Milo de Dunstable, shortly after his appointment to Ardagh, ranked among Reginald's tried and acknowledged friends, is at least suggested by the fact that he was specially named as an executor of Reginald's will. There seems to be no ground for the theory that Bishop Milo had been a monk. He was certainly in Ireland at the time of his appointment, and showed a notable want of alacrity in proceeding to England to offer his fealty to the English king.

On June 11, 1253, Henry III granted to "R[eynard] Archbishop of Armagh, gone to Rome by the King's licence for affairs of his church, that he be quit of pleas and complaints until the feast of St. Martin [Nov. 11] next ensuing. Mandate accordingly."<sup>1</sup> This was tantamount to a five months' extension of Reginald's letters of protection. But the Primate, contrary to the view of some writers, did not return to Ireland in November, 1253. On January 8, 1254, his immunity from legal vexation was prolonged until Low Sunday or later: "Mandate to Ralph of Norwich, Chancellor of Ireland, to respite till the octaves of Easter all complaints before whatsoever justices touching the Archbishop of Armagh. The King by his letters had commanded the same to the Justiciary of Ireland. Witnesses Queen Alienor and Richard Earl of Cornwall."<sup>2</sup> But even by Low Sunday, Reginald had not returned to his diocese; we have seen that he was still in Italy in the early days of October, 1254.

### THE THREATENED INVASION OF GASCONY

During Primate Reginald's prolonged absence from his diocese, a grave crisis threatened the dominions of Henry III. That monarch and his court were thrown into a state of terror, bordering on sheer panic, by the King of Castile's preparations for the invasion of Gascony. Alarmed at the prospect of losing his French possessions and of finding his British territories attacked by a powerful foe, Henry's representatives wrote to implore counsel and assistance from the Irish prelates, who had so long chafed under his despotic and meddlesome rule. The letter is vaguely dated 1253 in the *Calendar*; it must have been written rather late in that year or early in 1254:

"The King to the Archbishops and Bishops in Ireland. The King of Castile, with a large army of Christians and Saracens, being about to invade Gascony in the quinzaine of Easter

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 31.

<sup>2</sup> *Ibid.* p. 47.

ensuing, and thence to make an attack on England and Ireland, the King in such an emergency requires the assistance of the Archbishops and Bishops, and therefore prays them to meet at Dublin before John FitzGeoffrey, Justiciary of Ireland, at the approaching mid-Lent, to hear the King's pleasure, and with the other magnates of that country to give their counsel and aid touching this matter. Before that day they shall consider how they can best assist the King with their contributions, and induce those subject to them to do likewise in this urgent necessity and danger. The King never can stand more in need of his friends. Witnesses, Queen Alienor and Richard Earl of Cornwall."<sup>1</sup>

Henry III was at this time in France, seeking what aid he could secure against the threatened invasion. On February 2, 1254, another urgent missive was addressed in the King's name to the Irish clergy and nobles:

"The King to the Archbishops, Bishops, Abbots, Priors, Earls, Barons, Knights, and his other subjects in Ireland. Sends thither John FitzGeoffrey, Justiciary, to expound to them the dangers threatening the King, and to treat with them regarding the aid to be rendered against the King of Castile, who is about to invade Gascony. Mandate that they give credence to what the Justiciary shall submit to them on this subject. Witnesses, Queen Alienor and Richard Earl of Cornwall."<sup>2</sup>

On the following day (February 3, 1254), a royal letter of a still more urgent nature directed the seizure of all the crusade funds existing in Ireland, thus justifying the forebodings of Primate Reginald and other prelates:

"The King being detained in Gascony by his expedition, wants money beyond measure; wherefore the King commands John de Frissinon to deliver to John FitzGeoffrey all the moneys of the Crusaders deposited in Ireland, to be transmitted to the King in Gascony, John de Frissinon having first taken from the Justiciary and Treasurer of Ireland security that they shall answer to him for all the moneys so coming into the King's Exchequer of Dublin. Witnesses, Queen Alienor and Richard Earl of Cornwall."<sup>3</sup>

The feelings with which Irish subscribers of money for the relief of the Holy Land beheld their contributions devoted to the maintenance of Henry's autocratic and oppressive rule at home and abroad may well be imagined. It would seem

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 46. Curiously enough, Primate Reginald's term of exemption from lawsuits was to close about the date fixed for the Castilian invasion of Gascony.

<sup>2</sup> *Ibid.* p. 47. The Irish Dominican prelates at this date were Primate Reginald of Armagh, Bishop Cristin of Ardfert, Bishop O'Lee of Killala, and Bishop O'Scannell of Raphoe.

<sup>3</sup> *Ibid.* p. 47.



that Master John de Frossinone, to give him his real name, was disinclined to part with the crusade money, knowing the extreme unlikelihood of its being ever recovered from the royal exchequer. It is rather improbable that the Irish Bishops, smarting under the wrongs inflicted by Henry and his agents upon the Irish Church and people, gave themselves any great trouble for the sake of helping the English monarch in this crisis. Loyalty to the King and his officials they could have none; there was nothing for which they could be loyal. Oppression and exaction, chicanery and brutality, pillage and slaughter—these things do not evoke the loyalty of their victims. We may suppose, with good reason, that the Irish clergy and people of 1254 would have joyfully exchanged the yoke of Henry III for that of the Castilian king. Knowing how little he had done to deserve either gratitude or loyalty from the Irish people Henry was careful to warn his Justiciary against unduly weakening the forces which held Ireland at the point of the sword. At the same time, he ordered the Justiciary to send as many soldiers as could be spared, together with all the crusade funds and other Irish treasure which he could manage to annex. The royal letter containing these directions was written about May 16, 1254:

"The King to John FitzGeoffrey, Justiciary of Ireland. Having heard that the Irish are over elated at the coming to the King in Gascony of the Justiciary, Maurice FitzGerald, and the other magnates of Ireland, and that they threaten the peace of that country, the King commands the Justiciary to come to him at once with an honourable escort, if he can come without danger to the country. Its defence he shall commit to the said Maurice and other good men of the land; but he must first be satisfied that no danger shall accrue to the King or to Edward, the King's son, by reason of his absence. If there be danger, he shall send to the King in Gascony as strong a force as he can of knights and soldiers, with the said Maurice or other approved captain. He shall obtain, if he can, from Master John de Frussinon, a loan of the Pope's money in Ireland, and shall bring the money with him or send it over, together with as much Irish treasure as possible. By the Queen and the Earl."<sup>1</sup>

If the Irish chiefs had been capable of united and patriotic action at this critical juncture; if they had been willing to sink their differences and forget their quarrels; they might have presented a united front to the common enemy, and have driven the English into the sea. In Hugh O'Connor of Connacht they might have found a fearless and resourceful leader, for Hugh was one of the ablest military commanders of his time. But the incurable jealousies between clan and clan forbade any such

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 55.

unity of purpose, prevented any subordination to a common leader, and left the Irish chiefs and people in the same disastrous plight as before. In justice to these chiefs it must be remembered that they probably failed to realise the desperate straits to which the English Government was reduced; the idea of a united Irish nation was wholly foreign to their minds; they had been cowed, in large measure, by Henry III and his Justiciaries; and they doubtless felt vaguely that the Holy See was ranged on the side of the invaders and oppressors of their country.

In this they were partly right and partly wrong. The Holy See, anxious for settled government, had an abiding horror of anarchy. If a great soldier-statesman had arisen among the Irish at this period—if a second Brian had expelled the invaders and imposed his beneficent sway upon the country at large, the accomplished fact would have been speedily recognised by the Roman Pontiffs, and the new Brian would have been addressed in papal documents as “the illustrious King of the Irish.” But no Brian arose. The country, for one can scarcely call it a nation, was divided into loose groups of warlike clans, devoid of a common purpose, unwilling to submit to a common leader, and imbued with little more than local or tribal patriotism. The result was pitiful. A few sporadic encounters took place between Gaels and Galls during this period of acute crisis in the national fortunes. The Gaels fought among themselves oftener than against the enemy of their country; their efforts achieved nothing of national importance; and a golden opportunity was lost for ever.

The terror of the English Government in face of the approaching invasion did not prevent it, as we have seen, from adopting an aggressive and uncompromising attitude in reference to the Meath election. It was probably felt that Irishmen, as a feeble and fissiparous race, would tamely submit to anything which their high and mighty masters might be pleased to ordain. Happily the election controversy was closed by the death of Geoffrey Cusack and by the graceful acquiescence of Primate Reginald in the *fait accompli*, thus avoiding some highly delicate and debatable questions of law and fact. At this time, also, the new provision regarding Innocent IV’s candidate, Tedisio di Lavagna—a touching instance of that Pope’s solicitude for his friends, even in the last months of his life—was addressed to the Treasurer of Cashel and others, as Primate Reginald was absent from Ireland, and, therefore, not in a position to attend to the question of Master Tedisio’s promotion, even if he were so minded, which is by no means certain.

On May 28, 1254—some two months prior to the issue of this final mandate concerning Tedisio—Archbishop MacFlynn of Tuam gained a judicial victory over some of his tenants who pleaded, apparently, that quiet possession of their holding



had been guaranteed them by the Archbishop of Armagh. A royal order regarding this lawsuit ran thus :

" The King commands his Justices in eyre in Ireland to cause Florence Archbishop of Tuam to have his record and judgment in the plaint between him, as plaintiff, and Matthew Mac Gillerod and Thomas O'Makyn, tenants, of the villis of Slanpatrick, Kilbenon, Kylmicheny, Thurlagh, and of a moiety of the vill of Odyrn, whereof Matthew and Thomas aforesaid call R. Archbishop of Armagh to warranty before the King's justices. The Justices in eyre shall not omit to do this on account of favour, or of the order of Ralph of Norwich, Chancellor of Ireland, to whom it does not belong to invalidate the King's mandates. Witnesses, Queen Alienor and Richard Earl of Cornwall, the King's brother."<sup>1</sup>

### *DERRY ONCE MORE A CATHEDRAL CITY*

In the following November Primate Reginald was still absent from his diocese and from Ireland, yet he is mentioned as having given his consent to the change of the diocesan centre from Rathlure to Derry. On November 4, 1254, Innocent IV granted " confirmation to the Bishop and Chapter of Derry, of the translation of the see of Rathlure to Derry by papal mandate and with the consent of the Metropolitan, the Archbishop of Armagh."<sup>2</sup>

The reasons for this transference are clearly and simply stated by Germanus O'Carolan, Bishop of Rathlure, whom sundry Canons of Armagh had deemed worthy to fill the primatial chair. It would seem that when Bishop O'Carolan proceeded to Lyons early in 1247, to explain his attitude towards the Armagh election, he made strong representations to Innocent IV as to the desirability of changing the seat of diocesan government from Rathlure to Derry. He urged that, ever since the period when the boundaries of Irish sees were defined, Derry had been the head city of the diocese ; at once the most convenient centre and the wealthiest, it had been chosen as the cathedral city. But Bishop O'Coffey, of happy memory, who was born in the village of Rathlure [now Maghera], and died about 1185, transferred the seat of diocesan authority to his beloved native village, without seeking or obtaining permission from the Holy See. Rathlure was an almost inaccessible place, surrounded by mountains, forests, and bogs ; it was nothing

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 56.

<sup>2</sup> *Cal. Pap. Reg.*, I. 307 ; Theiner, 64. The name of Rathlure, by a scribal error, is written " Anichluc." Maurice O'Coffey, Bishop of Derry, died in 1173 ; his successor, Amlave O'Coffey, died about 1185.

more than a poor hamlet in a barren district. Bishop O'Carolan and his Canons could not reside there, neither could the clergy meet there for synods or conferences. For these reasons, Bishop O'Carolan begged the Pope to restore Derry to its ancient and proper position as the cathedral city of the diocese.

On May 31, 1247, therefore, Innocent IV commissioned the energetic David O'Brogan, Bishop of Clogher, together with the Abbot of SS. Peter and Paul's, Armagh, and the Prior of Louth, to inquire carefully into the matter. He empowered them to effect the desired transference, if they should conscientiously deem it advisable. On June 2 following, the Pontiff re-granted to the Chapter of Derry, in case the translation should be carried out, all the privileges, indulgences, and concessions which had been bestowed by the Holy See at any time upon the church of Rathlure.<sup>1</sup>

Within the next seven years Derry was restored to its olden glory as a cathedral city. The Bishop of Derry and his Chapter once more approached Innocent IV, setting forth that the cathedral had been changed from Rathlure to Derry by special command of his Holiness, and with the consent of the Archbishop of Armagh. They now besought the Pontiff to sanction and ratify this arrangement; and their request was granted, as we have seen, on November 4, 1254.

Primate Reginald, at this time, was still absent from his see, and showed no eagerness to return. There are several instances on record in which he was entrusted with delicate and important commissions during his long absence from Ireland—the Ardagh and Raphoe resignations and the Clonmacnois election are cases in point—yet these commissions presupposed, almost of necessity, his active and vigilant presence in the province committed to his care. How he contrived to carry out the detailed instructions contained in these papal mandates—for the most part he could only have them carried out by deputy—is somewhat of a mystery. It is true, as we shall presently see, that Reginald's long sojourn at the papal court was justifiable on perfectly valid and even necessary grounds. But it is equally true that the obligation of episcopal residence seems to have sat rather lightly upon some very conscientious and saintly bishops of the thirteenth century; though we find other bishops, not specially renowned for piety or holiness, residing in their dioceses and governing them to the best of their ability, until death released them from their labours.

<sup>1</sup> Theiner, 48; *Cal. Pap. Reg.*, I. 233, 234.



## CONTESTS WITH BISHOP O'BROGAN

In the Christmastide of 1254 Primate Reginald won another victory over David O'Brogan, Bishop of Clogher. Stung by his defeat at the papal court a year or two earlier, and possibly eager to emulate the legal strategy of his brother and predecessor, Nehemiah O'Brogan, who had successfully instituted a number of lawsuits in the secular courts against Primate Donat O'Furey, Bishop David O'Brogan sought to wrest the manor of Termonfeckin from Primate Reginald by means of an action before the King's justices. On December 26, 1254, this lawsuit was ordered to be adjourned for six months; and the order, issued by Prince Edward from Bordeaux, contained a sharp censure on O'Brogan's conduct:

"Mandate by Prince Edward to Richard de la Rochelle, his seneschal of Ireland, to cause the plea before the justices assigned by the King's writ, between David Bishop of Clogher and Reyner Archbishop of Armagh, of the manor of Tarmonfychin, to be brought before the justices according to law and the King's writ. They shall not, however, proceed to judgment, but shall respite the plea till the ensuing feast of St. John the Baptist [June 24]. The writ in question was, as Edward had heard, maliciously obtained after the Archbishop had started for the Court of Rome, whence he is to return by the feast above named."<sup>1</sup>

Primate Reginald did not return to Ireland before St. John's day, 1255, or even later; but he seems to have kept in close touch with his diocese, and he doubtless had access to reliable sources of information. He could safely rely upon Bishop O'Scannell, his vicar in Armagh, and most probably also upon Master Milo, his official there. If Bishop O'Brogan's legal manœuvre was opportunely checked for the time being by Prince Edward's intervention, somebody who was interested on the Primate's behalf must have brought pressure or influence to bear upon the Prince; and it requires no great effort of imagination to suppose that Primate Reginald himself was the person whose representations proved effective with Prince Edward.

Within a year after this, Reginald gained an important concession from the Holy See, which we may interpret as his third and last, though not decisive, victory over Bishop O'Brogan; but before gaining this victory, he had to withstand a dangerous assault from the jealousy of the English monarch and his courtiers.

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, pp. 66, 67.

*ALEXANDER IV DEFENDS PRIMATE REGINALD*

About the close of 1254 Primate Reginald must have learned that his protracted absence from his diocese had given grave offence to Henry III, whose courtly flatterers were ever ready to suggest that the Irish Primate's influence with the Holy See boded nothing good to the interests of England. Reginald had also learned that the interests of his archdiocese were suffering, either through legal chicanery or by connivance of the King. It is possible that Henry III may have written to Alexander IV protesting against Reginald's lengthened absence from his diocese, and suggesting that his presence at the Roman court was prejudicial to the English Crown. Be this as it may, Alexander IV wrote a spirited and outspoken vindication of Primate Reginald to the English monarch. It would seem that Innocent IV had also written a warm defence of Reginald on a former occasion. It was no light matter to win the cordial esteem of three such Pontiffs as Gregory IX, Innocent IV, and Alexander IV; but Reginald, by his piety and amiability and unworldliness, seems to have accomplished the feat. On January 13, 1255, Alexander IV addressed an admirable defence of Primate Reginald to Henry III, coupled with a severe rebuke to that monarch for his readiness in listening to pestilent flatterers. The letter is written in a quaintly figured and artificial style, which certainly loses nothing in directness or effectiveness, and of which the following translation may convey some idea:

"Alexander, Bishop, servant of the servants of God, to Henry, his dearly beloved son in Christ, the illustrious King of England, health and Apostolic benediction. Among those who are hateful to the majesty of God, detractors and sowers of discord, according to the saying of the Wise Man, are persons whom the Most High rightly detests and abominates exceedingly; and to such individuals your Excellency lends a willing ear. By individuals such as these, truth is oftentimes perverted; and, without fault or guilt, innocence is noxiously condemned. It has lately been brought to our hearing that certain sons of iniquity who, as stirrers-up of evil, not infrequently speak with deceitful lips, have maliciously sharpened their tongues to poison like serpents, and have wickedly bent their bow against our venerable brother R., Archbishop of Armagh. Their treacherous arrows, lying ready to hand in their quiver of falsehood, have been shot with intent to wound the integrity of the royal conscience. They are said to have whispered evil rumours concerning the Archbishop into your ears, in order to undermine the sincere affection which you bear him. They have mendaciously pretended that he had dis-



paraged your Serene Highness at the Roman court, and that he has here been a mischievous and troublesome foe to your Majesty; whereas in truth he rejoices exceedingly in so great a son, and desires nothing better than to rejoice in the Lord on that account.

"Thus, the Archbishop's detractors are said to have provoked your royal mildness against him, by their venomous insinuations, to such a degree that his diocesan property is exposed in his absence to plunder and spoliation. It is said that you have withdrawn your protection, and have furnished no sort of timely defence against the plunderers and despoilers of the Archbishop's property; and that, by reason of your remissness in the cause of justice and equity, the said Archbishop constantly suffers grave loss to the property and revenues of his see. Moreover, advantage has been taken of the fact that he has been unable to appoint a proctor (or attorney as that functionary is commonly called) in the Kingdom of England during his absence, in accordance with the ancient custom of the said Kingdom; wherefore, under cover of this custom, certain proceedings are set on foot to injure the Archbishop and his diocese of Armagh, and to cause detriment to his diocesan revenues. These wrongs are done by summoning the Archbishop to answer in civil causes before a secular court, while no proctor or attorney can defend his rights in his absence.

"Therefore, since the Archbishop is entirely innocent of anything that might offend the meekness of your Majesty—indeed, we believe him to have cast aside everything that might offend the King of kings—and since the inventions of evil men and the fictions of malignant individuals are utterly baseless, so far as he is concerned, we, following the example of our predecessor, Innocent of happy memory, respectfully beseech and exhort your Royal Highness, that you will nowise give heed to such rumours regarding the Archbishop, if they should ever again be whispered to your Majesty, but that you will treat them as the base calumnies of designing flatterers. If any shade of displeasure against the Archbishop should linger in the mind of your Highness, you will banish it for the sake of the reverence which you owe to the Apostolic See, and treat the said Archbishop with entire benevolence and favour.

"And because it were improper that his prolonged stay at the Pontifical court, in furtherance of the interests of his diocese, should result in loss and detriment to himself and his see; we trust that, in virtue of our intervention, your Serene Highness will deem it well to revoke whatever has been done, in pursuance of said custom, to the prejudice of the Archbishop and of the see of Armagh. We also trust that you will allow him, when absent, to appoint his attorneys by letter, or permit his official

to appoint such attorneys in his name. Finally, we hope that you will give effect to our entreaties, in this and other matters touching the Archbishop, in such wise that the desired result may be fully attained, and that your Royal Highness may merit commendation, on the score of sincere zeal, from the Apostolic See.—Given at Naples, on the Ides of January [Jan. 13], in the first year of our Pontificate" [1255].<sup>1</sup>

This remonstrance, in some important particulars, was politely disregarded by the King, who had long since learned the gentle art of diplomatically ignoring such admonitions as tended to lessen the harshness of his feudal regulations. It is true that the intrigue against Reginald seems to have received its quietus from the Pontiff's letter, and we hear nothing further of Henry's animosity to that worthy prelate. But the injustice of preventing the Primate's attorneys from pleading his cause and defending his rights in the civil courts was still maintained; and it drew from Pope Alexander another epistle to the English king some fourteen months later. However, the first expostulation would seem to have produced some effect upon Henry III, for on July 26, 1255, the King granted further "letters of protection for one year for Reynard (Reynardus), Archbishop of Armagh, gone to the Court of Rome by the King's licence."<sup>2</sup> Meanwhile, on February 20 preceding, the Pope had granted a "faculty to H[ugh], Bishop-elect of Meath, to build a cathedral, without prejudice to the Metropolitan, and with consent of his Chapter or clergy." This permission was not deemed wholly satisfactory by Bishop Hugh's proctors, as no Chapter existed in Meath at the time. The grant was, therefore, re-issued in an amended form on March 15, 1255: "Faculty to Hugh, Bishop-elect of Meath, to build a cathedral, with the assent of the Archbishop of Armagh and the clergy of the diocese, there being no Chapter."<sup>3</sup> Strangely enough, Hugh de Taghmon is still described, three years after his original election, as merely Bishop-elect of Meath. It will be remembered that he had received his definitive confirmation as Bishop of the diocese from Innocent IV on October 31, 1254. Bishop Hugh had cherished the desire of receiving consecration from Primate Reginald; but that desire as it would seem, was not destined to be fulfilled.

<sup>1</sup> Wilkins, *Concilia*, I. 710, 711.

<sup>2</sup> *Calendar of State Papers, Ireland*, 1252, 1284, p. 73.

<sup>3</sup> *Cal. Pap. Reg.*, I. 312; Theiner, 65. An important difference between the two grants lay in the fact that the later one allowed Bishop Hugh to build the cathedral on his own property (*in proprio fundo suo*).



*REGINALD'S VICTORY OVER ARCHBISHOP  
MACFLYNN*

On October 14, 1255, a long-drawn controversy between the Primate of Armagh and the Archbishop of Tuam was decided in favour of the former. In his provision for the termination of this dispute Alexander IV begins by stating that "the Roman Church, like a careful and attentive mother, is ever watching over the interests of other churches. She provides a timely remedy for any controversies or conflicts which may arise among them, that they may serve the Lord with increased devotion, and rejoice together in tranquillity and peace."

Summarising the history of this particular controversy the Pontiff notes that a disagreement had arisen, some considerable time previously, between the Archbishop of Armagh and his Chapter, on one side, and the Archbishop of Tuam (Florence MacFlynn, the friend and benefactor of the Dominicans of Athenry), on the other. The dispute related solely to the primatial rights of the Archbishop of Armagh over the archdiocese of Tuam. These rights were claimed by Primate Reginald and disallowed by Archbishop MacFlynn, each prelate upholding the privileges and immunities of his own diocese, to the best of his knowledge and ability.

Proctors were appointed on each side, and the question was officially investigated by the Cardinal of St. Nicholas in Carcere Tulliano. In the course of this investigation Primate Reginald's proctor maintained that the Archbishop of Armagh was, and ought to be, Primate of the province of Tuam; that the Archbishops of Armagh had actually enjoyed the right of primacy over the province of Tuam for many generations past; and that, consequently, the Archbishop of Tuam was bound to recognise the Archbishop of Armagh as his Primate and immediate superior. Since, however, Archbishop MacFlynn declined to render obedience, reverence, and other observances due to the Primate of Armagh, Reginald's proctor demanded that the western prelate should be constrained to do homage and obedience to the Archbishop of Armagh in his capacity as Primate. The proctor demanded, moreover, that it should be defined, by judicial sentence, that the Archbishop of Armagh was Primate of the province of Tuam, and that, as such, he was the immediate superior of the Archbishop of Tuam.

These claims were resisted by the proctor of the Archbishop of Tuam, who produced a certain indult of Pope Celestine (probably Celestine III, 1191-1198), together with various other documents, besides calling a number of witnesses to testify on behalf of Tuam. The evidence on both sides was closely scru-

tinised and minutely discussed by Alexander IV and his Cardinals, with the result that the Pontiff decided to abstain from pronouncing judgment on the merits of the case. He preferred to close the controversy by issuing a "provision" which should regulate the relations of Tuam with Armagh for the future.

According to the terms of this papal provision the Archbishop of Armagh and his successors were at liberty, if they chose, to style themselves Primates of the province of Tuam. They were at liberty to have the cross carried before them throughout the province, on any and every occasion when they might happen to pass through its territory. They might hold a visitation of the entire province, once in five years, but the duration of such visitation should not exceed twenty-seven days. If they chanced to leave the province before the expiry of this allotted number of days, they should not be entitled to return for the purpose of completing their visitation, until after the lapse of five years, and their next visitation should not last longer than the prescribed period of twenty-seven days. An exception was allowed in the case of a Primate who might be prevented by some party or parties in the province of Tuam from concluding his visitation within the term specified, and who might be forced to quit the province by reason of such opposition; in that case the Primate was to be at liberty to resume his visitation and carry it on during the remaining days of the statutory period.

Any faults or abuses which the Primate might observe in the course of his visitation, he was to correct, in a friendly way, by means of persuasion, exhortation, and salutary counsel; but ecclesiastical censures were to form no part of his armoury. Should the foregoing measures prove unavailing, and should the exercise of penal jurisdiction and the infliction of censures seem desirable, the Primate was to report matters to the Bishops concerned. In case these prelates betrayed any negligence in correcting the abuses thus brought to their notice, the Primate was to report, in due course, to the Archbishop of Tuam. Faults observed in the suffragan Bishops, or in the archdiocese, were to be duly notified to the Archbishop of Tuam; and the faults of that prelate, as well as any abuses which he and his suffragans might persist in leaving uncorrected throughout the province, were to be made known to the Sovereign Pontiff, with a view to their due correction and amendment.

During the aforesaid term of twenty-seven days, the visiting Primate might receive "procurations"—which may be described as the ecclesiastical equivalent of coigne and livery—in the places visited by him.<sup>1</sup> The total number of such enter-

<sup>1</sup> *Procuratio* is obviously a word of many meanings. According to Du Cange, it signified a banquet, a meal, a dish—"quodvis convivium, cibis, ferculum." More usually it meant the entertainment which a



tainments should not exceed twenty-seven ; but no portion of the province was to be exempt from this duty of hospitality. The Archbishop of Tuam, his suffragans and their subjects were to contribute their respective shares of the cost of this round of entertainments ; but none of these hospitable functions in honour of the visiting Primate was to cost more than two marks sterling, or about £16 in our modern currency. Each visitation would thus entail a maximum expense of some £430, which had to be borne by the province ; and it was the duty of the Archbishop and his suffragans to make timely and proper preparation, so that the Primate of Armagh might be entertained in a worthy manner. The Primate and his successors had power to impose the ecclesiastical censures of excommunication, suspension, and interdict upon all persons who should impede the visitation, or decline to pay their proper share of the prescribed expenses.

Moreover, the suffragan Bishops of the province might lawfully appeal from the Archbishop of Tuam to the Primate of Armagh, in all cases with which they were concerned, whether as plaintiffs or defendants, and their antagonists were also to enjoy the same privilege. From inferior tribunals, however, while an appeal to the Archbishop of Tuam might be permissible, a direct appeal to the Archbishop of Armagh was disallowed. Still, it was to be clearly understood that any persons who laboured under a grievance were always entitled to appeal to the Holy See, without submitting their cause to the judgment of their immediate ecclesiastical superiors.

As regards the disputes of which the Archbishop of Armagh was entitled to take cognisance on appeal, he had full jurisdiction to deal effectively with such cases, but he had no power to touch the person of the Archbishop of Tuam. The latter prelate was to be regarded as free and exempt ; his election was to be confirmed by the Apostolic See, from which he was to receive the pallium, and to which he was to make oath of fealty. The Archbishop of Armagh was to rest content with the powers and privileges above specified ; he was to claim no sort of jurisdiction in the province of Tuam beyond what had

vassal was bound to provide for his lord at stated times : "*Procuratio dicitur de exceptione stata ac debita dominorum a vassallis, a quibus hospitio et conviviis conductis vicibus excipiebantur, cum in eorum prædia divertebantur : quæ quidem procuraciones interdum in summam aliquam pecuniariam convertebantur.*" The same name was given to the hospitality and entertainment which the clergy were bound to extend to a prelate on visitation : "*Procuraciones Episcoporum et Archidiaconorum, quæ debentur a Sacerdotibus, cum Ecclesias sibi subditas ii visitant : de quarum immodicis sumptibus crebræ ad summos Pontifices delatæ subinde querelæ, qui eas coercuere cum in Conciliis tum in Bullis suis.*" These "*procurations*" sometimes needed pruning, as is clear from the account of a visit paid by a sporting Archdeacon to a Richmond parish.—Du Cange, s.v. "*Procuratio.*"

been accorded him by the terms of this provision. The clergy and people of the province of Tuam were to be under no manner of obligation towards the Archbishop of Armagh, save and except the obligations expressly laid down in this papal provision.<sup>1</sup>

This final settlement represented a genuine victory for Primate Reginald over his able and resourceful adversary. When Archbishop MacFlynn "crossed the sea to converse with the King of England" in 1255, we know that he complained bitterly of the tyranny and chicanery of Henry III's agents in Ireland, and we may reasonably suppose that he also essayed to gain Henry's influence and his good offices in this contest with the Archbishop of Armagh. Archbishop MacFlynn did not long survive his defeat; he died at Bristol early in the year 1256,<sup>2</sup> and Primate Reginald himself soon afterwards passed away.

Few incidents of importance remain to be chronicled in the last year of Primate Reginald's life. On March 4, 1256, Alexander IV granted a "Dispensation to Master Abraam, Archpriest of Armagh, at the request of the Archbishop, whose chaplain he is, to hold one benefice with cure of souls, besides the two which he has, whose value does not exceed 25 silver marks."<sup>3</sup> This Master Abraam was no other than Abraham O'Connellan, Archpriest and Canon of Armagh, who was destined to be Reginald's successor on the throne of St. Patrick. During his brief reign Archbishop O'Connellan found time to disregard the provision of Alexander IV touching the province of Tuam; he appointed Archdeacon Milo of Clonmacnois to the bishopric of Elphin, but the court of Rome pronounced his action irregular and illegal.

#### REGINALD'S ATTORNEYS—POPE ALEXANDER'S LETTER

Henry III still clung to his arbitrary and oppressive custom of penalising those of his subjects who happened to be absent from the realm. He continued to deprive them of their natural right of appointing legal representatives to safeguard their interests in the civil courts. He declined to modify this harsh procedure in favour of Primate Reginald, even at the urgent

<sup>1</sup> Theiner, *Vetera Monumenta*, 68, 69; *Cal. Pap. Reg.*, I. 324.

<sup>2</sup> He must have died at least a month or two prior to June 29, 1256, on which date "Reginald, chaplain, and Maurice, called Lumbard, clerk, having come to the court with letters of the Dean and Chapter of Tuam, praying licence to elect to their archbishopric vacant by the death of Florence, late Archbishop; the Dean and Chapter have licence accordingly."

—*Calendar of State Papers, Ireland, 1252-1284*, p. 84.

<sup>3</sup> *Cal. Pap. Reg.*, I. 328.



solicitation of the Pope. Letters of protection, it is true, were repeatedly granted to the Primate during his absence from Ireland. But there were at least six different kinds of lawsuits against which these letters were of no avail. Besides, in the intervals between the expiry and renewal of these grants of protection, the Primate was absolutely at the mercy of his enemies. All manner of actions might be entered against him, during these intervals, by sharp and unscrupulous lawyers; and such lawsuits would not be affected by subsequent grants of protection. No lawyer could plead on his behalf in court, or defend him against actions begun during such periods, nor could any lawyer defend him in any of the six species of lawsuits which were not covered by his letters of protection. Grievous wrongs and gross miscarriages of justice were the inevitable result of such a system.

The feudal rule on which Henry III insisted so firmly was, that a subject of the English Crown, during his absence from the realm, had no power to nominate a legal agent for the protection of his interests in the secular courts. Before his departure, apparently, the subject could appoint an attorney for the purpose; and Alexander IV seems to imply that such an appointment had been made by Primate Reginald. If that was so, the injustice meted out to him was all the more flagrant and indefensible. On March 27, 1256, therefore, Alexander IV wrote a coaxing letter to the English king, imploring him to allow Reginald's attorneys to plead on his behalf in the civil courts. The Pope's letter, with its quaint turns of phrase, and its biblical and liturgical allusions, may be freely translated as follows:

"Alexander, Bishop, servant of the servants of God, to his most dear son in Christ, . . . the illustrious King of England, health and Apostolic benediction.

"The Lord of hosts, from whom are holy desires, wise counsels and righteous works, has so filled your heart with virtuous inclinations that, while intent on ruling your temporal kingdom, you still find time for the cause of the Crusade, for pious deeds and suchlike works, whereby you may become entitled to possess the Heavenly Kingdom. Among the graces wherewith you are adorned by the bounty of God, there is one that shines with particular lustre. Churches and ecclesiastics, especially the more God-fearing among them, are the objects of your special affection. You treat them with bounty and favour; you console them in their difficulties, when occasion arises, by lending a kindly and favourable ear to their petitions.

"As it is fitting that your gracious Majesty should show larger benevolence and more benign favour to those who are eminent for their moral integrity and specially acceptable to us and to the Apostolic See, we affectionately beseech your Serene

Highness to recognise, in your clemency, the proctors whom our venerable Brother, the Archbishop of Armagh, before quitting his diocese, appointed for the purpose of conducting his affairs and those of his see in Ireland. We request that you will do this (as we have already requested in a former letter) out of reverence for us and for the Apostolic See, notwithstanding a custom which is said to prevail in your kingdom, whereby proctors or attorneys, to represent them in the royal courts, cannot be appointed by persons who are absent from the kingdom; especially as the Archbishop himself declares that, under pretext of this custom, very many losses have been caused to himself and his diocese.

"You will, therefore, endeavour to comply with this request of ours, for the Archbishop enjoys great acceptance with the Roman Church. We shall esteem your favour to him in this matter as a boon conferred upon ourselves, and we shall reward you in turn with special favours.—Given at the Lateran, 6 Kal. April, in the second year of our pontificate."<sup>1</sup>

#### MACFLYNN AND O'BROGAN IN A NEW LIGHT

This letter was diplomatically ignored by Henry III, whose policy it was, throughout his long reign, to extract whatever he could from the Popes, while turning a deaf ear to their appeals for justice and clemency. During his few remaining months of life, Primate Reginald gained no redress from the English monarch. More than a year after Reginald's death, his successor, Abraham O'Connellan, spent the winter of 1257-58 at the papal court in Viterbo.<sup>2</sup> The new Primate placed before Alexander IV certain facts which exhibit the foregoing transactions, and some of the actors therein, in a new and unexpected light.

According to Primate O'Connellan's statement, Reginald had obtained the King's permission for his journey to the Apostolic See. We know, moreover, from the State Papers, that, on the occasion of his departure, "letters of protection" were granted him by the King, and repeatedly renewed during his absence abroad. Before quitting the realm, Reginald had also taken the precaution of nominating no fewer than four proctors or attorneys, to act as his legal representatives in the secular courts, so that his interests, and those of his see, might be duly safeguarded. But he forgot the resources of legal chicanery

<sup>1</sup> Rymer, *Foedera*, I. 585.

<sup>2</sup> In December and January, 1257-58, he was authorised to contract loans amounting to 1,300 marks, or about £10,400 in modern money, "to meet expenses incurred in expediting his affairs and those of his see."—*Cal. Pap. Reg.*, I. 355.



which his enemies had at hand. Being a foreigner, he was doubtless unaware that his appointment of attorneys, in order to be valid, should be submitted by him in person to the King or the Justiciary, with a view to its approval. He omitted this formality, and consequently found himself at the mercy of his foes.

Archbishop MacFlynn and Bishop O'Brogan were not slow to take advantage of the legal plight of the absent Primate. They filed a number of malicious claims for possession of his see-lands at Termonfeckin, Kilchocar, and other places. It was in vain that Reginald's attorneys appeared in court to resist these unjust and unscrupulous claims. They were told that their irregular appointment gave them no right to plead; they had no *locus standi*. The secular judges pronounced Reginald contumacious, owing to what they were pleased to regard as his non-appearance. They awarded his diocesan lands to Archbishop MacFlynn and Bishop O'Brogan; and, to give effect to this inequitable decision, they placed these prelates in actual possession.<sup>1</sup>

In view of these facts, Alexander IV wrote (December 13, 1257) a severe letter of remonstrance to Henry III. As the King hoped for eternal glory, he was bound—so the Pontiff reminded him—to preserve the Church's liberties. If any of his subjects presumed to invade the Church's rights, it was Henry's duty to punish the offender. In setting forth the injustice which had been done to Primate Reginald and his archdiocese, the Pontiff bluntly informed his royal correspondent that the law which prevented Reginald's attorneys from defending his rights was an unjust enactment; that it was contrary to Canon Law, and should be regarded as of no binding force. He demanded that Henry should revoke the unjust decision given by his judges against Primate Reginald and his see; and, furthermore, he demanded that Henry should restore the diocese of Armagh to the position in which it was left by Primate Reginald on his departure from Ireland.<sup>2</sup>

<sup>1</sup> From Prince Edward's mandate of December 26, 1254, already quoted, it seems clear that June 24, 1255, is the earliest date to which the decision in favour of the prelates may be assigned. MacFlynn did not long enjoy the fruits of this unworthy manœuvre, which leaves a stain upon his memory. He died some months earlier than Primate Reginald, as we have seen. Bishop O'Brogan, on the other hand, survived Reginald by ten or eleven years.

<sup>2</sup> "Alexander Episcopus, servus servorum Dei, carissimo in Christo filio . . . illustri Regi Angliae, salutem et Apostolicam benedictionem.—Gloriae perennis obtentu ad hoc intenta tua debet haberi Sublimitas, ut libertas Ecclesiastica vigeat; et, si contra illam ab aliquo subditorum tuorum temere quicquam praesumitur, illud tuae providentiae subsidio corrigatur. Sane venerabilis frater noster A[braham] Archiepiscopus Armachan. retulit coram nobis quod, cum bonae memoriae R[eginaldus] Armachan. Archiepiscopus, praedecessor ipsius, pro Primatia, de qua cum venerabili fratre nostro . . . Tuamensi Archiepiscopo

What action, if any, was taken by Henry III in consequence of this letter, we do not know. Nor do we know the precise year in which Termonfeckin was restored to its rightful owner. But in 1278 we find Primate Nicholas claiming "the wreck of the sea in the tenement of Tarmonfeckin," that tenement being doubtless in his possession at the time. In 1283 the same Primate Nicholas certainly had possession of the vill of Termonfeckin and certain tenements therein<sup>1</sup>; and the manor of Termonfeckin remained in the hands of the Catholic Primates down to the evil days of the so-called Reformation.

### PLURALISTS, GRACES—AND THE END

After this long but necessary digression, we must now turn to the final incidents of Reginald's career. On April 11, 1256, the Pope granted a "Faculty to the Archbishop of Armagh,

contendebat, et quibusdam aliis suis et Ecclesiae Armach. negotiis, de licentia tua iter arripiens ad sedem Apostolicam veniendi, constituisset quatuor Procuratores (qui vulgariter in partibus illis attornati vocantur), concessa eis, in omnibus causis motis et movendis contra ipsum ac eandem Ecclesiam, in tua, seu justiciariorum, et quorumlibet officialium tuorum curia, agendi, respondendi, et defendendi, libera et plenaria potestate. Dictus Archiepiscopus Tuamen. et venerab. frater noster . . . Episcopus Clochoren. scientes quod nec iidem Procuratores vel attornati dictum R. Archiepiscopum, secundum quandam legem Regni tui, non sine juris injuria editam, in causis movendis defendere, nec ipse, nisi praesens esset coram te vel dictis Justiciariis, Procuratorem constituere poterat; contra eundem R. super Tarmenfeethyn, Kilchocar, et quibusdam aliis terris ac possessionibus moverunt malitiose in dicta Curia quaestionem. Et licet praefati Procuratores, seu attornati, habentes mandata sufficientia ad praemissa omnia, se frequenter ad defensionem ipsius R. super hiis paratos, necnon de ratihabitione ad exhibendam idoneam cautionem, coram dictis Justiciariis obtulissent; ipsi tamen Justiciarii, ad instantiam partis adversae, legem allegantes eandem, dictos Procuratores admittere ad praefata contra justitiam denegantes, ac ipsum R. constitutum apud Sedem Apostolicam, reputantes exinde pro suo libito contumacem, praesentibus eisdem Procuratoribus, supradictas possessiones Archiepiscopo Tuamen. et Episcopo adjudicare indebite procurarunt, eosque in possessionem illarum fecerunt induci, in ipsius Ecclesiae Armach. praepjudicium, et libertatis Ecclesiasticae non modicum detrimentum. Cum itaque per te super hoc, qui Deum et justitiam diligis, adhibere deceat provisionis remedium salutaris, Serenitatem tuam attente rogandam duximus et monendam, quatenus, provide considerans quod supradicta Lex manifeste obviat institutis Canonicis, et propter hoc, ea, quae ipsius praetextu fiant, carere debent robore firmitatis, hujusmodi processum Justiciariorum tuorum revoces et revocari facias, ac supradictam Ecclesiam Armachan. ad eum statum in quo erat, tempore quo idem R. de licentia tua iter arripuit veniendi ad sedem Apostolicam, plene reducas; preces nostras in hac parte taliter impleturus ut nos, qui eas tibi ex cordis affectu dirigimus, speciales tuae Celsitudini exinde gratias referamus.—Dat. Viterbii, Id. Dec. Pont. nostri anno tertio."—Rymer, *Foedera*, I. 647, 648.

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, pp. 281, 489.



Primate of Ireland, to deal with those clerks of his diocese who hold a plurality of benefices with cure of souls, without papal dispensation, and to give seven such benefices to fit persons, who will reside in them and take orders."<sup>1</sup> Reginald doubtless meant to eject the pluralists and place worthy ecclesiastics in their stead; but it would seem that he was not spared to carry out this purifying process. Pluralism was one of the noxious evils of the Irish Church in the thirteenth century; and it would appear that the most unabashed pluralists, holding the fattest benefices and eager for more, were English or Anglo-Irish ecclesiastics. Dispensations were granted to such pluralists with a facility amounting to laxity; very often, indeed, they took possession of benefices without the formality of seeking a dispensation. We very seldom hear of the vicars whom such pluralists were supposed to appoint for the work of the ministry; and there is grave reason to fear that the spiritual interests of the people were sometimes sadly neglected.

A rare instance of the appointment of such a vicar occurs in the next entry relating to Primate Reginald. On May 15, 1256, the Pope granted an "Indult to R., Archbishop of Armagh, to hold to his uses the church of Termunfeekin, of his patronage, a vicar's portion being set aside."<sup>2</sup> It is clear that Reginald had retained the right of patronage in the parish of Termonfeekin; in virtue of this indult he could regard it henceforward as a mensal parish. Indeed, this indult, expressly recognising his right to the advowson of Termonfeekin, and permitting him to use it as a mensal parish, may be regarded as Reginald's third and final victory over Bishop O'Brogan; and its moral significance was not impaired by the fact that feudal chicanery might maintain the latter prelate for a time in unjust possession of the manor. On the whole, when we consider Primate Reginald's numerous successes against the invaders of his diocesan and primatial rights, it is not easy to resist the conclusion that his presence at the papal court was of greater usefulness to his diocese than his presence in Armagh could possibly have been.

About July 22-23, 1256, the English monarch granted "Letters of protection during one year from Michaelmas for R[eynard], Archbishop of Armagh, gone by the King's licence to Rome for affairs of his church."<sup>3</sup> But long before Michaelmas of the following year, Primate Reginald had gone to his heavenly reward. He had successfully vanquished his opponents, one by one; but he was not destined to enjoy in this world the fruit of his labours. He died in Italy, possibly at Rome, as some

<sup>1</sup> *Cal. Pap. Reg.*, I. 330.

<sup>2</sup> *Ibid.* I. 331.

<sup>3</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 84.

say ; possibly at Anagni, where the papal court was held during the latter half of the year 1256. His mortal remains may have been laid to rest in the monastery of S. Maria di Gloria at Anagni ; for we know that, in the following year, his successor bestowed an Irish benefice upon the monks of that community, in token of his gratitude for their devoted kindness to Primate Reginald. If Archbishop O'Connellan, on his visit to Italy in 1257, discovered that his predecessor had spent his declining days among these generous and hospitable monks, he would naturally feel inclined to confer upon them some mark of appreciation and esteem.

On February 20, 1257, the English king, who was then at Windsor, gave " licence for the Dean and Chapter of Armagh, by Masters Laurence and Patrick, their proctors, to elect an Archbishop,"<sup>1</sup> in place of Reginald. From the date of this *congé d'élire* we may plausibly infer that Reginald had passed away in October or November, 1256. By his last will and testament the deceased Primate had appointed as his executors Patrick O'Scannell, Bishop of Raphoe, Milo de Dunstable, the new Bishop of Ardagh, and Bertram, Archdeacon of Armagh.<sup>2</sup> Bishop O'Scannell, as we have seen, had owed his promotion principally to the friendship and influence of Primate Reginald ; and if we mistake not, the same was likewise true of Bishop Milo de Dunstable. It is not improbable that Archdeacon Bertram of Armagh may have been the " Archdeacon B." whom Reginald had commissioned, two years earlier, to receive the oath of fealty of Hugh de Taghmon, Bishop of Meath.

On April 9, 1258, Alexander IV confirmed Archbishop O'Connellan's donation to the Abbot and monks of S. Maria di Gloria. The new Primate of Armagh had bestowed on these good monks the Church of St. Berac in Kellberig (Kilberry), within the diocese of Meath—the patronage of said church having juridically passed, on that occasion, to the Metropolitan. Among the chief motives which prompted this gift to the kindly Italian monks Pope Alexander reckons " devotionis obsequia bone memorie R. Archiepiscopo Armachano, predecessori suo, a vobis dudum caritative impensa." <sup>3</sup>

It may be said, without exaggeration, that Primate Reginald was fortunate in his friends. He had a genius for making friends, of various nationalities ; and, what is much rarer, he had a

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 84.

<sup>2</sup> Ware-Harris, I. 67.

<sup>3</sup> Theiner, 79 ; *Cal. Pap. Reg.*, I. 356. The present Bishop of Anagni, Monsignore Silvio Gasperini, has kindly informed me that the church of S. Maria di Gloria, four kilometres from Anagni, is still standing ; the venerable edifice now bears visible marks of age and decay. It belongs at present to the Lateran Chapter, but is known to have formerly been a conventual church of the Order of Flores. No memorial of Primate Reginald, however, is now in existence there.



genius for retaining them. The donation just specified is an example of his Irish successor's affectionate regard for his memory. To those who can read between the lines of dry official summaries, the steadfast friendship existing between Reginald and another Irishman, Bishop O'Scannell, needs no emphasizing. That among Anglo-Irish ecclesiastics Master Milo and Archdeacon Bertram were his fast and devoted friends, seems likewise clear, unless my reading of the official entries is entirely at fault. Most worthy of note is the fact that Reginald's friends were not chosen, as friends sometimes are, at haphazard—his friends were men of outstanding personal merit. Bishop O'Scannell became one of the ablest and most active Primate who ever sat in the chair of Armagh, and Bishop Milo de Dunstable governed his diocese of Ardagh, with a success which poor Bishop MacGeoy might have envied, during a long period of years.

Reginald, moreover, was fortunate in winning the esteem and friendship of three such Pontiffs as Gregory IX, Innocent IV, and Alexander IV; and he had, as he tells us himself, many kind and attached friends among the great dignitaries of the Roman court. His influence with Popes Innocent and Alexander is best shown by the uninterrupted series of concessions which he obtained from them, on behalf of his primate's see. He even went further than probably any Irish prelate of his time towards gaining the friendship of the unstable and capricious Henry III. Primate Reginald was a good friend to his friends; he was a good fighter; but he was not a good hater. No word of rancour—except, possibly, the solitary word "malicious," most justly applied to the action of Bishop O'Brogan—can be traced to his pen.

By his contemporary, Gerard de Frachet, Primate Reginald was extolled, even in those primitive days of exuberant fervour, as "a deeply religious man." Pope Alexander IV bore testimony, in his turn, that the saintly Primate "was believed to have cast aside all that might offend the King of kings," and singled him out as one of those who were "eminent for their moral integrity and specially acceptable to the Apostolic See." Centuries later, Archdeacon Lynch summed up the verdict of historians by attesting that Primate Reginald was "a man of grave and strong character, an admirable pastor, worthy of being held in abiding remembrance and esteem."<sup>1</sup>

<sup>1</sup> "Eum virum gravissimum, pastorem optimum, omnique memoria observationeque dignum fuisse, sui ordinis Historici testantur."—Lynch, *De Praesulibus*, T.C.D. copy, I. 58.

#### IV

## BISHOP CRISTIN OF ARDFERT

(1253-1256)

THE Kingdom of Kerry has produced a notable array of gifted men, who have risen to eminence in many walks of life. Some of Kerry's sons have won lasting renown as statesmen, others as soldiers, administrators, economists, poets, scholars, and so on.<sup>1</sup> But on the historical side, the Kingdom betrays a distinct and deplorable weakness. No doubt, it has given us the rather unsatisfactory *Annals of Innisfallen*<sup>2</sup>; it has also been the birthplace of some admirable Gaelic scholars, and of one or two distinguished antiquarians. It cradled that devoted and versatile Dominican, Dominic O'Daly, ambassador to several European courts, founder of religious houses, and historian of the Geraldines. On the whole, however, it must be admitted that Kerry has been lamentably deficient in chroniclers and historians. Its medieval history is a haze; its medieval Bishops are little more than names. The province of Connacht, from the Anglo-Norman invasion to the so-called Reformation, is kept constantly in the limelight by its industrious and careful annalists; lesser lights gleam over Leinster and Ulster, but Kerry remains in the dim and shadowy background. No history of the united dioceses of Ardfert and Aghadoe has ever been written by a competent Catholic pen; none, that I am aware of, has ever been attempted by a Protestant writer.

The career of Bishop Cristin, or Christian, of Ardfert, furnishes a characteristic example of the way in which Kerry's medieval prelates are almost lost to view in the encircling gloom. His life-story, as related by writers of the school of Ware, consists of a bald and misleading sentence or two. His very surname is unknown.<sup>3</sup> His activities, whether as priest or prelate, have mostly faded into oblivion. The present account of him, though much fuller than any hitherto compiled, is necessarily meagre and unsatisfactory.

<sup>1</sup> O'Donoghue, *Geographical Distribution of Irish Ability*, pp. 91-96.

<sup>2</sup> Published in Vol. II. of O'Connor's *Rerum Hibernicarum Scriptores*.

<sup>3</sup> I suspect that his name Cristinus is merely a Latin form of Giolla-Chriost, which is said to have been a favourite forename among the O'Sullivans. Christian is now the usual anglicised form of Giolla-Chriost.



Bishop Brendan, the predecessor of Cristin, had been Provost of Ardfert before his elevation to the episcopate. After a fair span of years, the infirmities of age impelled him to tender his resignation to the Holy See. Hence, on August 1, 1251, Innocent IV issued a "mandate to the Archbishop of Tuam to receive the resignation of the Bishop of Ardfert, disabled by age, and to assign to him some provision out of the goods of the see."<sup>1</sup>

There is a curious discrepancy between the English and the Roman records on the subject of Bishop Brendan's demise. The former state positively that he had died before April 20, 1252; the latter imply that he was still living in August of the following year. In any case, it is certain that not long after his retirement from active duty, the venerable prelate closed his career. On April 20, 1252, his death was noted by Henry III, on the strength of letters received from the Dean and Chapter of Ardfert; and the English monarch authorised his Irish Justiciary to issue a licence for the election of Brendan's successor: "Although the Dean and Canons of the church of Ardfert, *vacant by the death of Brendan*, late Bishop, had demanded licence to elect by letters close, and otherwise differently from what they ought to have done, yet the King, of special grace, commands the Justiciary of Ireland to give them licence. When they have made their election, they shall present the elect to the King by proper letters and persons."<sup>2</sup> As we shall presently see, this seemingly conclusive entry does not finally settle the question of Bishop Brendan's decease.

At this point, Harris endeavours to correct Ware, and succeeds in falling into an anachronism of ten years. According to Harris, Bishop Brendan resigned in 1242, "in which year the Dean and Canons of Ardfert petitioned the King by a sealed Letter, and not in the legal Form, for Licence to proceed to the election of a new Bishop, upon a vacancy, made by the Cession of Brendan; and the King granted a power to the Lord Justice to issue such Licence, and to present the person elected to him. But what Bishop succeeded between the Resignation of Brendan and the Advancement of Christian in 1252, I have not been able to find."<sup>3</sup> The truth is, that no Bishop succeeded "between the Resignation of Brendan and the Advancement of Christian." Between the two events, there was an interval of only two years, not of ten years, as Harris imagined. No reference is made to the alleged resignation of Bishop Brendan in the *Irish Calendar of State Papers* for the year 1242; on the contrary, in a royal mandate of October 28, 1243, Brendan is men-

<sup>1</sup> *Cal. Pap. Reg.*, I. 274.

<sup>2</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 2.

<sup>3</sup> Ware-Harris, I. 520.

tioned as actual Bishop of Ardfert.<sup>1</sup> The royal licence, of which Harris gives an inexact summary, is obviously the licence issued by Henry III in 1252, after Bishop Brendan's death had been reported to him by the Chapter.

We shall do well to observe the leisurely sequence of events. In August, 1251, Innocent IV commissions the Archbishop of Tuam to receive Bishop Brendan's resignation. Eight months later—in April, 1252—Brendan's death is officially notified to the English court at Westminster, and Henry III issues his *congé* for the election of a successor. Ten months later still—on February 23, 1253—the royal assent is given to Cristin's election: "Royal assent to the election made of Brother Christian, of the Dominican Order, as Bishop of Ardfert. Mandate thereupon to the Justiciary of Ireland."<sup>2</sup> After another interval of six months, Innocent IV issues, on August 17, 1253, a command which is thus summarised:

"Mandate to the Bishops of Killaloe, Limerick, and Emly, on the showing of the Dean and Chapter of Ardfert that they elected to their church, *void by the cession of Bishop Brandin*, Cristin, a Friar Preacher of the convent of Trahili, which election, the Archbishop of Cashel dying before he could confirm it, they pray the Pope to confirm. The above Bishops are ordered to examine the election, and if they find it to be canonical, to confirm it; if not, to cancel it, and make provision by another election."<sup>3</sup>

The foregoing facts suggest certain inferences which are not devoid of interest. There is an element of mystery in the conflicting reports forwarded by the Ardfert authorities to England and Rome respectively. Why did the proctors of Ardfert assure the Holy Father in August, 1253, that the see was vacant by the resignation of Bishop Brendan—thereby clearly implying that Brendan was still alive—whereas the Chapter of Ardfert had assured Henry III, some sixteen months earlier, that the aged prelate had already passed away? It would seem that the Canons, for some occult reason, told one story to Henry III, and that their representatives afterwards told a quite different story to the Sovereign Pontiff.

It may be, of course, that an error—consisting in the writing of "death" for "resignation," or *vice versa*—has crept into one of the Calendars or into one of the original records. But the summary just cited from the *Calendar of Papal Registers* corresponds exactly with the original papal mandate as published by Theiner; the Roman authorities, it would seem, were led to believe that Bishop Brendan was still living. The confusion, indeed, may have been caused, through an oversight or

<sup>1</sup> *Calendar of State Papers, Ireland*, 1171, 1251, p. 393.

<sup>2</sup> *Ibid.* 1252-1284, p. 23.

<sup>3</sup> *Cal. Pap. Reg.*, I. 289, 290.



otherwise, by the Roman official who drafted the papal mandate. Knowing from his records that the see had become vacant, in the first instance, by the resignation of Bishop Brendan, he may have thought proper to ignore the subsequent fact of Brendan's death. It may have been the custom of the Curia, in such a case, to regard a diocese as vacant *per cessionem* rather than *per mortem*. At all events, the wording of the mandate suggests that Innocent IV was led to regard Bishop Brendan as still alive.<sup>1</sup>

In the second place, we may note the fact that ten months elapsed between the King's licence to elect and his royal assent to the election of Cristin. Whether the responsibility for this delay rested with the King or with the Canons is impossible to determine at this distance of time. The delay, however occasioned, compelled the Canons to have recourse to the Holy See.

It was not customary in those days for the Metropolitan to confirm the election of a suffragan Bishop until the royal assent had first been obtained. The royal assent to Bishop Cristin's election was granted on February 23, 1253; and on March 2 following, the Dominican Archbishop of Cashel, David MacKelly, breathed his last. When the news of the royal assent to Bishop Cristin's appointment reached Ireland, the Metropolitan, whose office it was to confirm the election, was already dead. Hence the necessity of an appeal to the Holy See.

Bishop Cristin, as we learn from the mandate then issued by Innocent IV, was a Dominican of Tralee Priory. That religious house was then a relatively new foundation, having sprung into existence in 1243, just ten years earlier, through the munificence of John FitzThomas Fitzgerald, the direct ancestor of the illustrious but ill-fated Desmond line. The founder himself was still alive in 1253; he was destined to end his life on the disastrous field of Callan, in a bloody engagement with MacCarthy Mor, in 1261. Of Bishop Cristin's parentage or nationality we have no certain knowledge, but it seems highly probable that he was an Irishman. His name is latinised as *Cristinus*, not *Christianus*, whence we may infer that "Christian," as he is commonly styled, is slightly a misnomer.<sup>2</sup> He must have won golden opinions from the Canons of Ardfert, who elected him, by a spontaneous and unanimous choice, to govern their see. They commended him, moreover, to the Pope in terms

<sup>1</sup> "Decanus et Capitulum Ardfertensis ecclesie per litteras et nuncios suos nobis exponere curaverunt, quod eorum ecclesia per Venerabilis fratris nostri Brandini quondam ipsius Episcopi factam de nostra licentia cessionem pastore vacante," etc.—Theiner, *Vetera Monumenta*, p. 58.

<sup>2</sup> Innocent IV and Henry III both call him "Cristinus."

of warm praise, laying special stress on his scholarly attainments.<sup>1</sup>

Of Cristin's brief episcopate no details have come down to us. He is not even named as actual or former Bishop of Ardfert in any of the original records, whether ecclesiastical or secular. Still, he is accorded his proper place in the succession by all the standard authorities, and rightly so. For it is extremely unlikely that the papal commissioners—in view of his unanimous election by the Canons of Ardfert, and in view of the royal assent already given to that election—would have ventured to invalidate his appointment. We should doubtless know a good deal more about him if his Kerry contemporaries had done their duty as chroniclers; but the Kerry intellect, unfortunately, seems little inclined towards history.

Cristin's consecration could scarcely have taken place before the close of 1253; yet in August, 1256, the see is vacant once more. About August 20 in the latter year, "George, clerk, Canon of Ardfert, having come to the King with letters of his church [praying licence to elect], the Dean and Chapter of Ardfert have licence accordingly."<sup>2</sup> On or about March 23, 1257, the royal assent was given to the election of Master

<sup>1</sup> "Innocentius Episcopus etc. Venerabilibus fratribus . . . Laoniensi, . . . Limiricensi et . . . Ymiliacensi Epis. salut. etc. Dilecti filii . . . Decanus et Capitulum Artfertensis ecclesie per litteras et nuncios suos nobis exponere curaverunt, quod eorum ecclesia per Venerabilis fratris nostri Brandani quondam ipsius Episcopi factam de nostra licentia cessionem pastore vacante, ipsi vocatis omnibus, qui potuerunt, voluerunt et debuerunt commode interesse, die ad eligendum prefixa convenientes in unum, et invocata spiritus sancti gratia, ut est moris, dilectum filium fratrem Cristinum de ordine Predicatorum in Conventu de Trahili, virum litteratum, providum et honestum, atque in spiritualibus et temporalibus circumspectum, unanimiter et concorditer elegerunt in suum Epum. et pastorem. Verum bone memorie . . . Archiepiscopo Cassellensi Metropolitano loci, qui super confirmatione electionis huiusmodi et consecrationis munere postulandis certas prefixerat dies, interim nature debitum persolvente, dicti Decanus et Capitulum ad nostram duxerunt providentiam recurrendum, humiliter postulantes, ut electionem ipsam confirmari, et eidem electo munus consecrationis impendi in illis partibus mandaremus. Nos igitur de vestre circumspectionis industria plenam in domino fiduciam obtinentes, cum ecclesia Cassellensis, cuius vos dicimini suffraganei, vacet ad presens, mandamus, quatenus inquisita de modo electionis, studiis elegantium, et electi meritis diligentius veritate, si electionem ipsam inveneritis de persona idonea canonice celebratam, illam auctoritate apostolica confirmantes, ac facientes eidem electo debitum obediuntiam et reverentiam ab ecclesie Artfertensis subditis exhibere, munus sibi consecrationis impendere, uno vestrum celebrante, reliquis eidem assistentibus, procuretis. Alioquin eadem electione cassata, faciatis eidem Artfertensi ecclesie de persona idonea, que tanto congruat oneri et honori, per electionem canonicam provideri. Contradictores etc. Nolumus enim, quod per hoc iuri Cassellensis ecclesie in posterum in aliquo derogetur.—Datum Asisii xvi Kal. Septembris, Pontificatus nostri anno undecimo."—Theiner, *Vetera Monumenta*, p. 58.

<sup>2</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 85.



Philip, Canon of Ardfert, as Bishop of that church.<sup>1</sup> We search in vain for any hint as to the cause of the vacancy. The "poverty of the see" is mentioned twice over in the English records within a brief period ; but there is no mention of Bishop Cristin, dead or alive. The standard writers assume that he died in 1256 ; and for want of clearer information, we may subscribe to their opinion.<sup>2</sup>

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 88.

<sup>2</sup> The royal assent to his election may be cited as a specimen of such literature : "De assensu electionis.—Rex electioni facte de fratre Cristino de Ordine Predicatorum in episcopum Ardfertens. regium assensum adhibuit et favorem. Et mandatum est justiciario Hibernie quod postulacioni de ipso facte in patrem et pastorem prefate ecclesie assensum ad presens vice regis adhibeat et favorem. Teste ut supra [Rege apud Windsor. xxiii die Februarii]."—*Rot. Pat.* 37 Henry III m. 16 ; Public Record Office.

## JOHN O'LEE, BISHOP OF KILLALA

(1253-1275)

JOHN O'LEE was the first Connacht Dominican upon whose shoulders the burden of the episcopal office was laid. He was the first of four or five Dominican prelates who have governed the venerable see of St. Muredach, at various times and with varying fortunes, in the course of six centuries. His surname is generally written O'Laidigh, but its modern form is O'Lee, or, more commonly, Lee.<sup>1</sup> He is one of the ten Irish Dominican Bishops of whom the illustrious De Burgo, author of the *Hibernia Dominicana*, makes no mention.

About the year 1253, when O'Lee was raised to the episcopate, the history of the Irish Dominicans is a record of losses and gains. The death of Bishop Alan O'Sullivan of Lismore, soon followed by the demise of Archbishop David MacKell of Cashel, removed two of the most venerated and devoted members of the Order. On the other hand, at this very time, new Dominican houses were springing up in rapid succession, particularly in Connacht. The Priors of Sligo and Strade were founded in 1252; that of Roscommon was built by the generosity of King Phelim O'Connor, in 1253. In this latter year, when O'Lee was designated for the see of Killala, the Priory of Athenry was the only Dominican establishment in Connacht that could look back upon a dozen years of existence; it was, in fact, the only Dominican foundation in the western province until the year 1252. If we assume, as we may very reasonably do, that O'Lee was a Connachtman, and that he belonged to some Dominican community in his native province, we are forced to the conclusion that he was a member of the community of Athenry.

From the *Four Masters* we learn that, in the year 1253, "Gilla-Kelly O'Ruaidhin, Bishop of Hy-Fiachrach [Killala],

<sup>1</sup> The Rev. P. Woulfe, C.C., Kilmallock, a competent authority on Gaelic surnames, informs me that "Ó Laoirigh is now Lee. This form is still in use in Connacht, but with us it is Ó Laoirigh, which is only a more modern form of Ó Laoirigh. I think I have seen Ó Laoirigh even in the Annals." O'Laidigh, as the anglicised form of this surname, is inconsistent and misleading: inconsistent, because it arbitrarily rejects one aspiration while retaining the other; misleading, because it conveys a quite wrong idea of the pronunciation of the name.



died, and John O'Laidig, a friar of the Order of St. Dominic, was elected to succeed him at Killala in Hy-Fiadrach, and the degree of Bishop conferred on him at Tuam on the second Sunday in Lent."<sup>1</sup> The *Annals of Loch Cé*, peculiarly valuable for these western events, likewise place the death of Bishop Gilla-Kelly in 1253. Then they proceed to chronicle the slaying of a certain Connacht personage and the demise of a noble western lady, who was a daughter of the Earl of Ulster, and was interred in the Abbey of Boyle. Next, they record the founding of the Dominican Priors of Sligo and Strade in 1253, thus diverging by a year from the more usual chronology. Immediately afterwards they inform us of Brian O'Neill's fierce and destructive campaign against the foreigners in Ulster. They appear to imply that all these occurrences took place between the death of Bishop Gilla-Kelly and the election or consecration of his successor. Finally, midway in their narrative of the events of 1253, comes a notice of O'Lee's appointment and consecration: "The bishopric of Cill hAlaidh was assumed by John O'Laidigh, i.e., a Friar Preacher; and his degree of bishop was conferred at Tuaim-dha-ghualann, the second Sunday of Lent."<sup>2</sup>

So far, this seems fairly plain sailing, but there are rocks ahead. When we turn to the *Calendar of State Papers* a serious difficulty immediately arises. Under date June 22, 1253, we find the following entry, made by the officials of Henry III: "Alan Mayginnan, clerk, having come to the King's court, demanding on behalf of the Dean and Chapter of Killala licence to elect, the King grants this licence to the Dean and Chapter.—Power to John FitzGeoffrey, Justiciary of Ireland, on account of the poverty of this church, to give the royal assent to the election."<sup>3</sup>

Thus the royal licence to elect was granted on June 22, 1253, yet according to the annalists, on the second Sunday of the preceding Lent—that is to say, on March 16, 1253—the new Bishop of Killala was consecrated at Tuam, doubtless by Archbishop Florence MacFlynn. On this reckoning, O'Lee's consecration was more than three months prior to the granting of the royal licence for his election, and four months prior to the possible promulgation of that licence in Killala. Either the clergy of Killala elected their Bishop first, and sought permission from the English king afterwards, or else the annalists have recorded these transactions in a "conflated" entry. That is to say, the annalists may have given us, under a single year, a succession of events covering at least two years. In other words, Bishop O'Lee's predecessor may have died in the

<sup>1</sup> *Four Masters*, ad an. 1253.

<sup>2</sup> *Annals of Loch Cé*, ad an. 1253.

<sup>3</sup> *Calendar of State Papers, Ireland*, 1252-1284, p. 32.

spring or early summer of 1253, after which Henry III's licence to elect was issued on June 22; and Bishop O'Lee's actual consecration may have taken place only on the second Sunday of Lent—which fell on March 8—in the year 1254. On the whole, however, it seems safest to accept the annalists' narrative as it stands—the annalists' reputation for honesty and accuracy stands very high—and to assume that the Canons of Killala elected their Bishop and made arrangements for his consecration as other Irish Chapters did at this period, without waiting for permission from the English monarch. It would have been a dangerous pastime to trifle in this manner with Henry III, under ordinary circumstances; but the valiant Hugh O'Connor was then raging like a lion throughout Connacht, and could avenge any indignity offered to a prelate of his province, if he chose to do so. Under the circumstances it was, doubtless, good policy on the part of Henry III to overlook a little flouting of his ecclesiastical pretensions, in case he ever discovered the real state of affairs.

#### *AN INDICTMENT OF ENGLISH MISDEEDS*

Be this as it may, a year or two later Archbishop MacFlynn and Bishop O'Lee journeyed to England, as representatives of the Irish Bishops and clergy, to demand from Henry III some redress of the abuses and oppressions practised by the English in Ireland. They set before the English monarch a sinister catalogue of the misdeeds of his subordinates in this country. The corruption and tyranny of the English in Ireland had proved baneful to religion. The Irish Church, robbed of her rights and liberties by Englishmen, tottered on the verge of ruin. It seems highly probable that the courageous Connacht prelates were specially chosen for this mission, as being less liable than their brother-Bishops of Leinster and Munster to reprisals at the hands of English officials. Henry III, in a letter to his son Edward, enumerated the grievances set forth by the prelates, and directed that prince to provide a remedy. The King's letter, dated from Nottingham, July 30, 1255, reveals the existence of a sad state of affairs in the Irish Church:

"The King to Edward, his eldest son and heir. Florence, Archbishop of Tuam, on the part of himself, his suffragans, and all the clergy of Ireland, together with the Bishop of Killala, had laid before the King certain grievances oppressing the Church of Ireland, adding that unless the King should apply a remedy, the Church, robbed of its rights and liberties, would tend to its ruin. The Archbishop complains, first, that they and their tenants are dragged, against the ancient liberties of their churches, into pleas before justices in other provinces, so



that they are obliged to yield to suits or make ruinous compositions; secondly, that some of the King's justices, sheriffs, and bailiffs, in complaints before them agree to share a profit with one party, by which the other party incurs loss and is defrauded of its rights, and this the King bears grievously, because it presses not only on the clergy but on all the people of Ireland; thirdly, that frequent attachments and summonses are issued against them; fourthly, that Irish barons prevent Irishmen faithful to the King from bequeathing their chattels, and Crusaders from fulfilling their vow or redeeming it when they will; and, fifthly, that their burgesses and tenants<sup>1</sup> are distrained to make suit in causes not touching the Bishops or themselves. It becomes the kingly dignity, and is to the advantage and honour of Prince Edward, to defend the rights and liberties of the Church, to nourish it with patronage, to pity the afflicted, and to curb the rebellious. The King therefore commands his son to call before him the Archbishops, Bishops, Abbots, Barons, Justices, and other magnates of Ireland, by counsel of John FitzGeoffrey, Justiciary of Ireland, and other discreet men of his Council and other magnates, and to cause such a remedy to be applied to the grievances as may tend to the welfare and advantage of the Church, of Edward himself, and of Ireland. The King would himself have applied a remedy but for Edward's immediate departure for that country."<sup>2</sup>

This letter failed to bring redress to the Irish Church. Prince Edward does not seem to have visited this country, and the projected conference of Irish prelates and magnates was apparently never held. It was not until nearly a year later that practical steps were taken to curb the overbearing despotism of the English in Ireland.

### ENGLISH INTRIGUE AT THE ROMAN CURIA

Meanwhile, an extraordinary performance was taking place at the court of Alexander IV, who had ascended the papal throne on December 12, 1254, and whom Matthew Paris has depicted as "kind and religious, assiduous in prayer and strict in abstinence, but easily led away by the whispering of flatterers, and inclined to listen to the wicked suggestions of avaricious persons." The new Pontiff was induced to continue Innocent IV's policy of "a war of extermination against the progeny of Frederick II, now reduced to the infant Conradin

<sup>1</sup> The *Calendar* has "burgesses and their tenants," which seems to be a slip. The burgesses and tenants of the Bishops are obviously meant.

<sup>2</sup> *Calendar of State Papers, Ireland, 1252-1284*, pp. 74, 75.

in Germany and the formidable Manfred in Apulia. Many an historian of the present day agrees with the shrewd chronicler that it would have been far more statesmanlike, and might have averted the disasters that were in destiny for the Church, the Empire, and Italy, had Alexander firmly espoused the cause of Conradin. Deterred by the precedent of the infant Frederick, the 'viper' that the Roman Church nourished to become its destroyer, and persuaded that iniquity was hereditary in the whole brood of the Hohenstaufens, he continued Innocent's dubious policy of calling in French or English Beelzebubs to cast out the German Lucifers. On March 25, 1255, he fulminated an excommunication against Manfred, and a few days afterwards concluded a treaty with the envoys of Henry III of England, by which he made over the vassal kingdom of the Two Sicilies to Edmund of Lancaster, Henry's second son. In the contest for the German crown which followed on the death of William of Holland (1256), the Pope supported the claims of Richard of Cornwall against Alfonso of Castile. The pecuniary assistance which these measures brought him was dearly bought by the embitterment of the English clergy and people against the exactions of the Roman See."<sup>1</sup>

The character and politics of Alexander IV throw light on the strange attitude which he thought fit to adopt towards the rights and liberties of the Irish Church, in December, 1255. Some faint idea of the Pontiff's attitude may be gleaned from the editorial remarks prefixed to a volume of Irish State Papers :

"Among the most remarkable documents referring to the Church are three letters from John de Camezan, the Pope's chaplain and judge of appeals. The first relates to papal letters obtained by the Archbishop of Tuam and other Irish Bishops, commanding the Dean and Archdeacon of Kilfenora to restrain by ecclesiastical censure the Justiciary of Ireland and others from holding inquisitions against and seizing ecclesiastical persons, and casting them into prison. Finatus, subdeacon of the Pope, and Robert de Baro, the King's proctor, opposed those letters, and obtained that the persons in question should not be prejudiced thereby, and that the letters should not be extended to them ; and this was solemnly accepted by the other side. The second refers to papal letters obtained by the same Archbishop, prohibiting certain officials of the King in Ireland from entertaining ecclesiastical questions in their courts. These letters having been opposed, it was obtained that the King's officials should not be prejudiced thereby, and that the letters should not extend to them in regard to their office ; and this was solemnly accepted by the other side. The third concerns papal letters obtained by the same Archbishop, commanding

<sup>1</sup> *Catholic Encyclopedia*, I. 288.



the Dean and Archdeacon of Killaloe to restrain by ecclesiastical censure the Justiciary of Ireland and other barons and bailiffs of the King in that country from interfering with legacies to pious uses, and preventing crusaders from proceeding to the Holy Land. These letters having also been opposed, it was obtained that the Justiciary and officials of the King should not be prejudiced thereby, and that the letters should not be extended to them; and this was accepted as before."<sup>1</sup>

Stripped of legal verbiage, the plain fact was that the Archbishop of Tuam and his suffragans—among whom was Bishop O'Lee of Killala—some three months after their appeal to Henry III, appealed also to the Father of Christendom. The grievances which they now placed before the Pope, added to those which they had already laid before the King, constituted a terrible indictment of English misrule in Ireland. The Bishops impeached the principal English functionaries in Ireland, from the Justiciary downwards. The system of tyranny practised by these officials was an ingenious anticipation of the methods of the Bastille. They were accustomed to hold private inquisitions against Irish ecclesiastics, and to throw them into prison on the verdict of these secret conclaves. They were accustomed, in defiance of Canon Law, to drag ecclesiastical questions into the secular courts. Regardless alike of the interests of religion and the liberty of the individual, the King's officials deterred men from bequeathing legacies for pious and charitable purposes and from fulfilling their vows as crusaders. When these misdeeds became known to Alexander IV, he addressed three letters to certain Irish ecclesiastics, ordering and empowering them to excommunicate the guilty officials, in case they should persist in their misconduct. The Pope's action, in issuing these mandates, was worthy of the noble traditions of his high office. He was defending the weak against the strong; he was maintaining the elementary liberties of the Church, and vindicating the ordinary rights of the citizen.

Now comes the ignoble phase of the affair. No sooner was each letter in turn signed by Alexander IV than the English agents at the Curia discovered what was on foot. On each occasion they hastened to secure a private audience with the Pope, in order to oppose the mandate just issued; and on each occasion they succeeded in having a proviso inserted which reduced the mandate to a farcical and worthless formality. On each occasion also, the Pope's chaplain and judge of appeals hastened to acquaint the English monarch with the happy turn which events had taken.

The Pope's first mandate on these affairs was dated November 3, 1255; its contents were made known to the

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, pref. xiii, xiv.

English authorities by John de Camezan in letters of December 13 following :

" Letters of John de Camezan, the Pope's chaplain and judge of appeals. Master Michael, clerk, proctor for the Archbishop of Tuam and his suffragans, had obtained for them from Pope Alexander [IV] letters herein recited, dated Anagni, 3rd of the nones of November, in the 1st year of his pontificate [Nov. 3, 1255], commanding the Dean and Archdeacon of Killaloe to restrain by ecclesiastical censure John FitzGeoffrey, Justiciary of Ireland, Maurice FitzGerald, Walter de Burgh, Richard de la Rochelle, and other barons and bailiffs of the King in Ireland, from interfering with legacies to pious uses, and from preventing crusaders to proceed in aid of the Holy Land. Finatus, sub-deacon of the Pope, and Robert de Baro, proctor of the King, at a private audience, opposed those letters on behalf of the Justiciary and officials of the King, and obtained that John FitzGeoffrey, Maurice FitzGerald, Walter de Burgh, Richard de la Rochelle, and other barons and officers of the King in Ireland, should not be prejudiced thereby, and that the letters should not be extended to them ; and this was solemnly accepted by the other side.—The Lateran, Ides of December, in the first year of the pontificate of Pope Alexander IV." <sup>1</sup>

The second mandate was signed on December 3, 1255, and communicated to Henry III on December 5 following :

" Letter of John de Camezan, the Pope's chaplain and judge of appeals [*contradictorum auditor*]. Master Michael, clerk, proctor of the Archbishop of Tuam, and the Bishops of Clonfert, Elphin, Kilmacduagh,<sup>2</sup> Achonry, and Killala, his suffragans, had obtained from Pope Alexander [IV] letters herein recited, dated Anagni, 3rd of the nones of December in the first year of his pontificate [Dec. 3, 1255], commanding the Dean and Archdeacon of Kilfenora to restrain by ecclesiastical censure John FitzGeoffrey, Justiciary of Ireland, Sir Richard de la Rochelle, and Sir John called Cumyn, knights, and other bailiffs of the King, from holding private inquisitions against and seizing ecclesiastical persons and casting them into prison. Finatus, sub-deacon of the Pope, and Robert de Baro, proctor of the King, at a private audience opposed those letters on behalf of the King's officials, and obtained that John FitzGeoffrey, Justiciary of Ireland, Sir Richard de la Rochelle, and Sir John called Cumyn, knights, should not be prejudiced thereby, and that the letters should not be extended to them ; and this was solemnly accepted by the other side.—The Lateran, Nones of

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, pp. 78, 79.

<sup>2</sup> The *Calendar* has "Cluacensis," which should be *Duacensis* (Kilmacduagh).



December in the first year of the Pontificate of Pope Alexander IV."<sup>1</sup>

Finally, the third mandate was signed by the Pope on December 5, 1255, and communicated to Henry III by the friendly judge of appeals at the Roman Curia on December 12 following:

"Letters of John de Camezan, the Pope's chaplain and judge of appeals. Master Michael, clerk, proctor of the Archbishop of Tuam and his suffragans, had obtained for them from Pope Alexander [IV] letters herein recited, dated at the Lateran, nones of December, in the 1st year of his pontificate [Dec. 5, 1255], directed to the official [Vicar-General] and Arch-deacon of Killenora, prohibiting Sir Maurice FitzGerald, Sir Walter de Burgh, Sir Richard de la Rochelle, Sir Milo de Bermingham, and Sir Richard de Cottan', knights, and others of the King's bailiffs in Ireland, from entertaining ecclesiastical questions in their courts. Finatus, sub-deacon of the Pope, and Robert de Baro, proctor of the King, at a private audience opposed those letters on behalf of the King's officials, and obtained that they should not be prejudiced thereby, and that the letters should not be extended to them in regard to their office, and this was solemnly accepted by the other side.—The Lateran, eve of the Ides of December in the first year of the pontificate of Pope Alexander IV."<sup>2</sup>

There was no pretence that the incriminated officials were innocent of these acts of tyranny. So far as Pope Alexander was concerned, they were free to pursue their tyrannical policy, at least for some years longer, without fear of excommunication. The mandates which were meant to curb their overbearing violence, and to redress the grievances of the Irish Church, were opposed in Henry III's name and by his agents, and were incontinently whittled down until they became a delusion and a mockery. The politics of Alexander IV would not suffer him, at that juncture, to take any action which might prove displeasing to the English king. Alexander's heart was set on ousting the formidable Manfred from the throne of the Two Sicilies, and on destroying the Hohenstauffen dynasty, root and branch. He had offered the Sicilian Crown to Prince Edmund, the second son of Henry III, and the offer had been accepted.<sup>3</sup> He was feverishly anxious that Henry should raise and equip an expeditionary force, for the double purpose of placing Prince Edmund securely on the throne of Sicily, and of defeating the hated and dangerous Manfred. To provide the sinews of war for this expedition, he had granted King Henry,

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 77.

<sup>2</sup> *Ibid.* p. 78.

<sup>3</sup> Henry's acceptance of the Sicilian Crown for Edmund was sealed on October 18, 1255; cf. Stubbs, *Constit. Hist.* II. 71.

in March and April, 1255, a tenth part of all Church revenues, in all parts of the English dominions, during the ensuing five years.<sup>1</sup> In these circumstances, Alexander could not afford to quarrel with Henry for the sake of a parcel of obscure Irish prelates, who lived, with their clergy and people, in a remote province by the western sea.

The character of Master John de Camezano, who so obligingly kept Henry III informed on the various phases of this affair, is not devoid of interest. He was a nephew of Innocent IV, and had risen to the position of papal chaplain and judge of appeals in the first year of Alexander IV's reign. At the time of his intervention in the Connacht question, he was already a pensioner on English bounty. Since 1253 he had been receiving 18 marks a year (equal to about £150 in modern currency), with expectations of a benefice in the province of Canterbury worth 50 marks (£400) annually. Besides this, he was rector of Wingrave in the diocese of Lincoln, from which he drew an annual revenue. In 1256 he was awarded another English pension of 25 marks (£200) a year, until he should receive yet another benefice in England of the yearly value of 80 marks (£640). About the same time his equally pluralist nephew and namesake was Canon of Le Puy and rector of the church of St. Mary, Heleserton, in the archdiocese of York; he was also a Canon of Exeter, in receipt of a fat annual income.<sup>2</sup> In these circumstances, we need scarcely wonder if venal Italian clerics threw the whole weight of their influence into the scale on behalf of Henry III and his officials, and against the rights and liberties of the Irish Church.

### HENRY III'S EFFORT AT REDRESS

In or about May, 1256, half a year after Pope Alexander's first mandate had been issued and emasculated, Henry III essayed to remedy the grievances of the Connacht prelates and their people. The effort, no doubt, was well intentioned, though it can hardly be said to have proved effective. The evils complained of were set forth in detail, and to each was appended its proper remedy:

"Petitions of the Archbishop of Tuam, his suffragans, and their tenants, regarding certain grievances, with replies thereto.

I. "They say that they are aggrieved by being dragged from their province and counties to remote places for purposes of litigation.

"Respecting this, it is provided that all pleas shall com-

<sup>1</sup> *Calendar of Papal Registers*, I. 314.

<sup>2</sup> *Ibid.* I. 275, 276, 280, 290, 333, 334, 350, 361.



mence in their counties, and that all things belonging to justice shall be therein pleaded and determined according to law in the eyre; <sup>1</sup> excepting causes which from their nature cannot be sent thereto, such as assizes of *darrein presentment*,<sup>2</sup> writs *quare impedit*,<sup>3</sup> dower *unde nihil habet*,<sup>4</sup> purparty between heirs,<sup>5</sup> *nuper obiit*,<sup>6</sup> fine made,<sup>7</sup> attachments against prohibition, as well of waste as of pleas in the ecclesiastical court;<sup>8</sup> and other

<sup>1</sup> *Eyre*, "a journey; a court of itinerant justices. In old English law applied to the judges who travelled on circuit to hold courts in the different counties" (Bouvier, *Law Dictionary*, 1914 ed., p. 1174). *Justices in eyre*, otherwise called *itinerant justices*, were directed by Magna Charta, c. 12, to be sent into every county once a year (Bouvier, *ibid.*, p. 1799).

<sup>2</sup> An *Assize of Darrein Presentment* was "a writ of assize which formerly lay when a man or his ancestors, under whom he claimed, presented a clerk to a benefice, who was instituted, and afterwards upon the next avoidance, a stranger presented a clerk and thereby disturbed the real patron. . . . The assizes of darrein presentment, morte d'ancestre, novel disseisin, and *utrum* were possessory. Abolished in 1834."—Bouvier, *ibid.* p. 268; cf. *Termes de la Ley*, p. 208.

<sup>3</sup> *Quare Impedit*, "a real possessory action which can be brought only in the Court of Common Pleas, and lies to recover a presentation when the patron's right is disturbed, or to try a disputed title to an advowson."—Bouvier, p. 2779.

<sup>4</sup> *Writ of Dower*.—"Under the old practice, when a widow had no dower assigned to her within the proper time, she had a remedy by 'writ of dower *unde nihil habet*.' If she had only part of her dower assigned to her, she had a remedy by 'writ of right of dower,' which was a general remedy, also applicable to the case of no dower being assigned. These forms of real action were abolished by the Common Law Proc. Act, 1860, and the ordinary form of action substituted."—Sweet, *Law Dictionary*, 1882 ed., p. 893.

<sup>5</sup> *Purparty* "is an old word for share or portion; so that to hold land in purparty with a person is to hold it jointly with him."—Sweet, *ibid.* p. 659.

<sup>6</sup> *Nuper Obiit*, "an abolished writ that lay for a sister and co-heir, deforced by her coparcener of lands or tenements, whereof their father, brother, or any other common ancestor died seised of an estate in fee simple."—Wharton, *Law Lexicon*, 1911 ed., p. 604.

<sup>7</sup> *Fine made*: I suspect that this refers to fines of land. "Before the Fines and Recoveries Act, there existed a fictitious judicial proceeding known as a fine, which was formerly in common use as a mode of conveying land. It was really a compromise of a fictitious suit commenced concerning the lands intended to be conveyed, and the operation (called levying a fine) was thus performed. A *praecipe* or writ was sued out, and the parties appeared in court, a composition of the suit was then entered into, with the consent of the judges, whereby the lands in question were declared to be of the right (that is, to belong to) one of the parties. This agreement was reduced into writing, and was enrolled amongst the records of the Court, so that it had the effect of a judgment of the Court."—Sweet, *ibid.* p. 360.

<sup>8</sup> An *Attachment* is "a process from a Court of Record, awarded by the judges at their discretion on a bare suggestion, or on their own knowledge, against a person guilty of contempt, who is punishable in a summary manner." There are six different kinds of contempt of court, one of which is "refusing to comply with the rules and awards of a court." *Prohibition* is "a writ to forbid any court to proceed in any cause there depending, on the suggestion that the cognizance thereof belongs not to such court. It is a remedy provided by the Common Law against the

similar writs, such as *praecipies in capite*,<sup>1</sup> and advowsons of churches. These pleas, though commenced without the county, shall be remitted to the justices when they come thither.

II. "They likewise say that they are aggrieved because the King's servants issue attachments and summonses in their lands, obliging their tenants to go out and labour until they heavily ransom that labour.

"This is altogether forbidden; if henceforth [the King's servants] do this, or presume maliciously to aggrieve persons by these summonses without order of their superiors, or without just cause, and are thereof convicted by inquisition, they shall be removed from their bailiwicks and heavily ransomed.

III. "They also say that they are aggrieved because when they are amerced in the King's court, they do not dare, for fear of further heavy amerciaments,<sup>2</sup> to prosecute their rights and those of their churches.

"Respecting this, it is provided that, if persons *bona fide* prosecuting their rights become subject to an amerciaments, they shall be more lightly dealt with than legal rigour would demand, and this according to the extent of their offence, their substance and their tenure.

IV. "They further say that they are aggrieved in this, that if any one of their tenants be indicted for an offence, and wish to put himself thereupon on the country, this is denied, and certain proofs are improperly admitted against him.

"As to this, it is provided that when persons against whom an offence is charged, wish to put themselves on the country,<sup>3</sup> it shall not be denied to them to do so, unless in a case where it is not possible.

V. "They likewise say that they are aggrieved because they are impleaded<sup>4</sup> respecting lands which they and their

encroachment of jurisdiction." A prohibition of waste, *prohibitio de vasto*, was "a judicial suit which used to be addressed to a tenant, prohibiting him from waste, pending suit." The legal definition of waste is "any spoil or destruction in houses, gardens, trees, etc., by a tenant, to the prejudice of the expectant in fee."—Wharton, *Law Lexicon*, pp. 86, 688, 900.

<sup>1</sup> *Praecipies in capite* is, "a writ out of Chancery for a tenant holding of the Crown *in capite*, viz., in chief."—Wharton, *Law Lexicon*, p. 668.

<sup>2</sup> *Amercement*, or *amerciaments*, "was a fine to which a plaintiff or defendant was liable if he failed in his action, or was non-suited, etc. To be amerced was to be in mercy of the King, *in misericordia domini regis*, and the amount of the fine imposed seems to have been originally arbitrary, but in modern times it was always offered or assessed by a jury, therein differing from a fine in the technical sense, which is assessed by the Court. Amerciements are now wholly obsolete."—Sweet, *Law Dictionary*, pp. 46, 47.

<sup>3</sup> That is, to have their case tried before a jury. *Country* is "a name for the jury, as coming from the neighbouring country or surrounding parts of the country."—Wharton, p. 234.

<sup>4</sup> *Implead*, "to sue or prosecute."—Wharton, p. 420.



ancestors have peaceably held in the time of the Lord Henry, the King's grandfather, from the conquest by the English, and even before the arrival of the latter in Ireland.

"Regarding this, it is ordained that if petitioners declare regarding the seisin of their predecessors before the time of Henry, the King's grandfather, and before the conquest of the English, and do not declare of the time of the King's grandfather, nor after the time of the said conquest, they shall lose their right; and if a tenant puts himself on a great assize averring that time, and if the assize find that the petitioner or his ancestors never had seisin within the time of the King's grandfather, nor after the conquest, then the petitioner shall lose his cause, and the tenant shall be freed from the demand.

VI. "The writ called *Utrum*<sup>1</sup> shall be granted to archbishops, bishops, abbots, priors, and chapters holding parish churches appropriate,<sup>2</sup> touching the sanctuary of the church which is not granted touching other fees.

VII. "If a bailiff or other person be proved to have taken, in order to render aid or favour, the whole or part of lands impleaded, he shall be removed from office, lose the land, and be subjected to heavy ransom."<sup>3</sup>

These remedies were hardly commensurate with the evils which they purported to redress. Archbishop MacFlynn and Bishop O'Lee, representing "all the clergy of Ireland," had depicted the grievances of their time as "oppressing the Church of Ireland" in general, and not the western province alone. They had bluntly told Henry III that the Irish Church had

<sup>1</sup> *Utrum* is "a writ that lies when the Right of any Church is aliened and holden in Lay-fee or translated into the possession of another Church, and the Alienor dies; then his successor shall have the said Writ, whereof an Enquest shall be charged to try whether it be the Fee Alms of the Church or Lay-fee" (*Termes de la Ley*, p. 549). An *Assize of Utrum* was "a writ of assize which lay for a parson to recover lands which his predecessor had improperly allowed the church to be deprived of." It also meant "an assize for the trial of the question of whether land is a lay fee, or held in frank-almoigne" (Bouvier, *Law Dictionary*, p. 268).

<sup>2</sup> "In ecclesiastical law, *appropriation* is where a benefice is perpetually annexed to a spiritual corporation, either aggregate or sole, as the patron of the living. In such a case the cure of souls is generally given to a clerk who, from being in effect the deputy of the appropriator or patron, is called the vicar (*vicarius*); he is instituted and inducted in much the same way as a rector, but he has only a portion of the emoluments of the living—generally a part of the glebe and a particular share of the tithes. In some appropriated churches the officiating minister is a perpetual curate."—Sweet, *Law Dictionary*, pp. 57-58. *Impropriation* is the annexing of a benefice to the use of a lay person or corporation; the term came into use after the so-called Reformation, when many benefices which belonged to monasteries passed into *improper* hands. Such terms as parson, rector, and vicar were of everyday use among the clergy in Catholic times. Nowadays, especially in Ireland, they are generally left to the Protestant clergy.

<sup>3</sup> *Calendar of State Papers, Ireland*, 1252-1284, pp. 82, 83.

been "robbed of its rights and liberties" by his representatives, and that the Church in this country was in danger of tottering to its ruin, unless a proper remedy were provided. The remedy was an ordinance couched in abstruse legal phraseology. It assumed that the feudal system was in full force throughout the whole province of Connacht; worse still, it assumed that the grievances of the Irish Church were confined to Connacht alone. In these circumstances, the ordinance of Henry III was scarcely likely to prove effective in curbing the despotic excesses of his officials in Ireland.

We know, in fact, that the ordinance proved ineffective, even within the borders of the western province. For instance, about the month of August, 1261—five years after the promulgation of this ordinance—Felim O'Connor, King of Connacht, complained to Henry III that Walter de Burgh and his associates had caused damage to the amount of £24,000 (3,000 marks) to the diocese of Elphin, whose temporalities were then in possession of English officials, during the vacancy of the see; while such enormities as "the burning of churches and the slaying of clerks and nuns" had likewise been perpetrated by the said Walter de Burgh and his adherents.<sup>1</sup> It is obvious that a fitting parallel for the German atrocities of our own time may easily be found in the crimes of these English officials and magnates in Ireland.

There is a consensus of evidence to show that, about the middle of the thirteenth century, the barbarity, rapacity, and chicanery of the English in Ireland had become absolutely intolerable. The instances already given speak eloquently for themselves, and further instances might easily be adduced. Thus, in 1252, Innocent IV addressed a rescript to Archbishop MacKelly of Cashel, banning a "vicious and detestable custom" which prevailed among the English in Munster. By virtue of this custom if an Englishman swore that a theft had been committed by an Irishman, and if six other Englishmen swore that they believed their compatriot's oath to be true, the Irishman was convicted, no matter how innocent he might be, even though he could produce thirty sworn witnesses to prove his innocence. On the other hand, if an Irishman accused an Englishman of theft, and swore that the Englishman was the thief, and produced any number of sworn witnesses in corroboration of his testimony, the Irish evidence was rejected, and the English thief escaped scot free. This custom was denounced by Innocent IV in accents of righteous indignation, as "a pernicious corruption of good morals." It had been condemned in language of equal severity by Honorius III, more than thirty years earlier; yet Henry III and his advisers had fought vigorously in its defence,

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 114.



and it had been stubbornly maintained ever since by his subjects and officials.<sup>1</sup> The episode forms a curious commentary on English ideas of fair play.

By the year 1260 Alexander IV's partiality towards the English king had notably cooled. He had leaned on Henry for support, and Henry had proved a broken reed. The Pope had eagerly awaited the promised expeditionary force, which was to crush Manfred and to place Prince Edmund on the Sicilian throne, but the expedition never sailed. Henry left the Pope to struggle alone against his powerful adversary, and to win a crown and kingdom, if he could, for Henry's son. In 1257 the Pope demanded 135,000 marks—over a million sterling in modern money—in repayment of the expenses he had thus incurred; but Henry's treasury was practically bankrupt. Chagrined at being left in the lurch in this fashion, the Pope threatened to excommunicate Henry, and to revoke the grant of Sicily.

### TYRANNY OF ENGLISH OFFICIALS IN LEINSTER

This turn in the whirligig of international politics was not without its effect on Church affairs in Ireland. Alexander IV was no longer disposed to sacrifice the rights and liberties of the Irish Church for the sake of earning the good graces of Henry III and his officials. In 1260 the Pope found it necessary to take definite action in consequence of the ceaseless invasion of Church rights by the Crown agents in Ireland. Archbishop de Sandford (or de Saunford) of Dublin, though an Englishman himself, must have made strong representations to the Holy See in reference to the despotic aggressiveness of the Viceroy and other officers of the King. On March 18, 1260, therefore, Alexander IV issued a commission to the Abbot of Tintern in Wexford, the Prior of Athassel in Tipperary, and the Archdeacon of Ferns, with the object of curbing the tyrannical interference of secular officials in Irish ecclesiastical affairs.

The Pontiff declares in this document that he has learned from the Archbishop of Dublin that the Justiciary and his counsellors have presumed to adopt an intolerable attitude towards the liberties of the Church, particularly in the city and diocese of Dublin, thereby provoking the majesty of Almighty God, and risking their own damnation. These meddlesome officials presume to interfere in matters over which they have no jurisdiction; they arrogate to themselves new and unlawful powers. For instance, when actions-at-law are instituted against the Archbishop or other ecclesiastics, these Crown officials compel the Archbishop of Dublin, or his clerics, to plead in such actions

<sup>1</sup> Theiner, *Vetere Monumenta*, 18, 56.

before the secular courts, "oblivious of the fact that men who have no power to ordain clerics have no power to try them." Again, in cases of perjury, tithes, usury, and *jus patronatus*, the Archbishop has always unquestionably had the right, by law and custom, to pronounce a decision; but the Justiciary and his subordinates persist in dragging such cases into the secular courts.

Besides, a royal edict is alleged to have prohibited pecuniary actions from being tried before the courts Christian; but the English officials in Ireland, by an arbitrary interpretation of this edict, compel all pecuniary actions against ecclesiastics to be tried in the secular courts, with the possible exception of actions concerning wills and dowries. Moreover, if the Archbishop, or his Vicars-General, or their agents happen to condemn a contumacious litigant in an ecclesiastical court to pay a pecuniary fine, the Justiciary and other Crown officials prohibit the levying of such fines, and drag all questions arising out of such condemnations into the secular courts. Worse still, when any litigant in an ecclesiastical court is justly punished with excommunication, he need only seek a royal prohibition, and the English officials forthwith compel the Archbishop, his Vicars-General, and commissaries to abstain from dealing further with the case in question.

The climax of this absurd despotism is reached when the Justiciary and his counsellors presume to decree that a person so excommunicated is publicly absolved from the excommunication. Not content with this, the Crown officials are accustomed to act in a grossly illegal manner, whenever any conflict arises, or is likely to arise, between them and the Archbishop or any of his clergy. In such cases they lay violent hands on the property of the see, and do this suddenly and without notice; they retain the property so sequestered until the Archbishop and his clergy surrender unconditionally to their demands. In this and sundry other ways, and by perverse methods, the Crown officials violate the liberties of the Church.

Wherefore, the Pontiff commissions the Abbot of Tintern, the Prior of Athassel, and the Archdeacon of Ferns, in case these complaints should prove to be well-founded, to warn the Viceroy and his subordinates that they must forthwith desist from these presumptuous acts of usurpation and despotism, and that they must refrain from violating the rights of the Church. Should this admonition prove unavailing, the commissioners are to pronounce sentence of excommunication, without appeal, against the offending officials. Such censure is to hold good, in spite of any privileges or exemptions hitherto granted to the parties who may be found guilty. This papal commission was issued at Anagni, on March 18, 1260.<sup>1</sup>

<sup>1</sup> *Crede Mihi*, edited by Sir John Gilbert, pp. 17, 18. Possibly the "privileges and exemptions" here annulled were those which Alexander IV himself had so unwisely granted to the king's officials in 1255.



A few weeks later Pope Alexander IV writes in the same strain, but in briefer terms, to the Cistercian Abbot of St. Mary's, "outside Dublin," the city proper being then confined to the south side of the Liffey. "*Impunita temeritas temeritates cumulat puniendas*," writes the Pontiff in his terse, antithetic style, "*nec insurgere desinit in publici juris injuriam nisi eam exurgens justitia preveniat et subvertat*." The Holy Father proceeds to say that he has learned from the agents of the Archbishop of Dublin that certain parties, "who do not fear to receive the Lord's name in vain," are inflicting grievous and manifold annoyance upon the Archbishop, both in regard to his personal property and the possessions of his see. Desiring, therefore, to protect the Archbishop in the peaceful government of his diocese and to curb the malice of his persecutors, the Pope commands the Abbot of St. Mary's to render all the timely assistance in his power to the Archbishop of Dublin; he must not allow that prelate to be unjustly harassed in his person or property, or in the possessions of his see, by any persons whatsoever, contrary to the indults and privileges received from the Holy See. To prevent the further continuance of this campaign of disturbance and molestation, the Abbot is empowered and enjoined to punish its authors by ecclesiastical censures, without possibility of appeal. These censures, as in the previous diploma, are to hold good, despite any privileges or exemptions which the guilty parties may produce in their own favour. This fresh mandate is dated Anagni, April 13, 1260.<sup>1</sup>

After the lapse of a year and a half, affairs in Dublin, and in Leinster generally, had not improved. Possibly the Abbots of Tintern and St. Mary's, not to speak of the Prior of Athassel and the Archdeacon of Ferns, may have lacked courage to deal with offenders in high places. Certain it is that, towards the close of 1261, the complaints against these evil-doers are no less numerous and grievous than before. Urban IV had now ascended the throne of St. Peter, and he recognised the need of still more energetic and determined measures for grappling with the evil. On November 12, 1261, he dispatched four trenchant epistles to various personages, in reference to the tyrannical misconduct of Henry III's officials in the diocese and province of Dublin. One letter was addressed to Henry III himself, another to Prince Edward, a third to the Bishops of Lincoln and Worcester, and a fourth to the Bishop of Dromore and the Dominican Prior of Drogheda. The four are identical in substance, though variations occur when necessary.

In his letter to the English king, Pope Urban begins by reminding Henry III that ecclesiastical and religious liberty holds a foremost place among the factors which promote the stability of Christian kingdoms. After this preamble the Pontiff draws up

<sup>1</sup> Ibid. pp. 20, 21.

a scathing indictment of the despotic misdeeds of Henry's agents and representatives in Ireland. The ears of the English monarch must have tingled as he read this blunt, outspoken denunciation of the misdemeanours for which he was so largely responsible. After rehearsing the several counts of this indictment, the Pope concludes as follows :

"Wherefore, since we willingly foster the magnificence of royalty in its liberties and ancient customs, and tolerate them so far as the Divine Law allows ; and since your Majesty must answer both to Almighty God and to us, we deem it right to earnestly request and exhort your Serene Majesty to exercise your royal authority in compelling the aforesaid Justiciary and bailiffs to refrain from such violations of the liberty of the Church, and from all usurpation of ecclesiastical rights, particularly in the cases above-mentioned, likewise from all further molestation of ecclesiastical persons, remembering that the Divine Distributor of kingdoms has girded you with the temporal sword in order that you may prove yourself the defender of the Church's rights and liberties. We trust that you will give effect to these prayers and exhortations of ours in such wise that your Saviour, Who purchased the freedom of the Church with His own blood, may show Himself propitious to your Majesty, and that we ourselves may be the readier to grant such favours as may be useful and pleasing to your Majesty.

"And because we fear that, if you neglect to repress these abuses, and if we ourselves keep silence and fail to correct them, we shall both of us fall under the severe and terrible judgment of the Almighty—a judgment which, O King, those who judge the earth must always dread for themselves—therefore, we are commissioning our venerable Brother, the Bishop of Dromore, and our beloved son, the Prior of the Friars Preachers of Drogheda, in the diocese of Armagh, in case they find these allegations true, to warn the Justiciaries and bailiffs that they must allow the Archbishop, his suffragans, and other aforesaid judges, freely to take cognizance of the causes above-mentioned, and to give effect to their decisions in accordance with law and custom ; moreover, that the Justiciaries and bailiffs must desist from all further molestation, in the aforesaid matters, of the Archbishop and other ecclesiastical persons in the city, diocese, and province already mentioned. Should this admonition prove unavailing, the Bishop of Dromore and the Prior of Drogheda are commanded to inflict sentence of excommunication, without appeal, upon the delinquent parties."

Pope Urban's letter to Prince Edward is substantially a repetition of the foregoing. It contains, however, this introductory sentence : "Such is the affection of charity which we personally cherish towards you, and which your devotion has



merited, that we cannot remain indifferent to what concerns your honour and welfare (even when our interposition is not directly requested), nor can we regard with equanimity anything which tends to diminish your fair fame." After these prefatory compliments, the Pontiff proceeds to set forth the acts of illegality and oppression perpetrated by officers of the Crown in that kingdom of Ireland whereof Prince Edward styled himself "lord." The remainder of the document is a verbatim reproduction of the uncompromising letter addressed by the Pontiff to Edward's father.

The third letter, directed to the Bishops of Lincoln and Worcester, is identical in substance with the other three. It enumerates the illegal and tyrannical acts of which the Archbishop of Dublin complains; it mentions the fact that the Pope has appealed to Henry III and Prince Edward to put an end to this arbitrary and unjust procedure on the part of their subordinates; and it concludes by ordering the Bishops in question to use their utmost influence with the English king and his son, so that the oppression of the Irish Church may cease.

Finally, in the commission addressed to the Bishop of Dromore and the Dominican Prior of Drogheda, the same list of grievances is rehearsed. The commissioners are empowered jointly and severally to fulminate excommunication against any Justiciary or bailiff who may be guilty of such misconduct in future. The only restriction imposed is, that the commissioners shall lay no city or town under interdict, nor excommunicate the inhabitants of any city or town *en masse*, without special authorisation from the Holy See.

The ecclesiastical courts, as Lingard has judiciously noted, possessed "a marked superiority over the secular courts. The proceedings in the former were guided by fixed and invariable principles, the result of the wisdom of ages; the latter were compelled to follow a system of jurisprudence confused and uncertain, partly of Anglo-Saxon, partly of Norman origin, and depending on precedents, of which some were furnished by memory, others had been transmitted by tradition. The clerical judges were men of talents and education; the uniformity and equity of their decisions were preferred to the caprice and violence which seemed to sway the royal and baronial justiciaries; and by degrees every cause, which legal ingenuity could connect with the provisions of the canons, whether it regarded tithes, or advowsons, or public scandal, or marriage, or testaments, or perjury, or breach of contract, was drawn before the ecclesiastical tribunals."<sup>1</sup> Such was the status of spiritual courts in England about the year 1160; it explains the position of

<sup>1</sup> Lingard, *Hist. of England*, 1878 ed., II. 64.

similar courts in Leinster, and their appeal to long-established custom, a century later.

In his four letters of protest against the illegalities of the Crown officials in Dublin, Urban IV begins by stating that, according to ancient and approved custom, the Archbishop of Dublin, his suffragans, vicars-general, and other ecclesiastical judges of the diocese and province of Dublin, are entitled to take cognizance of pecuniary disputes between their subjects, whenever a sworn contract has existed between the litigants. Besides, in virtue of the same time-honoured custom, if any lay subject of theirs is accused of criminal defamation by a layman, the case is to be tried by an ecclesiastical tribunal. Moreover, from time immemorial, the lay assailants of clerics have been prosecuted and tried before spiritual courts. Now, the Justiciaries of Henry III and Prince Edward unjustly prevent the Archbishop, the Bishops of the province, and other ecclesiastical judges from hearing and deciding such cases. Worse still, when a dispute arises between clerics in regard to some pecuniary matter, or between rectors of churches in reference to tithes, the clerics and rectors are prevented by the Crown officials from having recourse to an ecclesiastical judge.

In like manner, when transgressors who have been guilty of contumacy or some other offence, are sentenced to a pecuniary fine by the Archbishop of Dublin, his suffragan Bishops, or other ecclesiastical judges, the Justiciaries and bailiffs of the English Crown prohibit the enforcement of such penalties. Similarly, the English secular officials prevent the Archbishop and other spiritual judges from adjudicating in cases of usury, and from punishing usurers according to the decrees of Canon Law; they likewise prohibit them from inquiring into cases of adultery, usury, and other crimes which clearly fall within their jurisdiction, in virtue of the law and custom before mentioned.

Besides, when a dispute arises with reference to the restitution of the wife's dowry, in cases where a judicial separation has been allowed by an ecclesiastical judge, the Justiciaries and bailiffs arbitrarily prevent the judge from compelling the husband to restore his wife's dowry, though the sole right to adjudicate in such cases confessedly belongs to the spiritual judge, both by law and by long-established custom.

Now we come to a glaring instance of official despotism and injustice, worthy of a place amid the enactments of the Penal Days. Whenever a citizen or burgess bequeathes a house or farm, or any parcel of town property, to a church or other religious establishment, the Justiciary and his bailiffs prevent the Archbishop of Dublin and other Bishops and spiritual judges of the province from compelling the executors to give effect to the testator's wishes in this regard. Even



when the inferior sort of peasants, who are called *ascripti glebae* or *betagii*, bequeath some of their goods to churches or religious houses, the same Justiciaries and bailiffs prevent the Archbishop and other judges from giving effect to the dying wishes of the testators on this head. Charitable bequests were thus rendered practically null and void; and the fruits of such legacies went, no doubt, to enrich the swarm of grasping and corrupt officials who administered English law in Ireland.

A further count in Urban IV's indictment of these officials is that when an injunction is directed by the English king and his nobles to the Archbishop of Dublin and other spiritual judges of the province, ordering them to desist from proceeding further in the trial of a case which has come before them, even though they obey the injunction without delay, they are punished by pecuniary fines, and sometimes thrown into prison by the Justiciary and his bailiffs, for having dared to touch the case at all. Furthermore, if the Justiciary and his subordinates find, by an inquisition directed against the Archbishop and other spiritual judges, that these judges have not strictly confined themselves to matrimonial and testamentary cases, they have the temerity to punish the said ecclesiastical judges by pecuniary fines, and occasionally fling them into prison.

Finally, if any spiritual judge, in the proper exercise of his functions, inflicts a merited penalty of excommunication upon a lay litigant, the litigant at once obtains an injunction from the Justiciary and other Crown officials, forbidding the judge to proceed further in the case. After such injunction, the excommunicated litigant is no longer cut off from social intercourse, as the Justiciary and other officials forbid his being treated as an excommunicated person.<sup>1</sup>

Such were the misdeeds of English officials in Leinster, six years after Archbishop MacFlynn and Bishop O'Lee, on behalf of "all the clergy of Ireland," had received such smooth promises from Henry III. The Justiciaries who held office in the period covered by these papal condemnations were John Fitz Geoffrey, Alan de la Zouche, Stephen de Longe Espée, William le Dene, and Sir Richard de la Rochelle. These men were doubtless among the chief authors of all that tyranny and chicanery so scathingly denounced by Innocent IV, Alexander IV, and Urban IV; and of the Viceroys just named, FitzGeoffrey and Rochelle appear to have been the worst offenders.

I have ventured on this long digression because it seemed desirable to show that the grievances of which the Connacht

<sup>1</sup> The four letters are given in Gilbert's edition of the *Crede Mihi*, pp. 22-29. The date 1264, which Sir John Gilbert appends to the fourth of these letters, is obviously wrong. The correct date is given in his *Historic and Municipal Documents*, p. 178.

prelates complained in 1255, were simply part and parcel of an organised and widespread system of oppression, carried on by the agents of Henry III against the Church and people of Ireland in the mid-thirteenth century. It seemed also advisable to show that the annalist's account of Archbishop Mac Flynn's embassy is tinged with a roseate contemporary optimism not justified by later events. Under date 1255, the *Annals of Loch Cé* inform us that "the Archbishop of Tuaim, i.e., Florence Mac Floinn, went across to the East [that is, to England] to converse with the King of the Saxons. . . . The Archbishop of Tuaim came to Erinn from the King, having obtained everything that he asked." The *Four Masters* are still more generous; they state that "Florence MacFlynn, Archbishop of Tuam, crossed the sea to converse with the King of England; and all that he requested was obtained by him from the King's honour; and he returned home again." We have seen how flagrantly the King's promises of reform were falsified by the reactionary intrigues of his Roman agents, a few months later; and they were still more signally falsified by the crimes and excesses of Walter de Burgh in Connacht, and by the overbearing tyranny of the Crown officials in Leinster, about 1260 and 1261.

#### MANDATES CONCERNING BISHOP O'LEE

A fortnight before the date of his four letters on the subject of English tyranny in Leinster, Pope Urban IV addressed to certain Irish ecclesiastics a mandate in which we find a fresh allusion to Bishop O'Lee. From this document, dated October 29, 1261, we learn that the Bishop of Killala had been deputed by the Holy See to act as judge of certain questions in dispute between the new Archbishop of Cashel (David MacCarroll) and Bishop Thomas, lately promoted to the see of Lismore. Both sees had recently been occupied by Dominican prelates, but friction had soon arisen between their successors. Bishop O'Lee, however, was unable or unwilling to act as judge; he delegated his entire authority in this affair to the Dean of Clonfert and some unnamed colleagues. Archbishop Saunford of Dublin had been appointed by the Holy See to act as "conservator" of the apostolic privileges granted to the Bishop of Lismore; but Archbishop Saunford, in his turn, delegated his functions in this respect to Master William, his official or vicar-general. The Dean of Clonfert and his colleagues considered that Master William was rather too officious in the discharge of his new duties; they cited him to appear before them on a charge of temerarily infringing their jurisdiction. But Master William was not to be caught so easily; his knowledge



of legal shifts and expedients stood him in good stead. He pleaded that the place to which he had been cited was unsafe; professed his readiness to appear before the Dean and his fellow-judges at any safe place they might name, and when this "humble petition was unjustly rejected," Master William appealed to the Holy See. The result was that Urban IV commissioned the Dominican Prior of Waterford, the Prior of St. John's at Kilkenny, and the Archdeacon of Waterford, to make due inquiry into the facts of the case, and then to pass judgment on the validity of Master William's pleas.<sup>1</sup> No appeal from this judgment was to be allowed; and we hear nothing further of the affair.

Archbishop MacFlynn, the staunch friend and benefactor of the Dominicans of Athenry, died at Bristol in 1256, a year after his embassy to Henry III, in company with Bishop O'Lee. Walter de Salerno, Dean of St. Paul's, was now promoted to the archiepiscopal see of Tuam, but he died in London, on his return from Rome, about the middle of April, 1258, without ever seeing his Irish diocese. Bishop Tomaltach (or Thomas) O'Connor, a scion of the royal family of Connacht, was translated from Elphin to the metropolitan see in the same year. In 1264, six years later, we find strained relations existing between Archbishop O'Connor and Bishop O'Lee. The Archbishop made strong representations to the Holy See against his suffragan. How far exactly these representations were true, and how far they were the outcome of misinformation, or the product of a mind heated by prejudice or indignation, we have now no means of ascertaining. The sequel, however, was as favourable to Bishop O'Lee as it was unfavourable to Archbishop O'Connor.

In consequence of these representations Urban IV addressed a mandate, on February 21, 1264, to the Bishop of Elphin (Thomas MacDermot), the Bishop of Clonfert (Thomas O'Kelly), and the Archdeacon of Clonfert. The gist of the Pontiff's mandate may be stated as follows: The Archbishop of Tuam has signified to the Holy See that John, Bishop of Killala, his suffragan, has importuned the Pope for permission to resign, on the ground that he is of illegitimate birth, and that he had never received a dispensation from that irregularity. Though he had received permission from the Sovereign Pontiff to resign his see, yet he declines to do so, whence a grave scandal has arisen in that region. Wherefore, the Pope commands that, if such be really the case, the commissioners are to admonish the Bishop respectfully, and induce him to resign in accordance with the permission granted him by the Apostolic See. The Pope believes that the Bishop sought to promote his own spiritual interests and the good of his diocese by asking leave to

<sup>1</sup> *Crede Mihi*, pp. 29, 30.

resign. The Pope desires that neither of these worthy objects should be frustrated, either by instability of character or by the suggestions of parties who may be seeking their own interests. Should the Bishop decline to comply with the admonitions of the commissioners, the latter are to serve him with a peremptory citation to appear personally before the Pope, within a suitable period which they shall deem it advisable to fix, in order that he may show cause why his resignation should not take effect. The commissioners are to forward a detailed report to the Pope as to what they have done and discovered, as well as an account of the form of citation and the date therein specified.<sup>1</sup>

A substantial victory for Bishop O'Lee was the fruit of this investigation, after which he governed his diocese, without further molestation from the Archbishop of Tuam, for the space of sixteen years. But he was not free from troubles of another order.

#### CHURCH COURTS AND PRINCE EDWARD

On June 27, 1266, Prince Edward, eldest son of Henry III, issued from his camp at Kenilworth a peremptory order to the Archbishops, Bishops, and ecclesiastical judges of Ireland, forbidding them to take cognizance of any cases other than matrimonial and testamentary. Among the Irish prelates to whom this injunction was addressed were Primate O'Scannell of Armagh, Bishop O'Lee of Killala, Bishop O'Connor of Elphin, and possibly Bishop O'Scoba of Raphoe—all members of the Dominican Order. The drift of Prince Edward's short and stern message—one of the earliest of his many exhibitions of anti-clericalism—is thus rendered by Sir John Gilbert :

"Judgment of all suits, save those which were matrimonial or testamentary, has ever pertained to the royal dignity in England. By the gift of our royal father we enjoy similar rights in our land of Ireland. We prohibit you to hold pleas in ecclesiastical courts against our citizens of Dublin concerning chattels or debts, excepting such as are testamentary or matrimonial. All other pleas appertain to us; and that this prohibition may avail our citizens of Dublin we have given them these our letters patent."<sup>2</sup>

Such, in effect, was the answer vouchsafed to the protests of Popes and prelates against the overbearing despotism of the English in Ireland. No word is said of any intention to redress the multitude of galling grievances under which the Irish Church

<sup>1</sup> Theiner, *Vetere Monumenta*, p. 94.

<sup>2</sup> *Historic and Municipal Documents*, pp. lv. 179.



laboured. Henry III and his son were too intent on conserving the feudal privileges of the Crown to have any real concern for the redress of grievances. Prince Edward's affectation of zeal for the rights and liberties of his "citizens of Dublin" was the transparent pretext for an onslaught on the spiritual courts; it was notorious, as Lingard has more than once pointed out, that the people generally preferred the mildness and fairness of the ecclesiastical courts to the harsh and arbitrary procedure of the secular tribunals.

In Prince Edward's letter, the Irish prelates could perceive, not only a cynical disregard of their own protests and of the remonstrances of the Holy See, but likewise an autocratic resolve to ride roughshod over law and custom. Both by law and long-established custom, as the letters of contemporary Popes bear ample witness, the spiritual courts of Dublin had jurisdiction over several kinds of cases, outside the circle of matrimonial and testamentary affairs; and we know from Lingard that the English spiritual courts possessed similar powers, long before Prince Edward's time. The pretensions set forth in the Prince's letter were, therefore, ill-founded; it was not to be expected that the Irish Bishops, supported by the Holy See, would yield to them without a struggle.

Prince Edward followed up his letter to the Irish Bishops by writing, two days later (June 29, 1266) to "his Mayor and bailiffs of Dublin," in this strain: "Our liberties may be hereafter prejudiced from the execution of ecclesiastical sentences for publicly beating our men through the streets and ways, especially as the ecclesiastics will not permit the decrees of our court to be carried out in church territory; we therefore grant you power to stop such presumption."<sup>1</sup>

This "beating" of the Prince's men was simply a feature of the public penance of the time; it was inflicted only upon persons who had been guilty of repeated relapses into some "enormous and public sin." We shall presently find the municipal authorities agreeing with Archbishop Saunford's view that such relapsing sinners should receive a salutary thrashing. Meanwhile, however, the result of Prince Edward's letter was deplorable. Emboldened by the aggressive and uncompromising attitude of the so-called "Lord of Ireland," the Mayor and Corporation of Dublin commenced a wanton campaign of hostility against the Church.

### A STRANGE MUNICIPAL EDICT

If we may judge by names, the Corporation of Dublin at this period was composed exclusively of men who were English

<sup>1</sup> Gilbert's *Historic and Municipal Documents*, pp. lv, 179, 180; cf. his *Calendar of Ancient Records of Dublin*, I. p. 10.

by birth or extraction. Imbued with the overweening spirit of English officialdom, confident of Prince Edward's support, and probably instigated by the corrupt oligarchy at the head of the English colony, the Corporators now presumed to interfere, in a grossly improper fashion, with matters over which they had no sort of jurisdiction. They arrogated to themselves the right to lay down the law as to the offerings that might be made in churches, and the number of people that might be allowed to attend, on the occasion of marriages, churchings, or funerals. They issued an audacious decree to the effect that offerings should not be made in churches oftener than four times a year; that not more than two friends should be permitted to assist at any marriage ceremony, or at any blessing of a married woman who had happily given birth to a child; that not more than two candles should be offered in a church on the occasion of a funeral—and they presumed to attach certain penalties to the violation of this extraordinary decree. It was an unwarrantable violation of the liberty of the subject, and an equally unwarrantable assault upon the rights of the Church; to modern eyes, it seems not only *ultra vires*, but wholly grotesque.

The result was that Archbishop Saunford excommunicated the Mayor and his Corporation, and the Papal Legate pilloried them for all time in a scathing letter of denunciation, addressed to the Bishops of Lismore and Waterford, and dated London, February 28, 1267. In this letter Cardinal Ottobono Fieschi, then Legate in England, and afterwards Pope under the title of Adrian V, states that—

“A horrible and hateful abuse, grievously distressing to pious ears and feelings, has been reported to us by our venerable father in Christ, the Archbishop of Dublin. It appears that the Church revenues of Dublin consist for the most part of voluntary offerings from the faithful. Men and women are accustomed to present such offerings, under the name of tithes, on Sundays and festivals. Other offerings are made, according to each one's will and pleasure, at wedding ceremonies and churchings of women after childbirth, a numerous and respectable company of friends being usually present on such occasions. Introduced long ago by the pious devotion of the faithful, these customs are both ancient and approved; they have flourished without let or hindrance until now.

“Now, however, the Mayor and Corporation of Dublin, unmindful of their own salvation, and not without some leaven of heretical depravity, have presumed to decree, under a certain penalty, that no citizen shall give any such contribution oftener than four times a year. They have also enacted that not more than two persons shall assist at any marriage ceremony, or at the blessing of a woman after childbirth. They have likewise



ordered that candles of wax or other material, which the friends of the deceased are accustomed to offer piously on the occasion of funerals and anniversaries, for the souls of the departed,—that such candles, with the exception of two, shall not be left in the church where a funeral service has taken place, but shall be brought to the hospices of the Corporation.

“Public penances are to be remitted or relaxed, not by the Church’s judgment, but by the arbitrary will of the civic authorities,—such is the further claim put forward by the Mayor and his Corporation. These personages have had the damnable presumption to decree that no prelate or ecclesiastical judge is entitled to deal with crimes of usury, or with any other species of offence, matrimonial and testamentary cases alone excepted. They have further ordained that no ecclesiastical judge has a right to intervene, in any way whatever, with regard to the property of a person who dies intestate; that all such property must be ceded to the government exchequer.

“They have likewise ordered that no citizen of Dublin shall be compelled to appear before any spiritual tribunal outside the city. Not content with statutes of this kind, they have decreed many other enormities, to the scandal of the public, the peril of their own souls, and the subversion of the Church’s liberty.

“The Archbishop of Dublin diligently warned the Mayor and Corporation to desist from this presumptuous course of conduct, but his warnings passed unheeded. Therefore, in the exercise of his jurisdiction, the Archbishop excommunicated the Mayor and his fellow-members of the Corporation by name, and laid the city under interdict; he now requests from us the confirmation of that just sentence.

“Therefore, desiring to curb the insolence of perverse men, we declare the aforesaid edicts of the Dublin Corporation to be utterly null and void, inasmuch as they are subversive of the Church’s liberty; and we command you [the Bishops of Lismore and Waterford], in virtue of the authority which we bear, to publish the aforesaid sentence of excommunication against the Mayor and Corporation of Dublin, on every Sunday and holiday, with bells tolling and candles lighted, in public places of the city and province of Dublin, and elsewhere as you may deem expedient, until the excommunicated parties make condign satisfaction; and you shall see, moreover, that the excommunication be strictly observed. If either of you should be hindered from carrying out this mandate, the other shall not fail to enforce it. Given at London, February 28, in the third year of the Pontificate of Clement IV [1267].”<sup>1</sup>

<sup>1</sup> *Historic and Municipal Documents*, pp. 180-182; *Crede Mihi*, pp. 103, 104. This letter is wrongly ascribed to the year 1268 by Sir John

This conflict between Church and Corporation lasted a year or more. At length, in November, 1267, a compromise was effected. The civic authorities yielded the very point on which Prince Edward had laid so much stress; and the Archbishop, on his side, agreed that citizens need not appear before spiritual courts outside the Deanery of Dublin. We may presume that Archbishop Saunford revoked the censures which he had been compelled to impose; we may also assume that the Corporation withdrew its preposterous edicts, though we have no direct information on either of these questions. They are not referred to in the agreement, which has an air of incompleteness, and may be thus translated:

"Composition and ordinance made on the Friday preceding the feast of St. Catherine [November 25], in the fifty-second year of the reign of Henry III, before Robert de Ufford, Justiciary of Ireland, and many others of the King's Council there, in relation to the contentions between Fulk, Archbishop of Dublin, and the citizens of Dublin; Vincent Taverner, the Mayor, and many of his co-jurats being present, as well as Master John de Saunford the attorney of the Archbishop, the latter's official, Master Thomas de Chaddesworth, and his seneschal, William de Eavsham [*al.* Caversham], with many others of his council:

"Every public sinner shall, on his first offence, make satisfaction by payment of a sum of money. On repetition of the transgression, if it be enormous and public (*ita quod peccatum enorme fuisset et publicum*), the offender shall be beaten with a stick around the church (*fustigetur circa ecclesiam*). For a third offence, the sinner is to be beaten on a solemn festival in presence of the procession at Christ Church or St. Patrick's. On further repetition of his offence the Archbishop's official is to denounce him to the Mayor and bailiffs, so that he may be expelled from the city or else beaten with a stick through the public streets. It was also ordained that a general inquiry in respect of public and manifest sins (not in regard to private transgressions) should be held once a year throughout the cite, or in case of great necessity, that such inquiry might be held twice in the year and not oftener. No citizens are to be cited out of the Deanery of the city by officials of the Archbishop, but are to be at liberty to answer within the city before the ordinary spiritual judges."<sup>1</sup>

Gilbert. That admirably painstaking writer is sometimes at fault in dealing with Latin documents. He has quite misunderstood the meaning of at least three passages in the Legate's letter.

<sup>1</sup> The Latin text of this agreement is given in *Hist. and Municipal Documents*, pp. 182, 183; it is translated in Gilbert's *Calendar of Ancient Records of Dublin*, p. 99. I have used Sir John Gilbert's version in the main, but have ventured to make a few verbal changes where necessary. The agreement, as will be noticed, ends somewhat abruptly. It covers



## SYNOD OF LONDON—DEATH OF O'LEE

Meanwhile, on July 7, 1267, the Cardinal Legate had written to the Archbishops, Bishops, Abbots, Priors, Deans, Archdeacons, and other prelates of Ireland, as well as to the convents and chapters of the Cistercians and other Orders, exempt and otherwise, summoning them to a synod to be held in London at Michaelmas following. In the course of this letter, Cardinal Ottobono pays a handsome compliment to the Irish people, "whom the Church reckons among her special children, by reason of the fervid sincerity of their faith, and the splendour of the spiritual gifts wherewith they are endowed." The "unhappy tempests and turmoils," in which England has been involved (by the Barons' War), have hitherto prevented the Legate from accomplishing the spiritual objects of his mission. Improvement is needed in many things, particularly in matters of piety and devotion, both in England and abroad (*in partibus nostris*). At this juncture, therefore, the Legate needs the presence and counsel of Ireland's Bishops and clergy, to whom he has oftentimes shown so much favour and such exceeding patience. He commands them, in virtue of obedience and on pain of suspension *ipso facto*, to attend the forthcoming synod. Each Archbishop is to be accompanied by one of his suffragans; the remaining prelates may be represented by one or two dignitaries or other suitable proctors. Disobedience to this mandate will be punished by further penalties which the Cardinal Legate is specially empowered to inflict.<sup>1</sup>

Among the Irish Bishops to whom this mandate was addressed were the four Dominican prelates already mentioned, namely, Primate O'Scannell of Armagh, Bishop O'Lee of Killala, Bishop O'Connor of Elphin, and Bishop O'Scoba of Raphoe. Whether these attended personally or by proxy we have no means of knowing. Archbishop Saunford of Dublin, still in the throes of the struggle with his unruly Corporation, was unable to attend; so, for some other reason, was the Bishop of Ferns. These two prelates excused themselves by letter, and their difficulties were explained, to the Legate's satisfaction, by the Archbishop of Cashel, who had come to London, accompanied by his suffragan, the Bishop of Kilfenora.

It would seem that the projected synod proved a failure. The attendance of Irish Bishops fell short of the Legate's expectations. A note of disappointment runs through his sub-

so few of the questions in dispute that we may reasonably regard the existing Latin text as incomplete. It is wrongly dated 1268 by Sir John Gilbert in his *Hist. and Municipal Documents*, though in the *Calendar of Ancient Records* he gives the correct date, 1267.

<sup>1</sup> *Crede Mihi*, pp. 131, 132. This document, again, is wrongly dated 1268 by Sir John Gilbert.

sequent letter—dated December 19, 1267—to the Archbishop of Dublin and the Bishop of Ferns. In this letter, the two Leinster prelates are commanded to appear before the Cardinal Legate in London by Low Sunday, 1268, bringing with them the Dean or Archdeacon of Dublin, or some other discreet man, the three to represent the entire province of Dublin, and to aid the Legate, by their counsel and experience, in the work of reformation, in which he is determined to brook no further delay.<sup>1</sup> A similar mandate may have been addressed to Bishop O'Lee and other Irish prelates; but on this point we have no information.

Seven years later—on September 17, 1274—Pope Gregory X commanded the Archbishop of Tuam and all the Bishops of his province to preach in their respective dioceses the Crusade in relief of the Holy Land.<sup>2</sup> Bishop O'Lee still ruled in Killala, and was one of the prelates to whom this mandate was addressed; his quondam opponent, Archbishop O'Connor, still wielded the crozier of St. Jarlath. A similar mandate was directed to the various other prelates of the Irish Church, among whom Maurice O'Connor of Elphin still survived.

There is a curious conflict of testimony in reference to the demise of Bishop O'Lee. The *Annals of Loch Cé*, followed by the *Four Masters*, ascribe his death to the year 1275, and again to the year 1280. That the two entries refer to one and the same person is more than probable; it is most unlikely that Bishop John O'Lee of Killala was succeeded, in 1276 or so, by another prelate bearing exactly the same name. The year 1280 is the true date of this Dominican prelate's decease. On December 9 of that year letters of licence to elect were granted by Edward I—no longer Prince Edward—to the Dean and Chapter of Killala, "who had announced the death of J[ohn] their late Bishop."<sup>3</sup> His eventful episcopate being ended, *quievit in Christo*.

<sup>1</sup> *Crede Mihi*, pp. 132, 133. Here, again, Sir John Gilbert is wrong in ascribing this letter to the year 1268.

<sup>2</sup> Theiner, *Vetera Monumenta*, 103.

<sup>3</sup> *Calendar of State Papers, Ireland*, 1252-1284, p. 369.



## VI

PRIMATE O'SCANNELL OF  
ARMAGH

IN Octavian's Register this worthy prelate is described as "the sixty-eighth Archbishop after St. Patrick"; and it is added that he presided over the primatial see "viriliter et reverenter" during a period of nine years. In these approving adverbs we have the key to Primate O'Scannell's character. The surviving records of his career are by no means voluminous, but they enable us to see that he was a strong and virile ruler, endowed with notable qualities of zeal, enterprise, and initiative; yet withal a lover of peace, and a man of sincere and unostentatious piety.

The name under which Primate O'Scannell almost uniformly appears in our Gaelic annals is Maol-padruig O'Sgannuil, variously spelled according to the fancy of individual annalists or scribes. The Annals of Multifernan and those of St. Mary's Abbey speak of him as "Dominus Patricius" or "Frater Patricius," his surname being passed over in silence. In Latin documents under his own hand, he styles himself "Frater Patricius," therein following the usual custom of the age among prelates drawn from the Mendicant Orders. His name appears four times in the Register of Primate Octavian, where it is invariably written "Patricius O'Scannail."<sup>1</sup> In Ussher's manuscript catalogue of the Archbishops of Armagh, the surname of Primate Patrick is written O'Sganail and O'Scannail.<sup>2</sup> Strangely enough, Ussher's friend and correspondent, Sir James Ware, transforms the Primate's surname into "O'Scanlain," without any compelling or satisfactory reason; and Ware's

<sup>1</sup> This is certainly true of Dr. Reeves' copy of the Register, now in Trinity College, Dublin (*Registrum Octaviani de Palatio*, pp. 915-919). But Wilkins, in his *Concilia* (1737 edition, I. p. 757) reproduces an extract in which O'Scannell's name is given as "frater Patricius Oscanlan"; the passage is obviously taken from Octavian's Register, though Wilkins received it "ex MS. penes Rev. episcopum Clogherensem." The Protestant Bishop of Clogher at that time (1717-1745) was Dr. John Stearne, Swift's predecessor in the Deanery of St. Patrick's, and a liberal benefactor of Trinity College. See notices of him in Webb's *Compendium of Irish Biography*, pp. 488, 489, and Cotton's *Fasti*, II. 80, 81. The extract published by Wilkins from Stearne's papers is corrupt in several places.

<sup>2</sup> T.C.D. manuscript E.3.13.

example has been followed by a host of later writers. Within recent years, however, some careful investigators have reverted to the authentic form of O'Scannell's family name, rejecting the inaccurate and misleading form to which Ware and his school have given wide currency.

There can be no reasonable doubt that the Primate's proper surname was O'Scannell. The annalists invariably call him by that name in its Irish form, and their authority is unquestionable. They certainly wrote the name correctly; they were acquainted with the princely family of the O'Scannells of Carbury, in Sligo, to which the Primate belonged. That family, an offshoot of the royal race of the northern Ui Neill, derived its lineage from Cairbre, son of Niall of the Nine Hostages. The Primate was necessarily one of the O'Scannells of Carbury; no other family of the name, so far as we know, existed in Ireland at the time. That he was an O'Scannell is unanimously affirmed by the annalists, and their testimony is amply confirmed by Octavian's Register and Ussher's manuscript list of Archbishops; the error of styling him O'Scanlan must be credited to Ware and his later copyists. Though Scannlán, as a forename or Christian name, was a diminutive or familiar form of Scannal, yet the surnames O'Scannell and O'Scanlan were not at all interchanged by native annalists. The septs which bore these names were absolutely distinct from each other; they differed in name, in descent, and in place of abode. The annalists were no more likely to confuse the O'Scannells with the O'Scanlans than a well-informed publicist of our day would be liable to confound Dr. Samuel Johnson with Stonewall Jackson.

It is a curious fact that, during eight centuries of Irish Christianity, the ordinary Christian name of Patrick does not seem to have been in use among our ancestors of Gaelic speech. "The name of the National Apostle, which is now so common, did not come into general use until a comparatively late period, and its adoption even then was due to Danish and English influence. The first Irishman of whom we have record as bearing the name was Patrick O'Murray, Abbot of SS. Peter and Paul's Church at Armagh, who is mentioned in the Annals at the year 1255."<sup>1</sup> By a singular coincidence, this Patrick O'Murray received his abbatial blessing from the Dominican prelate who is the subject of this memoir. By a still more striking coincidence, after the lapse of nearly seven centuries, another Patrick O'Murray, also an Ulsterman, is General of

<sup>1</sup> *Irish Names and Surnames*, by Rev. P. Woulfe, 1906, p. 12. To Father Woulfe and Father John C. MacErlean, S.J., my hearty thanks are due for their kindness in furnishing me with valuable notes on the families of O'Scannell and O'Scanlan; and, in particular, for having saved me from the usual mistake of regarding the Primate as an O'Scanlan.



the Redemptorist Order at the present time. It is a significant example of the persistence of Irish faith and devotion.

Our Gaelic forefathers preferred to call a man Maol-padraig, "the servant of St. Patrick," rather than address him by the revered name of the Apostle of Ireland. This doubtless arose from a feeling of reverence; even as in Poland at the present day, if we may believe some writers, no woman is permitted to take the name of Mary, out of respect for Our Lady. In Ireland, as the lamented Father O'Growney reminds us, with pardonable hyperbole, "the annals of the middle ages are filled with the names of princes, priests, abbots, and bishops who bore the title of Maelpatraic, s[ervant] of Patrick, now obsolete."<sup>1</sup> Amid the ranks of those who bore that honourable name, a foremost place must be allotted to Maelpatraic O'Scannail, Archbishop of Armagh.

### THE O'SCANNELLS OF CARBURY

Primate O'Scannell, as we have shown, was a member of the princely family of that name, who were lords of Carbury in the modern county of Sligo. The ancient territory of Carbury is now sadly diminished in size, and reduced to the status of a mere barony. During many ages it ranked as a principedom, governed by the O'Scannells, who were of royal blood. They were descended from Niall of the Nine Hostages, who had eight sons, one of whom was Cairbre, a contemporary of St. Patrick. This Cairbre was wedded to the worship of the old gods; he declined to accept the Christian faith, and sought to slay its apostle. For this he was cursed by St. Patrick, and old writers are at pains to show how the curse was fulfilled.<sup>2</sup> Cairbre settled in the pleasant western region which still bears his name; his grandson, Tuathal Maelgarbh, became High King of Ireland. Tuathal's descendants ruled over Carbury during five centuries or more; their broken succession has been traced down to the year 1032. One of these princes of Carbury was Sgandal or Scannal, who flourished about the year 650, and from whom, in the tenth or eleventh century, the ruling family may have taken its surname.

The O'Scannells were of northern race, and their sympathies were ever with the clans of Ulster, particularly with their neighbours of Tyrconnell. In a geographical sense, however, their territory belonged to Connacht; politically, also,

<sup>1</sup> "The Muls and the Gils: Some Irish Surnames," in *Irish Ecclesiastical Record*, May and June, 1898; reprinted in *Leabhar an Athar Eoghain*, pp. 238 sq.

<sup>2</sup> *Trias Thaumaturga*, p. 25; *Tripartite Life of St. Patrick*, part II, ch. 4 and 27; quoted in O'Rourke's *History of Sligo*, I. 28.

they were under the suzerainty of the kings of that province. They were subject, in the first place, to the fourteen successive Kings of the Hy-Fiachrach race who held sway in Connacht ; later on, they paid tribute to the Hy-Bruin Kings, who were mainly of the O'Connor stock. The land of Carbury, stretching north and south from the slopes of Benbulbin to the sea, owed immediate allegiance to the O'Scannells ; it was a smiling and fertile country, inhabited by people who were not of Connacht lineage, descended neither from the northern Hy-Fiachrach, nor yet from the southern. This is clearly intimated by the earlier MacFirbis, who writes :

" Let us pass into Cairbre of the battles,  
Let us leave this soil of the Hy-Fiachrach,  
Let us speak quickly of every side,  
Let us give each district to its chieftain.

" O'Scannail of the sweet mouth obtained,  
By sway of the land we mention,  
A small land of most extensive tillage,  
Of the green land of Beinn Gulban."<sup>1</sup>

The Ulster origin of the O'Scannells, and the jealousy of their Connacht neighbours, are suggested with sufficient plainness by more than one Gaelic bard :

" Of the dividend of the Hy-Fiachrach themselves  
Is the land of Cairbre of the level plains,  
But of the Hy-Neill is the lineage of the men,

The Clann Cairbre of the flowery white mountains,  
Are under the mansions of the western people."<sup>2</sup>

" Ard-Macha belongs to Eoghan's race,  
And Derry to the race of Connell ;  
The seed of mild Cairbre have Drumcliaibh,  
Though the Connacians like it not  
May their thanks and their blessings  
Conduce unto my soul's quiet ;  
But I grieve for my good people,  
How Cairbre upon them pressed."<sup>3</sup>

<sup>1</sup> *Tribes and Customs of Hy-Fiachrach*, O'Donovan's edition, pp. 275-277. " *Beinn Gulban*, now Binbulbin, a conspicuous mountain in the parish of Drumcliff, to the north of the town of Sligo. The plain between it and the sea, called Machaire Eabha, is remarkable for its fertility " (O'Donovan's note, *ibid.* p. 276). The O'Scannells were " not of the race of Fiachra," i.e., they did not belong to the Hy-Fiachra (O'Donovan, *ibid.* 274 n.).

<sup>2</sup> *Ibid.* pp. 277-279.

<sup>3</sup> *Book of Fenagh*, quoted in O'Rourke's *History of Sligo*, I. 33. For a valuable account of the vicissitudes of Carbury, see vol. I. pp. 7, 27-34 of Dr. O'Rourke's work. " Mild Cairbre " is a whimsical example of poetic licence.



Carbury, the patrimony of the O'Scannells, was "a small land of most extensive tillage"; in part, at least, it was a region of fair hills and fertile plains, a country well worth fighting for. And so it came to pass that this smiling region, on the border between Connacht and Ulster, became the cockpit of the North-west. From the twelfth century to the seventeenth, the O'Connors contended with the O'Donnells for the overlordship of Carbury. From the battle of Crich Cairbre in 1181 down to the middle of the fourteenth century, the O'Donnells appear to have maintained their suzerainty over the district,<sup>1</sup> in spite of the raids and forays of their enemies. The lot of a "buffer state" is seldom a happy one. Carbury was the battle-ground of the contending forces of Ulster and Connacht, and its chiefs, the O'Scannells, suffered severely in consequence. Already in the eleventh century, their fortunes appear to have waned; in the two succeeding centuries, the family seems to have been completely overshadowed by its powerful and aggressive neighbours of Tirconnell and Connacht. Primate O'Scannell was not only the most eminent member of the clan in his day and generation; he is the only man of his name mentioned in the *Annals of Loch Cé*. By a curious coincidence Bishop Carbry O'Scoba, who was O'Scannell's successor in Raphoe, is likewise the only man of his peculiar name commemorated in the same Annals.

The O'Scannells have left their mark on our local nomenclature. In Carbury, the classic home of the clan, their memory is enshrined in the name of Ballyscannell, a townland near Grange, in the parish of Ahamlish, about midway between Sligo and Bundoran. Ballyscannell is simply an anglicised rendering of *Baile Ui Scannail*, O'Scannell's town or home. Not far from the city of Armagh there is a townland called Ballyscandal, in the parish of Eglish, most probably the residence of another branch of the O'Scannell family. To the unsophisticated English reader, the name of Ballyscandal is suggestive of unpleasantly sensational incidents. Its real meaning is entirely prosaic and innocent; the name is a rather misleading form of *Baile Ui Scandail*, which is exactly equivalent to *Baile Ui Scannail*, O'Scannell's town or residence,<sup>2</sup> the

<sup>1</sup> O'Rourke's *History of Sligo*, I. 33, 34.

<sup>2</sup> Joyce, *Irish Names of Places*, III. 7. Ballyscannell is marked on Ord. Survey Map 5, and Ballyscandal on Ord. Survey Map 12. Father J. C. MacErlean, to whom I am much indebted for information on these matters, suggests that Ballyscandal in Eglish, near Armagh, may possibly derive its name from Primate O'Scannell himself, rather than from a branch of his family. It may have been purchased by him, or he may have made improvements there, as he did at Armagh; for which reason the place may have been named after him. I record the suggestion for what it is worth; though I am disposed to believe that the name of Ballyscandal is older than the Primate's time. The place is apparently not

letters *nd* being pronounced like *nn* in Irish. That some of the O'Scannells, desirous of living in peace, may have migrated from "Carbury of the battles," and fixed their abode in the quieter vicinity of Armagh, seems entirely probable and natural. That Primate O'Scannell was of Carbury extraction seems scarcely to admit of doubt. Whether he was actually born in the ancient home of his people, or whether he first saw the light in Ballyscandal, near Armagh, is a point that cannot now be determined. As we shall presently see, the latter hypothesis would seem to have some reasons in its favour.

By the year 1600 the chequered fortunes of the O'Scannells had undergone a fresh change. The *Fiants* of Elizabeth for 1600 and 1601 make mention of six O'Scannells, five of whom were domiciled in Cork or across the border in Kerry, while only a single individual of the name finds mention in Sligo. It would seem that by the middle of the sixteenth century, several O'Scannells had migrated southwards, driven from their ancestral home by violence and oppression. To-day the O'Scannells of Cork and Kerry are the only members of the clan who preserve the old name, even in a modified form. They have given several eminent ecclesiastics to the Church, including the late Bishop Scannell of Omaha, and Canon Scannell of Weybridge, a cultured priest and graceful writer.

If the name of O'Scannell has disappeared from the north-west of Ireland, that of O'Scanlan still flourishes, particularly in Sligo. In 1600, as the *Fiants* of Elizabeth show, O'Scanlan was already a common name in that county; even in Carbury itself, the name of O'Scannell was supplanted by that of O'Scanlan. Whence had these O'Scanlans of Carbury and Sligo come? The ancient clan of that name had its habitat in Hy-Fiachrach Aidhne, in the distant diocese of Kilmacduagh, bordering on Clare; it is rather unlikely that these O'Scanlans had migrated in considerable numbers to Sligo. The real explanation—as suggested by O'Donovan and Father Woulfe—is, that in the dark days of Queen Elizabeth, most of the O'Scannells of County Sligo adopted the form O'Scanlan as an anglicised rendering of their name. Dr. O'Donovan expressly states that the old name of O'Scannail is "now anglicised Scanlan. The name exists in the parish of Calry, near the town of Sligo."<sup>1</sup>—that is, in the territory of Carbury, the historic home of the O'Scannells. The change of name may have been due to what writers on English surnames call attraction or assimilation: the form O'Scanlan, being more widely known and more familiar, was adopted in preference to the less

named in the *Papal Registers*, the *Annals of Loch Cé*, the *Four Masters*, or Hogan's *Onomasticon*; and Ballyscannell in Carbury seems to be equally wrapped in obscurity.

<sup>1</sup> *Tribes and Customs of Hy-Fiachrach*, p. 275 n.



usual but still similar name. Many instances of such assimilation occur in Irish and English surnames.

It is tolerably certain, therefore, that the O'Scannells of Sligo, at the beginning of the seventeenth century, had come to regard O'Scanlan, quite erroneously, as the English form of their surname. In this we may find a clue to the origin of Sir James Ware's error. Duald MacFirbis was employed by Ware as a secretary or interpreter of Irish documents. MacFirbis, as a Sligo man and an antiquary, was well acquainted with the O'Scannells and their history; in particular, he knew that his neighbours, the O'Scanlans of that county, represented the ancient O'Scannells. MacFirbis, who had no scruple in anglicising his own name as "Dudley Firbisse," would have little hesitation in calling Primate O'Scannell by the current form of his family name, instead of using the more ancient form. We may regard MacFirbis, therefore, as the source of Sir James Ware's inspiration in this matter, and Ware's inaccuracy has been heedlessly copied by a hundred other writers. It does not appear that Ware had any documentary authority for imposing the surname of O'Scanlan upon our Primate; at all events, he quotes none. All the ancient authorities that I have seen, including the Annals and the Armagh Registers, are against him; so is Ussher's manuscript catalogue; and so is an English account of the Bishops of Raphoe, compiled soon after 1600, and now preserved in the British Museum.<sup>1</sup> The custom of the time led the O'Scannells of Sligo to style themselves O'Scanlans, but the Annalists continued to write the name in the old and accurate way.<sup>2</sup>

Though Primate O'Scannell was a member of the princely family of Carbury, there is no evidence to indicate his actual birth-place. He may have been born near Ballyscannell in Carbury, or at Ballyscandal in Armagh, or he may have seen the light elsewhere. One thing is certain: the events of his career compel us to suppose that, while possibly a native of the ecclesiastical province of Armagh, he must certainly have laboured there for several years prior to his promotion to the episcopate.

<sup>1</sup> Additional MSS. 4797, fol. 48; there is a transcript by Dr. Reeves in T.C.D., No. 1059 in catalogue.

<sup>2</sup> There were several distinct families of O'Scanlans in Ireland. The important family of that name in Kilmacduagh diocese was of the same stock as the O'Shaughnessys and O'Heynes; it is now probably represented by the numerous race of Scanlans in Clare, Limerick, and Tipperary. Besides these O'Scanlans of Hy-Fiachrach Aidhne, there were others of the name who were erenachs of Cloyne, and others who were erenachs of Devenish in Lough Erne. See Indexes to *Four Masters* and *Annals of Loch Cé*.

## O'SCANNELL AS BISHOP OF RAPHOE

1253-1261

O'Scannell first emerges from the mists of history on his elevation to the bishopric of Raphoe in 1253. In the preceding half-dozen years, he had won the esteem and confidence of Primate Reginald of Armagh, to whose friendly intervention his appointment was principally due. Primate Reginald had resided in his Ulster archdiocese from 1248 until 1252; in the latter year he went to the papal court, where he was destined to pass the evening of his days. During his residence in Armagh Reginald must have known O'Scannell well; he must have been in a position to appreciate the talents and virtues of his Dominican *confrère*. This was possible only on the supposition that O'Scannell was a member of the community of Drogheda founded by Primate Netterville in 1224. The Priory of Drogheda was the only house in which O'Scannell was likely to have laboured in such a way as to gain the marked esteem and friendship of the Primate of Armagh.

If we suppose O'Scannell to have been a Connacht man, born in Carbury, the only Connacht house of the Order to which we might reasonably assign him was the Priory of Athenry, founded in 1241. Even if we suppose him to have entered Athenry Priory in the year of its foundation, this would leave him with only twelve years of religious life in 1253, which seems an unduly brief period of probation for one who is raised to the episcopate. Apart from this, he was not likely to have become a Dominican in Athenry; for, as we have seen, there was little love lost between the people of Carbury and their Connacht neighbours. If we assume that he chose an Ulster convent, we find that the only possible houses of the Order were the Priory of Coleraine and that of Newtownards, both founded in 1244, three years later than the Priory of Athenry, and therefore less likely to have been his religious home. Of course, the Priory of Mullingar had been founded in 1237; but it is scarcely probable that O'Scannell—in view of his family associations, and his friendship with the Primate of Armagh—was a member of that midland community. Search as we may, therefore, we are forced back to the conclusion that O'Scannell was a member of the Dominican community of Drogheda, in the archdiocese of Armagh, and that his zeal and ability made a deep impression upon his diocesan superior, Primate Reginald.

The circumstances of O'Scannell's elevation to the see of Raphoe are set forth with sufficient detail, in the Papal Registers and the Irish Annals. Primate Reginald set out from Armagh, on a visit to the Sovereign Pontiff, early in 1252. On March 7



of that year the Pope issued from Perugia a mandate to the Archbishop of Armagh, to receive the resignation of the Bishop of Raphoe, who was old, infirm, and blind, and to make provision for him out of the revenues of the diocese.<sup>1</sup> This mandate failed, apparently, to reach Primate Reginald's hands; wherefore, on May 23, 1253, the commission was renewed, together with a mandate to the Archbishop to receive the cession of the Bishop of Ardagh.<sup>2</sup> Reginald, though still in Italy, lost no time in filling the Raphoe vacancy; the Ardagh question was a thorny and troublesome affair, which remained unsettled for two years longer. Within six months from the date of the commission, Primate Reginald had used his influence with Innocent IV to such purpose that Patrick O'Scannell was chosen by the Pontiff to shape the destinies of Raphoe.

He was consecrated in the Franciscan Church of Dundalk on November 30, 1253. The motives which determined his choice of that church are not easy to fathom. The cathedral of Armagh, or that of Raphoe, or the church of his own Order in Drogheda, might have seemed a more fitting place of consecration; Dundalk may have been selected for the better convenience of the consecrating prelates. Be this as it may, O'Scannell's appointment was in itself a proof of the confidence reposed in him by Primate Reginald. After consecration, he received a fresh and compelling proof of Reginald's trust and friendship. The Primate named the new Bishop of Raphoe as his own Vicar over the entire province of Armagh, despite the fact that O'Scannell was the junior member of the provincial hierarchy. Reginald's influence in securing O'Scannell's elevation is quaintly shown in the topsy-turvy phraseology of the *Annals of Ulster*<sup>3</sup>:

"Mael-Padraig ua Sganuil of the Preaching Order was chosen by the Archbishop of Ard-Macha, by advice of Pope Innocent, to the Bishopric of Rath-both [Raphoe]. And the same Archbishop constituted him his vicar in the province of Ard-Macha, after he was consecrated in the monastery of the Friars Minor of Dundalgan, on the first Sunday of the Advent of the Lord" [November 30, 1253].

Primate Reginald had good reason to congratulate himself on his choice of Bishop O'Scannell as vicar of the archdiocese and province of Armagh. Though the Primate remained at the pontifical court from the close of 1252 until his death in 1256,

<sup>1</sup> *Calendar of Papal Registers*, I. 275. The name of this aged Bishop of Raphoe, who was O'Scannell's immediate predecessor, was quite unknown to Eubel, Gams, Ware, and other leading authorities. His name, apparently, was Felemy O'Syda, if we may credit the early seventeenth century list of Raphoe's bishops, to which reference has been already made.

<sup>2</sup> *Cal. Pap. Reg.*, I. 286; Theiner, 57.

<sup>3</sup> *Ad an.* 1253.

he was kept well posted in everything which concerned the interests of his see. Thus, after O'Scannell's elevation to the episcopate, we find the Primate possessing timely knowledge of the legal manœuvres of his adversary, Bishop O'Brogan; we find him in possession of accurate information as to the encroachments of English officials upon the rights and liberties of his see; we find him forewarned and forearmed in regard to the intrigues of malicious courtiers, who sought to poison the mind of Henry III against him. It is natural to assume that the Primate received these timely warnings, or most of them, from his trusted friend and brother-Dominican, who acted as his vicar in the northern province.

In virtue of his position as representative of the absent Primate, Bishop O'Scannell conferred the abbatial benediction upon Patrick O'Murray in 1255. O'Murray, a Canon Regular, had lately been Prior of the renowned monastery of SS. Peter and Paul at Armagh, and had just been elected by the suffrages of his brethren as Abbot of that historic institution. The incident is thus recorded in the *Annals*:

"Donatus, namely, the eighth abbot that was in the monastery of Paul and Peter in Ard-Macha, rested; and Patrick O'Murray, namely, prior of the same house, was chosen to the abbacy, and he was blessed by the hands of Mael-Patraic, bishop of Rath-both."<sup>1</sup>

Abbot O'Murray, as we have seen, is the first Irishman on record who unequivocally bore the Christian name of Patrick, though the *Ulster Annals* bestow the same name more than once, as a kind of alternative forename, upon Bishop O'Scannell. Probably the blessing imparted to Abbot O'Murray on this occasion did not differ materially from the rite at present observed in similar functions: "The ceremony, which in solemnity differs but slightly from a Bishop's consecration, takes place during the Holy Sacrifice of the Mass, after the Epistle. The essentials of the episcopal order are, of course, omitted, but before his benediction the Abbot takes the oath of allegiance to the Holy See, and, like the Bishop, is subjected to a canonical examination. He receives the insignia of his office—the mitre, crosier, ring, etc.—from the hands of the officiating prelate, and at the Offertory presents to him two small casks of wine, two loaves of bread, and two large wax tapers; he says the Mass with the bishop and receives Holy Communion from him. During the singing of the *Te Deum* the newly-blessed Abbot, with mitre and crosier, is conducted through the nave of the church by the two assistant Abbots, and blesses the people. Upon his returning to his seat in the sanctuary (if in his own church), the monks of the community

<sup>1</sup> *Annals of Ulster*, ad an. 1255.



come, one by one, and, kneeling before their new superior, pay him their homage, and receive from him the kiss of peace. The ceremony is concluded by a solemn blessing bestowed by the newly-installed Abbot standing at the High Altar."<sup>1</sup>

While attending to his functions as vicar of the archdiocese and province of Armagh, O'Scannell did not neglect the duties of his office as Bishop of Raphoe. He seems to have passed the early months of 1256 in Rome, whither he had gone to seek counsel and support from Alexander IV, who had been raised to the papal throne on December 12, 1254. Certain extraordinary troubles which had arisen in the diocese of Raphoe furnished the main reason for this journey; but it seems also very probable that O'Scannell desired to confer with Primate Reginald in reference to some Armagh affairs. It is fairly certain that O'Scannell was in Rome in March, 1256; and, by a curious coincidence, three concessions were made to Primate Reginald, in three successive months, about this time. The first was a permission on behalf of Abraham O'Connellan, the Primate's chaplain and his destined successor. At Reginald's request, O'Connellan was permitted by the Holy See to accept another benefice with cure of souls, in addition to the two slender benefices which he already held. This licence was granted early in March; and we may assume that Reginald's petition was prompted, not alone by his personal knowledge of O'Connellan's merits, but also by a favourable report from Bishop O'Scannell, who had been administering the affairs of the primatial diocese for more than two years. In April drastic powers were given to Primate Reginald for dealing with pluralists throughout his diocese; and in May he received an indult enabling him to hold Termonfeckin as a mensal parish. That these measures were prompted by Bishop O'Scannell's report on the state of Armagh seems entirely probable.

### HERETICS IN DONEGAL

1256

The condition of affairs in his own diocese of Raphoe filled O'Scannell with the deepest concern. Heretical depravity, in the literal and repulsive sense of the phrase, had crept in among the people of Donegal; the aged and infirm prelate, who had lately resigned, was ill-fitted to grapple with the evil. But O'Scannell determined to use strong measures. He laid

<sup>1</sup> *Catholic Encyclopedia*, s.v. "Abbot." Doubtless the blessing of an Abbot among Canons Regular in the thirteenth century differed in some details from the blessing of a Benedictine Abbot in our time, though the essentials remain the same.

a statement of the case before the Holy See; and Alexander IV, in a reply, dated March 21, 1256, gave him ample authority to use vigorous means for the moral cleansing of his diocese. The Pope's letter reveals the existence in Raphoe of a group of pestilent cranks, with a marked tendency towards heresy. These wrong-headed folk were, so far as I am aware, the only Irish heretics of the thirteenth century. Heresy and sorcery were rife among the English settlers in Kilkenny, some three-quarters of a century later; at which time also, an Irishman, named Adam Duff, of the O'Toole sept, was burnt for alleged heresy on the spot now known as College Green, Dublin. Ireland produces more than her fair share of cranks—persons of unbalanced mind and undisciplined character—but their perversity of mind rarely leads to heresy. In the wilds of Donegal, however, there were, in the mid-thirteenth century, some rather grotesque heretics, as may be seen from the rescript of Alexander IV to Bishop O'Scannell, which may be thus translated<sup>1</sup>:

"Alexander, Bishop, etc. To our Venerable Brother . . . Bishop of Raphoe, health, etc.

"You have come before us and reported that some laymen of your diocese have been spurred on by the devil to such a pitch of insanity that they not only worship idols but also marry their own kinsfolk and relations. Moreover, if they are rebuked for such excesses by you or other Catholics, or if you excommunicate them for such unhallowed practices, they have the temerity to argue, like sons of perdition, against the Catholic Faith and against that authority which has been divinely bestowed upon the Apostolic See. In short, their wickedness goes so far as to devise plots for the assassination of those who censure their conduct.

"For this cause you have come to seek prompt and salutary direction from us, as to the manner in which you should act, when some of the faithful of those parts are found to be contaminated with such errors, and when there is reason to fear—which God forbid—that the contagion may spread more widely. Relying upon your prudence, therefore, we authorise you by these presents to regard the aforesaid laymen as manifest emissaries and ministers of Antichrist; to wield the sword of ecclesiastical censure against them; and likewise to invoke the aid of the secular arm, in the event of their refusing, after diligent admonition from you, to abandon their errors and excesses, and to return humbly and reverently to the unity of the Church within a suitable period. Those who contradict etc. Given at the Lateran, 12 Kal. April, in the 2nd year of our Pontificate" [March 21, 1256].

<sup>1</sup> Theiner, *Vetere Monumenta*, 71; cf. *Cal. Pap. Reg.*, I. 329.



On the same day the Pope addressed a letter to the Vicar-Provincial of the Dominicans in Ireland, commanding him to send two of his brethren to the assistance of Bishop O'Scannell. There were fifteen priories of the Order in this country at the time, but these communities were regarded as forming an integral part of the English province. For convenience' sake, however, the Irish houses were already governed by a vicar appointed by the English Provincial. A fuller measure of autonomy was accorded to the Irish houses in 1314, when they were empowered to elect three Fathers at stated times, the English Provincial being bound to choose one of the three as his vicar in Ireland. This arrangement remained in force until 1484, when the Irish Dominican priories were raised to the rank of a separate province; a similar enactment in 1368 having remained inoperative owing to the sudden outbreak of the Great Western Schism.

In his mandate to the Irish Vicar-Provincial in 1256, Alexander IV begins by describing the painful condition of affairs which then existed in Raphoe. He cites the instructions issued to Bishop O'Scannell, and then continues:—

"Wherefore, as the said Bishop is a professed member of your Order, and as he informs us that, for the better fulfilment of the task before him, he fervently desires to have two prudent and discreet men from among the Friars under your charge, as his companions, by whom he may cause the word of God to be preached, when occasion demands, and by whose judicious counsel he may be guided: we have deemed it proper to request and urge, and by these Apostolic Letters we command, that in a kindly, prompt, and liberal spirit you will allow the said Bishop to have the services of two such Friars, as soon as his wishes on that head are intimated to you. This mandate is not to lose its force by reason of any privilege or exemption hitherto granted to your Order by the Apostolic See."<sup>1</sup>

Doubtless Bishop O'Scannell and his Dominican helpers, aided by the diocesan clergy, succeeded in bringing this fantastic group of Donegal cranks to a better mind. They are never again heard of in history, though a vague and distorted

<sup>1</sup> Theiner, 71; cf. *Cal. Pap. Reg.*, I. 330. The construction would almost suggest that some words or phrases have dropped from the Latin original: "Quia vero idem Episcopus professor ordinis tui ferventer, prout asserit, in suo gerit affectu, quod pro sollicitudine huiusmodi sibi commissa facilius exequenda duos providos et discretos ex fratribus tue cure commissis habeat in socios. . . ." Here the phraseology would seem to indicate at first blush, that O'Scannell was "deeply and sincerely attached" to the Order of which he was a professed member; but the construction suddenly changes, with some awkwardness, and issues in a different meaning. Perhaps the phrases "eundem ordinem" and "et desiderat" may have been omitted.

tradition of their excommunication by Bishop O'Scannell would seem to be embedded in a seventeenth-century account of the Bishops of Raphoe. Like medieval heretics in general, their tenets and practices were somewhat barbaric and anti-social. The worship of idols, marriage with kinsfolk, denial of the Catholic Faith and of the supremacy of the Holy See, murder-plots for the removal of opponents—these traits illustrate the manner in which heresy and criminality went hand in hand in the Middle Ages; they explain why the heretic was frequently regarded as a criminal, and why he was handed over as such to the secular authority. Happily, these old-time heretics of Raphoe have left no successors behind; and Donegal is to-day a stronghold of Catholic faith and piety.

In the later months of 1256, probably in the autumn, Primate Reginald passed to his reward. He died in Italy, at a moment when all obstacles seemed removed and all opponents checked or overcome, and when he seemed to be at length free to return to his diocese. But Providence had ruled otherwise. His work was done; he had vindicated the rights and privileges of his see, perhaps more successfully than any Primate who had ever sat in Armagh. The executors of his last will and testament were Bishop O'Scannell of Raphoe, his trusty friend and vicar; Bishop Milo de Dunstable, whom we may fairly regard as the Primate's former "official," recently raised, most probably on his recommendation, to the Bishopric of Ardagh; and Archdeacon Bertram of Armagh.

During the next five years nothing is known of Bishop O'Scannell. We may assume that he governed his diocese wisely and well, and that his success in Raphoe enhanced the golden opinions which he had won, in the years from 1253 until 1256, as vicar of the primatial see. Primate Reginald was succeeded by Primate O'Connellan, whose brief administration terminated early in 1261. On February 27 of that year, Henry III issued from the Tower of London a *congé d'élire* to the Canons of the primatial diocese: "Royal licence to the Dean and Chapter of Armagh to elect an Archbishop in the room of A[braham], late Archbishop, deceased."<sup>1</sup>

### O'SCANNELL'S ELECTION TO THE PRIMACY

The election was held in due course. It resulted in the unanimous postulation of Bishop O'Scannell by the Dean and Chapter, as Archbishop of Armagh. This was a remarkable tribute to O'Scannell, whose gifts and merits were already well known to the clergy of the archdiocese. From the *Annals of*

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 113.



*Ulster* we learn not only of his unanimous selection by the Armagh Chapter, but also of his fresh journey to the Holy See, shortly after his election: "Patrick (that is, Mael-Padraig) Ua Sganuill, bishop of Rath-both, was elected unanimously as archbishop of Ard-Macha, and he defended at the Apostolic See the election made of himself."<sup>1</sup> In those days it was more or less customary for newly-elected archbishops to pay a personal visit to the Sovereign Pontiff without delay, in order to obtain the necessary confirmation of their election. O'Scannell's object in proceeding to Rome on this occasion was probably two-fold: to secure his confirmation as Archbishop, and to seek the guidance of the Holy See on questions affecting the archdiocese.

On August 13, 1261, nearly six months after the date of his licence for the Armagh election, Henry III wrote from Windsor to the Sovereign Pontiff intimating his acquiescence in the choice of the electors: "The King to the Supreme Pontiff, notifying that he had given the royal assent to the postulation of Patrick, Bishop of Raphoe, as Archbishop of Armagh."<sup>2</sup> It is very probable that Urban IV, for prudential reasons, awaited the arrival of this royal message, before giving his final sanction to O'Scannell's promotion. "This Election," writes Ware, "was confirmed by the King, and earnestly recommended by Letters to the Pope, and was approved of by the Bull of Urban the 4th, Dated the 5th of November, 1261."<sup>3</sup> Ware is our only authority for the date and tenor of this Bull, which he does not profess to have seen, and for which he vouchsafes no reference. Ware's myriad copyists, while making his statement their own, are obviously unacquainted with the source of his information. There is no reason to doubt either the genuineness of this Bull, or the correctness of its date. Still there is an element of mystery in the matter, for no mention is made of the document in any of the Calendars of Papal Registers or State Papers, or in any ordinary source of information, independent of Ware. The grounds of Ware's assertion may possibly be found in the *Armagh Registers*, which are being calendared by Canon Lawlor of Trinity College in a very painstaking and scholarly manner.

<sup>1</sup> *Annals of Ulster*, ad an. 1261.

<sup>2</sup> *Calendar of State Papers, Ireland*, 1252-1284, p. 114.

<sup>3</sup> Ware-Harris, I. 67. A mutilated entry in the *Annals of St. Mary's Abbey* runs thus: "Eodem anno [1262], Dominus Patricius, Episcopus Rapotensis, in Archiepiscopatum Armachanum [ingressus?] est." Gilbert suggests "consecratus," which does not seem very probable (*Chartularies of St. Mary's Abbey*, II. 289).

## PROVINCIAL SYNOD OF DROGHEDA

1262

The provincial synods held by Primate O'Scannell have proved to be pitfalls for unwary writers. It is demonstrated that he held two, if not three, assemblies of the kind, while a common error assumes that he held but one. The Lateran Council of 1215, following in the wake of several earlier synods, had laid upon archbishops the obligation of holding a provincial Council with their suffragan prelates once in each year.<sup>1</sup> It would seem that immediately after his return to Ireland O'Scannell convened a provincial synod to meet at Drogheda, even before he had received the temporalities of Armagh from the officials of Henry III. The actual date of this assembly may be ascertained with certainty, though the task of determining it does not at first sight seem easy.

In Primate Octavian's Register, which is our only source of detailed information on this subject, the synod is said to have taken place on Monday, the 18th day of the moon, in January, 1262,—which means, in plain terms, January 23, 1262. The date assigned by Ware and Harris is also 1262, though they fail to specify the precise month in which the Ulster dignitaries assembled. Wilkins' account of this assembly proves to be merely a corrupt reproduction of the entry from Octavian's Register. To this, moreover, Wilkins prefixes the erroneous date of 1261, which is contradicted by the text of the document he cites; the text represents this synod as taking place in 1262, not in 1261.<sup>2</sup> The *Annals of Ulster* make no allusion to this synod, though they commemorate O'Scannell's later synod of 1265. The *Annals of Loch Cé*, under date of 1263, allege that there was waged "a great war between the comarb of Patrick and the Bishop of Midhe in hoc anno,"—a statement which Mr. W. M. Hennessey, the editor of those *Annals*, refers to the "dispute regarding the right of the Archbishop of Armagh to make a visitation of the diocese of Meath, which Ware states was arranged in a provincial synod held

<sup>1</sup> "Metropolitani singulis annis cum suis suffraganeis provincialia non omittant concilia celebrare; in quibus de corrigendis excessibus et moribus reformandis, praesertim in clero, diligenter habeant cum Dei timore tractatum."—See Carranza, *Summa Conciliorum*, Venice, 1546, p. 344. This work is interesting, not only as a handy summary of conciliar decrees, but also on account of its author, an able and learned Spanish Dominican, who became Archbishop of Toledo, and was imprisoned for nearly eight years by the Spanish Inquisition, despite the efforts of Pius IV and St. Pius V to obtain his release. For an account of this affair, see Parsons, *Some Lies and Errors of History* [1893], pp. 142, 143.

<sup>2</sup> Wilkins, *Concilia* (1737), I. p. 757.



at Drogheda in the year 1262." <sup>1</sup> The all-important testimony of Octavian's Register is accepted by Ware, Harris, Malone, Gams, and a host of other writers. The weight of external authority is, therefore, strongly in favour of 1262 as the true date of this Drogheda synod. This view derives remarkable support from internal evidence; for it was in 1262, and not in 1261 or 1263, that the 18th day of the moon fell on a Monday in January. The accuracy of Octavian's Register in this crucial detail affords an overwhelming presumption of its reliability as regards the proceedings of the synod.

The account of this assembly in Octavian's Register is avowedly based upon the statutes and ordinances enacted at the time—though these have since perished—as well as upon official documents touching the agreement between Armagh and Meath, which apparently existed in the archives of Meath when Octavian's Register was being compiled. In that famous compilation, the proceedings of Primate O'Scannell's synod of 1262 are thus narrated:

"Patrick O'Scannail, Archbishop, held a provincial council at Drogheda.—On Monday, the 18th day of the moon, in the month of January and year of our Lord 1262, Brother Patrick O'Scannail, Archbishop of Armagh and Primate of Ireland, held a council at Drogheda with the suffragans of his province and some suffragans of the province of Tuam, subject to his primatial jurisdiction, together with some canons of the cathedral and council of the Archbishop of Dublin. The Justiciary <sup>2</sup> and some Irish magnates were also present. In this council the privileges of the Church of Armagh, touching the primatial right, were published, as they had been re-affirmed by the Roman court. In the same council many statutes and decrees were drawn up and promulgated, for the adornment of the church, for penance, and for the salvation of souls, as is clear from the tenor of those enactments. In this council, likewise, the disagreement which had arisen between the said Lord Archbishop of Armagh and the Bishop and clergy of Meath, was settled, after many appeals had been lodged and heavy expenses borne, by the Meath parties at the court of Rome, though in the end they gained nothing. Their proctor at the court of Rome, Master Gilbert, Archdeacon of Kells, went the way of all flesh while the cause was in progress. In the end they agreed that it should be lawful for the aforesaid Archbishop of Armagh and his successors for ever, without let or hindrance, to visit the said Bishop and clergy of Meath and their successors, both in head and members, as may be seen

<sup>1</sup> *Annals of Loch Cé*, I. 446, 447.

<sup>2</sup> Sir Richard de la Rochelle, who filled that office from 1261 until 1266, and was imprisoned for a time by the Fitzgeralds in the castles of Ley and Dunamase (Gilbert, *Viceroy*s, 107).

in the official records of the Bishop and clergy of Meath, relative to this affair."<sup>1</sup>

### AGREEMENT WITH MEATH

Thus did Primate O'Scannell gain a notable victory. As the Primate's election had been confirmed only eleven weeks prior to the holding of this Drogheda synod, it is obvious that the "many appeals and heavy expenses" of the Bishop of Meath and his clergy must be ascribed to an earlier period. Hugh de Taghmon was then Bishop of Meath. He had been elected by the clergy of the diocese in 1252, but a misunderstanding, as unavoidable as it was regrettable, led to a conflict between him and Primate Reginald, which lasted until the year 1254. While this conflict was in progress, the Bishop and his clergy maintained two proctors at the papal court. The proctors in question, Master John de Winton and Master Richard de Malmesbury, were by no means oblivious of their personal interests while engaged in safeguarding those of their diocese, but their expenses in this latter capacity were far from trivial. They obtained leave from Innocent IV to contract a loan of 200 marks, or about £1,600 in modern currency, "in consideration of their expenses at Rome attendant on the business of the said bishop-elect and his see."<sup>2</sup>

By virtue of an amicable agreement with Primate Reginald, Hugh de Taghmon was recognised as lawful Bishop of Meath, yet a wider problem still remained unsolved. It seems clear that Hugh de Taghmon, though a suffragan-bishop of the province of Armagh, endeavoured to secure exemption from the jurisdiction of his Metropolitan, who was also Primate of the Irish Church. Private as well as public reasons, no doubt, prompted him to take this course. His confirmation by the Pope had been delayed for two whole years by the power of Primate Reginald. Besides, the Bishops of Meath must often have chafed under the jurisdiction of the Primate of Armagh,

<sup>1</sup> *Registrum Octaviani de Palatio*, Dr. Reeves' transcript in T.C.D., pp. 915, 916; cf. Wilkins, *Concilia*, I. 757. The text is more or less corrupt in places. For instance, both Reeves and Wilkins make the Register say that the primatial privileges of Armagh were published at this Drogheda synod, "post revocationem in Curia Romana"—which is absurd. If these privileges had been revoked in Rome, they would not have been promulgated soon afterwards at Drogheda; above all, they would not have been admitted by the Bishop of Meath. Doubtless the word "revocationem" is a misreading for "renovationem." There are many minor differences between the two copies, Dr. Reeves' transcript being usually the more reliable.

<sup>2</sup> *Calendar of Papal Registers*, I. 291. The personal favours gained by these proctors are specified, *ibid.* pp. 294, 306.



for the latter were prone to collate outsiders to vacant benefices in Meath when the law so permitted.

Master Gilbert, Archdeacon of Kells, was Bishop Hugh's agent in Rome, on the occasion of this daring effort to shake off the yoke of Armagh. To essay a feat of this nature while Primate Reginald lived at the pontifical court would have been worse than futile; Reginald was more than a match for those who ventured to trespass upon the rights and privileges of his see. We must assume, therefore, that the Meath claim for exemption was put forward during Primate O'Connellan's reign, or else during the interval of nearly twelve months which elapsed between O'Connellan's death and O'Scannell's confirmation, though the Papal Registers maintain a sphinx-like silence on the entire question. Shortly after O'Scannell's election he journeyed to the Holy See, and we shall not be far wrong in supposing that one main object of his journey was to frustrate the bold design of Bishop Hugh de Taghmon. It was unprecedented, or nearly so, that a suffragan bishop should seek to free himself from the jurisdiction of his hierarchical superior. The Bishop of Meath failed, as he deserved to fail, and Primate O'Scannell gained a decisive victory.

The real difficulty with regard to this synod of Drogheda is a chronological one. Some time between St. Patrick's Day and the end of July, 1261, O'Scannell was elected to Armagh. His election, as we have seen, received the royal assent on August 13 following. His promotion was sanctioned by the Holy See on November 5, 1261, and the synod of Drogheda was held on January 23, 1262. Nearly a month was requisite for a journey from Rome to Armagh in those days of slow and tedious travel, so that O'Scannell could hardly have reached Armagh before December 5, 1261. This would allow exactly seven weeks of preparation for the synod; and if O'Scannell, in those seven weeks, succeeded in summoning and assembling the Connacht and Ulster prelates, as well as the Justiciary and sundry lay nobles and Church dignitaries, he must have acted with marvellous celerity. The fact that he was still shut out from possession of the revenues of Armagh renders his activity all the more remarkable. These considerations show that the chronological difficulty is a weighty one. Nevertheless, the internal and external evidence in favour of January 23, 1262, as the genuine date of this Drogheda synod, seems too strong to be resisted.

Besides, it is possible that O'Scannell, immediately after his election to the Primacy, and without waiting for formal confirmation, may have summoned the prelates of Connacht and Ulster, and invited the magnates of the kingdom to attend a provincial council to be held at Drogheda on a specified day in the following January. Be this as it may, when the appointed

day arrived, it found O'Scannell provided with weapons which his Meath antagonists were powerless to resist. His election as Archbishop of Armagh had received the final seal of approval from Urban IV, and his rights as Primate and Metropolitan had been fully recognised by the Pontiff. Under these circumstances, capitulation was the only course open to the Bishop and clergy of Meath. "They agreed that it should be lawful for the aforesaid Archbishop of Armagh and his successors for ever, without let or hindrance, to visit the said Bishop and clergy of Meath and their successors, both in head and members." Primate O'Scannell had won a decisive victory. His primatial right of visitation was fully and finally admitted by his opponents, though the stubborn Meathmen continued to raise difficulties as to the time and manner in which the visitation should be held, and these difficulties were not amicably settled until April, 1265. After this, O'Scannell's successors continued to exercise their right of visitation in Meath, down to the era of plunder and misbelief which is euphemistically styled the Reformation period.

The "great war" between the successor of St. Patrick and the Bishop of Meath, which the *Annals of Loch Cé* ascribe to the year 1263, can scarcely be understood of the trivial dissensions which arose with regard to the time and manner in which the Primate should hold his visitation. These annalists are by no means infallible in the matter of dates, and it is quite probable that their "great war" may refer either to the contest which closed at Drogheda in 1262, or else to the still more resounding conflict which had taken place between Primate Reginald and Bishop Hugh in the years from 1252 to 1254.

It is scarcely fair to suggest, as Harris does, that the provincial council of 1262 was convened mainly for the purpose of establishing Primate O'Scannell's authority over the other provinces. On the contrary, Primate Octavian's Register, which is our sole authority on the subject, shows that many statutes and regulations were enacted, with reference to the adornment of churches, the administration of the sacrament of penance, and the general work of the ministry. At the same time, the rights and privileges of the Primate were publicly re-affirmed; and in particular, his jurisdiction over Meath was publicly acknowledged. At the risk of some repetition, Harris's words may be quoted, as they throw light on later phases of the attitude of Meath towards Armagh:

"There assisted at this Synod not only all the Suffragans of the Province of Armagh, but also some of those of the Province of Tuam, as subject to Armagh by Primatial Right (of which the Reader may see an Account under Artigius before), and not only these Prelates, but also the Lord Justice, and several of the principal Men of the Kingdom, graced this



assembly. What is found in the Register of Octavian, concerning the Synod, would give one Room to Judge, that it was principally called to establish the Authority of the Archbishop of Armagh over the other Provinces. For the Privileges of that Church, concerning the Primatial Right, were now solemnly published; and the great Disputes which had arose between the Primate, and the Bishops and Clergy of Meath, were appeased, after many Appeals, and great Expenses had, and suffered by the Bishops of Meath at the Court of Rome; the said Bishops having claimed an exemption from the Visitations of the Primate; as may be seen under Hugh de Taghmon, Bishop of Meath. The Agreement now made between them, was upon this Foot,—‘That it should be Lawful for the Archbishop of Armagh, and his successors, without any Cause of Offence, to visit the Bishop and Clergy of Meath and their Successors.’ In pursuance of this Agreement, Milo Sweetman, Archbishop of Armagh, A.D. 1374, visited the Diocese of Meath, by his Metropolitan Right; and then confirmed to St. Mary’s Abbey, in Dublin, all the Churches and Livings, which belonged to the said Abbey in that Diocese; as his Predecessors had done before him. But there yet remained a Scruple, whether the Primate could visit the Diocese of Meath, otherwise than in Person. To remove which, the Bishop and Clergy of Meath, in a Convocation held in the year 1429, granted to Archbishop Swain, that he might visit them by his Commissaries, without any Contradiction; the Instrument of which Grant is to be seen in Swain’s Register.”<sup>1</sup>

### TEMPORALITIES RESTORED TO O'SCANNELL

Some three months after the provincial synod of Drogheda, the temporalities of Armagh were ordered to be restored to Primate O'Scannell. Under date of April 20, 1262, we find the following entry: “The King to William de Bakepuz, his escheator in Ireland. During recent vacancy in the see of Armagh by the death of Abraham, late Bishop of that see, the Dean and Chapter thereof, having first demanded and obtained licence from the King, had postulated as Archbishop Patrick, late Bishop of Raphoe. The King gave the royal assent to this postulation, the Pope confirmed it, and the elect having, according to custom, rendered fealty, the King had restored the temporalities to him. Mandate accordingly to the escheator.”<sup>2</sup>

This mandate was signed at Westminster, whence a fresh order issued on the same day to the custodian of O'Scannell's

<sup>1</sup> Ware-Harris, I. pp. 67, 68.

<sup>2</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 117.

temporalities: "The King to William de Bakepuz, his escheator in Ireland. Having restored to Patrick, Archbishop of Armagh, the temporalities of his see, the King grants to him, of special grace, all the issues thereof from the date of these presents. Mandate accordingly."<sup>1</sup>

The officials of the King might be slow to execute their master's orders; needless delays might occur ere the temporalities of Armagh were restored to their rightful owner; but all revenues accruing from the houses, glebe-lands, and manors of the see, from April 20 onwards, were to be refunded to Primate O'Scannell. Meanwhile all the revenues of the diocese, from the beginning of 1261 until April 20, 1262—a period of some fifteen or sixteen months—went to swell the coffers of the English king. In those days of autocratic feudalism, the Church was considered a fair mark for the plundering operations of royalty. The resistance of Churchmen was less to be feared than that of powerful barons. The revenues of the Irish Church were devoured, in great part, by English pluralists; the temporalities of Irish sees were sequestered, for the benefit of the King and his officials, whenever a vacancy occurred. While the endowments with which the Church had been enriched by Irish piety were thus preyed upon by hungry Englishmen, it is no wonder that even the primatial see of Armagh was reduced to poverty. Such was the misconduct of the escheators appointed under the feudal system, in Ireland and elsewhere, that their very name has passed into a synonym for fraud and extortion.<sup>2</sup>

Two months after the issue of the royal instructions above quoted, and probably after O'Scannell had received custody of the temporal properties of his see, he officiated with the Pallium in his cathedral. The *Annals of Ulster* inform us, under date of 1262, that "Patrick, that is Mael-Padraig, ua Sganuil, Archbishop of Ard-Macha, said Mass with the Pallium on the morrow of John the Baptist in Ard-Macha," the precise day and date being Sunday, June 25, 1262. The same incident is chronicled, a little less definitely, by the Four Masters, who state that Primate O'Scannell said Mass with the Pallium at Armagh "within the octave of S. John the Baptist." That the new Primate had held an important synod before receiving his Pallium and his temporalities, is a fact so singular as to appear almost incredible, were it not so well supported by extrinsic and intrinsic evidence.

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 117.

<sup>2</sup> The escheator "had commonly such a reputation for fraud and extortion in the execution of his office that, by an only too natural transition, the 'escheator' passed into the 'cheater,' and 'escheat' into 'cheat.'"—Trench, *Select Glossary*, 1890, p. 44.



*FINANCIAL AFFAIRS—A MISTAKEN MANDATE*

During the year 1262 Urban IV devoted much of his energy to the task of replenishing the papal treasury, which had not merely become exhausted, but had "incurred insupportable debts in defending ecclesiastical liberty and in the business of Sicily."<sup>1</sup> For this end he dispatched mandates on money affairs to all manner of prelates and ecclesiastics in England and Ireland. The Pope seemed resolved on making a giant effort to recover all outstanding debts due by ecclesiastics and laymen in these kingdoms. Primate O'Scannell at this time owed some money to Florentine bankers. He may have been obliged to contract a loan for the expenses of his journey to Rome in the previous year, or some contribution may have been due from his diocese to the Holy See, or he may have been held responsible for some debts of his predecessor. Obligations of the kind, however incurred, were often discharged through the medium of Italian bankers.

The Pope had already taken drastic steps for the recovery of debts due by the Bishops of Glasgow and Winchester; he now adopted similar, but hasty and mistaken, measures against Primate O'Scannell. On November 30, 1262, he issued a "Mandate to the Archbishop of Armagh to pay to James Gilberti, Rayner Bellindoti, and their fellows, Florentine merchants, money due to them from him which the Pope had ordered him, for certain reasons, to pay instead to Andrew Jacobi, Mannus Ildebrandini, and Bonsignore Rayneri, members of the firm of Bonsignori, Bernardini and Jacobi, Sienese merchants, the sentence of excommunication issued against them by the Archbishop of Bordeaux having been annulled by order of the Pope. If this is not done, the Abbot of Westminster and Master James de Portu, Canon of Syracuse, living in England, have orders to compel him."<sup>2</sup>

This summary makes the Pope's letter seem more abrupt and peremptory than it was in reality. From the letter itself we learn that the Pontiff had written, some time earlier, to Primate O'Scannell, bidding him pay the sum in question to the Sienese instead of the Florentine firm, as the latter had been excommunicated by the Archbishop of Bordeaux. At the same time, the Bishop of Paris was empowered by the Pope to protect O'Scannell from future molestation on account of this debt, once it was paid to the Sienese merchants; if not paid to these bankers within the appointed time, the Bishop of Paris was to enforce payment. As to the amount of the

<sup>1</sup> *Cal. Pap. Reg.*, I. 383.

<sup>2</sup> *Ibid.* 387; Theiner, p. 87.

debt, the circumstances in which it was incurred, and the date of its falling due, Urban IV seemed to possess no definite information. Even in his later letter, above summarised, he is doubtful whether the time allowed for payment has yet expired. This later mandate is entirely of a conditional nature—if the Archbishop of Armagh has exceeded his time limit, and if he has not already discharged his liability to the Sienese bankers, he is to pay now to the Florentine bankers instead, as the latter have been restored to favour with the Holy See. In the same conditional strain the Pope addressed a "Mandate to the Abbot of Westminster and Master James de Portu to compel the Archbishop of Armagh to obey the above mandate, and, if he does not do so, to publicly excommunicate him within a month."<sup>1</sup> This order, like the concurrent mandate to O'Scannell himself, was issued on November 30, 1262.

On the following day it was realised that a serious error had been committed. It was discovered that Primate O'Scannell had already, in accordance with the Pope's instructions, paid his debt to the Sienese firm. Hence, on December 1, 1262, the Pontiff addressed a new "Mandate to the Bishop of Paris not to proceed in the matter committed to him in relation to the Archbishop of Armagh about not paying the sum due to the Florentine merchants, revoking any sentence issued against him, and to compel the Sienese merchants to restore to the Florentine firm the money received by them from the Archbishop."<sup>2</sup> Thus O'Scannell emerged in triumph from this welter of mandates and misunderstandings; for the confusion and error which had been imported into this affair, he was clearly not responsible.

### ROBERT OF FLANDERS, BISHOP OF CONNOR

The year 1263 bristles with stirring incidents, in which the Irish Primate was directly concerned. In February of that year we find O'Scannell writing from Dundalk to Henry III in favour of Robert of Flanders, an English ecclesiastic of obviously Flemish origin, who had lately been elected to the see of Connor: "Brother Patrick, Archbishop of Armagh, to the King. The Church of Connor being vacant, its clergy having obtained licence from the King,<sup>3</sup> had unanimously elected Robert of Flanders, an Englishman, and remarkable for science of letters and probity of morals. The Archbishop, having ap-

<sup>1</sup> *Cal. Pap. Reg.*, I. 387.

<sup>2</sup> *Ibid.* This Parisian prelate is described simply as "Bishop of Paris" both here and in the mandate of the preceding day in Theiner, p. 87.

<sup>3</sup> The licence was granted on December 25, 1262.



proved of the election, sends the elect to the King's presence, praying that he will give the royal assent, and restore the temporalities."<sup>1</sup>

This letter is dated "about the beginning of February," 1263, but its true date may be a week or two later. On February 3, the Archdeacon and clergy of Connor wrote a collective letter to the King, announcing the election of Robert as their Bishop, the election may well have taken place on the previous day. The Primate, however highly he might esteem the Bishop-elect, would scarcely give his formal sanction save after due inquiry concerning the manner in which the election had been held. All this would require, at the least, a week or fortnight. Strongly as O'Scannell might disapprove of the appointment of foreigners to Irish bishoprics, he could scarcely mark his disapproval in the present instance, as the election had been unanimous. The cleric chosen was, besides, a man of unusual worth. Henry III gave his royal assent in due course; and Bishop Robert, who is sometimes styled Robert le Fleming, ruled his see for eleven years, and died in 1274.<sup>2</sup>

### AN ITALIAN CLERIC AND A MEATH PLURALIST

We have seen that the right of visitation of the Archbishops of Armagh was admitted in principle by the Bishop and clergy of Meath, at the Synod of Drogheda, early in 1262. In 1263 we find Primate O'Scannell actually exercising this famous right of visitation in the diocese of Meath—a fact which furnishes a fresh proof that the date assigned to the Drogheda synod is the true one. On July 2, 1263, the Primate conferred one of the churches of Meath upon a cleric named Matthew de Salerno, doubtless an Italian, who held a rank corresponding to that of a modern Monsignore at the papal court, where O'Scannell may have made his acquaintance. The Primate's letter in reference to this affair may be thus rendered into English:

"Brother Patrick, by Divine condescension, Archbishop of Armagh and Primate of Ireland, to his most dear son in Christ, Master Matthew de Salerno, papal chaplain, health and love. In the course of our recent visitation of the diocese of Meath, we discovered that Master John de Dobelton held possession of several churches, for the retention of which he could show no sort of dispensation, though duly admonished by us to do so. For this reason, and because we hold your character in

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, pp. 118, 119. Nowadays, of course, the Bishop's name would be simply Robert Fleming.

<sup>2</sup> O'Laverty, *Bishops of Down and Connor*, pp. 255, 256.

high estimation, based upon our special knowledge of your worth and merits, we have collated you to the church of Martry,<sup>1</sup> in the said diocese. The Bishop is patron of that church; it was first bestowed as a benefice upon the aforesaid Master, who afterwards acquired certain other benefices, wealthy and important in themselves. The church of Martry has, therefore, been legally vacant for a considerable time, and as the Bishop has neglected to fill the vacancy, the right of making an appointment has devolved upon us. To set at rest any doubts which may arise on this head, we have deemed it well to append our seal to these presents. Given at Dunelek [Duleek], 6 Nones of July, A.D. 1263 " [July 2, 1263].<sup>2</sup>

On October 31 following, Urban IV addressed a mandate to the Archdeacon of Meath in reference to this presentation. From the Pope's mandate we glean that Master Matthew de Salerno, though a papal chaplain, was only in subdeacon's orders, and that he had presented a petition to the Pontiff, complaining of the opposition offered by his pluralist rival, Master John de Dobelton (or Dubiltum), whose collation to the church of Martry, with cure of souls annexed, had become void by his subsequent acceptance of the rectorship of Kells, which was likewise a parish with cure of souls. The former benefice had been legally vacant for such a length of time that, according to the decrees of the Lateran Council,<sup>3</sup> the right of appointing a successor in place of Master John had lapsed to the Archbishop of Armagh, who canonically nominated Master Matthew to the vacant church.

The pluralist rector, Master John, was bitterly opposed to this arrangement, and contumaciously persisted in his opposition in spite of due warning. For this he was very properly excommunicated by Primate O'Scannell, and might also have been deprived of his benefice of Kells, if his superiors had thought fit to enforce the law as strictly as his offence deserved. At the prayer of Master Matthew de Salerno, Urban IV con-

<sup>1</sup> For significance of name, see Joyce, *Irish Names of Places*, II. 434, 435. Martry is a townland and parish four miles north-west of Navan, in Meath. For ancient references to the place, see Hogan's *Onomasticon*, s.v. "Martartech," pp. 536, 537.

<sup>2</sup> Theiner, *Vetera Monumenta*, p. 90; *Cal. Pap. Reg.*, I. 416.

<sup>3</sup> In 1179, the Third General Council of Lateran had legislated with just severity against pluralists; cf. canons 13 and 14 in Hefele-Leclercq, *Histoire des Conciles*, tom. v. 2me. partie, p. 1098. The Fourth General Council of Lateran, held in 1215, renewed and extended these enactments. It decreed (can. 29) that whoever should accept a benefice with cure of souls while holding another benefice of the same kind, should forfeit all claim to the latter. If he should strive to retain both benefices, he should be deprived of both. When a first benefice became legally void by acceptance of a second, the former should be filled within three months; otherwise the patron lost his right of presentation.—Hefele-Leclercq, op. cit., p. 1357.



firmed this sentence of excommunication, and ordered the Archdeacon of Meath to see to its observance, admitting no appeal whatever, until the stubborn pluralist should make condign satisfaction. Moreover, in case Master John de Dobelton—an English offender, as his name indicates—should persist in his vexatious opposition, the Archdeacon was ordered to cause sentence of excommunication to be publicly pronounced against him, on every Sunday and holiday, with bells tolling and candles lighted, in as many churches as he should deem proper; and meanwhile he was to see that Master John should be strictly avoided by everybody. This mandate to the Archdeacon was dated Orvieto, October 31, 1263.<sup>1</sup>

Another letter in reference to this affair was addressed by Urban IV to Master Matthew himself, on November 3, 1263. "By your distinguished merit and the splendour of your virtues," writes the Pontiff, "you have earned the favour and grace of the Apostolic See. For this reason, we regard ourselves as in duty bound to watch over your interests and your honour, and to give proof of our fatherly benevolence by promoting both, as far as God enables us to do so." The Pontiff then proceeds to recite the circumstances attending this Meath appointment; he reproduces O'Scannell's letter above quoted, and solemnly sanctions the collation made by the Archbishop of Armagh.<sup>2</sup>

That Master Matthew de Salerno had rendered useful services to the Irish Primate at the papal court seems entirely probable, especially as O'Scannell states that his high esteem for the Italian cleric was based on "special knowledge" of the merit and worth of that personage. Whatever his services may have been, they were now rewarded by a benefice in Meath, even as Primate O'Connellan had rewarded the monks of Anagni for their good offices to Primate Reginald by bestowing upon them the benefice of Kilberry, in the same diocese. It is curious and significant that two successive Archbishops of Armagh should have chosen to exercise their generosity at the expense of Bishop Hugh de Taghmon and his diocese; and that a benefice in Meath, instead of one in Armagh, should have

<sup>1</sup> Theiner, *Vetera Monumenta*, p. 89; this mandate is wrongly dated in *Cal. Pap. Reg.*, I. 416. Cotton states that Master John de Dumbleton, or Dumbilton, became Archdeacon of Meath in 1269, that he died on Nov. 18, 1288, and was buried at Kells (*Fasti*, III. 126). Following the lead of Ware and Harris (Ware-Harris, II. 319), Cotton confuses this pluralist with his later and far more distinguished namesake, John of Dumbleton (fl. 1340), who was an Oxford professor, and wrote many works which won him a notable scholastic reputation. See the account of him, by Reginald Lane Poole, in the *Dict. of Nat. Biog.*, XVI. 146, 147. Dumbleton is a parish and village in the north of Gloucestershire; its population, at the census of 1911, was 431 souls.

<sup>2</sup> Theiner, *Vetera Monumenta*, pp. 89, 90; *Cal. Pap. Reg.*, I. 416.

been singled out for collation to a foreign ecclesiastic on each occasion. Bishop Hugh, "a pious man of venerable life," was rather easy-going in the matter of parochial appointments.<sup>1</sup>

### THE FAMOUS BULL OF URBAN IV

The month of November, 1263, is usually assigned, for some reason which I have been unable to discover, as the date of a famous and much-debated Bull addressed by Urban IV to Primate O'Scannell, in reference to the Primacy of Ireland. A popular version of this affair may be seen in Harris, who writes: "It appears that Pope Urban the IVth, by a Bull dated November, 1263, confirmed the Dignity of the Primacy of all Ireland to this Prelate, in these Words:—*Primaliam vero, etc.*, 'Following the Example of Pope Celestin, our Predecessor, We, by our Apostolick Authority, confirm to you and your Successors, the Primacy of all Ireland, which Title it is well known your Predecessors have held firm and unshaken to this Time; decreeing that all the Archbishops and Bishops of Ireland, and other Prelates thereof, shall at all Times pay to you and your successors, all Obedience and Reverence, as to their Primate.'"<sup>2</sup>

This document, if genuine, is a palmary proof of the privileges of Armagh. Its importance caused it to become, in later years, the storm-centre of discussion between the advocates of Armagh and the defenders of Dublin. Its authenticity is by no means vital to the claims of Armagh; the see of St. Patrick would still have powerful reasons in its favour, even though Urban IV and his renowned diploma had never existed. At the same time, if the genuineness of the Bull can be satisfactorily proven, it lends invaluable support to the cause of Armagh. For the present, we need only note the alleged date and contents of the document. So far as these details are concerned, Harris's account is in full accord with the narrative published in 1672 by the Ven. Oliver Plunket, Archbishop of Armagh. As the *Jus Primatiale* of the illustrious martyr-primate is now extremely rare, a few characteristic passages may be cited here, omitting most of the italics, but retaining the capitals.

<sup>1</sup> His death in 1280 is thus noted in the *Annals of St. Mary's Abbey*: "Hugo de Tachmon, Episcopus Midensis, vir pius et vite venerabilis, in Christo quievit."—Gilbert, *Chartulary of St. Mary's Abbey*, II. 290.

<sup>2</sup> Sir James Ware's *Works*, translated with additions by Walter Harris, 1737 edit., I. p. 68. Primate O'Scannell has had the misfortune to gain celebrity under a name which was not his own, many modern writers having persisted in the error of styling him "O'Scanlan."



## OLIVER PLUNKET ON THE PRIMACY

" In the Year 1263, Urban the fourth directed a Bull, dated in November in the same year, to Patrick O'Scanlain, a Dominican, Translated from the Bishoprick of Raphoe to the Archbishoprick of Armagh, in these words: *Primatiam vero totius Hiberniae, quam Praedecessores tui usque ad haec tempora inconcusse habuisse noscuntur, ad exemplar Celestini Papae Praedecessoris nostri tibi, tuisque successoribus auctoritate Apostolica confirmamus, statuantes ut Hiberniae Archiepiscopi, Episcopi, et alii Praelati tibi et Successoribus tuis tanquam Primati obedientiam ac reverentiam omni tempore debeant exhibere.*

" These words are so significant and so clear, for the confirmation and establishment of the See of Armagh's Superiority and Jurisdiction over the whole Clergy of Ireland, that nothing more could or can be desired or expected, if we consider and ponderate each part of Urban's Bull. Urban gives to the said Patrick *Primatiam*, not of the Province of Armagh onely, but *Totius Hiberniae*, quam Praedecessores tui usque ad haec tempora inconcusse habuisse noscuntur; so that they had and enjoyed it from St. Patrick's time until Urban's, that is to say, for eight hundred and odd Years; *inconcusse*, without any violent perturbation, molestation or hindrance; *ad exemplar Celestini Papae*, so that Urban confirmed the Primacy to Patrick O'Scanlan as Celestinus granted it to St. Patrick, (that is to say) with ample Jurisdiction over all, as St. Patrick had it. *Statuentes ut Hiberniae Archiepiscopi, Episcopi, et alii Praelati tibi et Successoribus tuis, tanquam Primati, obedientiam et reverentiam omni tempore debeant exhibere*,—Urban commanded, not that the Archbishop or Bishop of Cashell, or of Tuam, should render him Obedience, but that all Archbishops and Bishops of Ireland should, and are bound to, give him Obedience and Reverence; and not to him onely, but also *Successoribus*, that is, to all his Successors; and not as to an Archbishop, but *tanquam Primati*, as to a Primate, who ought by the Law and Custom of the Church to have Archbishops under him; neither are the Clergy of Ireland bound to obey the Primate for Ten or Twenty Years, but *omni tempore*, at all times and in all places, *Obedientiam et reverentiam exhibere debeant*, they are bound to obey. Observe, that it is not an act of Civility, but of Obligation; and he who is bound to Obedience ought to observe and fulfil these things—

" *First*, To give his Superior Respect and Reverence due to his preheminy.

" *Secondly*, To receive his Commands, and perform them.

"Thirdly, To undergo his Judgment with Humility.<sup>1</sup>

"All Archbishops and Bishops of Ireland, by Pope Urban's Bull, do enter these threefold Obligations, *omni tempore*, in all time[s], and places. Neither is the Archbishop of Dublin exempted from it, more than the Archbishop of Tuam, who could pretend the same exemption with as great Reason as the Archbishop of Dublin; and if every Archbishop of Ireland will challenge it, what Prerogative is reserved to the Primate, more than to all Archbishops? Doubtless there is none; and so the large Declarations past for the Primate by Urban and other Popes, in most significant lines, must all be frivolous and fruitless upon such weak tergiversations, although they have for so many hundred years, from St. Patrick to Urban's time, kept their preheminency over all the Clergy of Ireland, and truly with great applause and estimation, as appeareth by the explication of King Edward the third, and Henry the fourth, under their broad Seals."<sup>2</sup>

#### PRIMATE MACMAHON AND ARCHBISHOP TALBOT

Primate Hugh MacMahon, in his searching and masterly work on the Primacy of Armagh, pays close attention to this crucial Bull.<sup>3</sup> The extract which he cites from it corresponds, word for word, with that already given by his martyred predecessor. But Primate MacMahon warily avoids any precise mention of the date of the Bull. On the other hand, Dr. Peter

<sup>1</sup> These three points agree almost verbatim with a passage in Primate Hampton's manuscript proofs of the Primacy, written about sixty years earlier, and now preserved in Trinity College (E.3.13). Could the Ven. Oliver Plunket have had access to these notes of Hampton's, or to some copy of them? It seems unlikely that he had, yet the verbal similarity is very curious. An acquaintance with Hampton's or Ussher's notes would have enabled him to strengthen his argument in no inconsiderable degree.

<sup>2</sup> Ven. Oliver Plunket, *Jus Primatiale*, 1672, pp. 15-20. In the "explication of King Edward the third and Henry the fourth" there is no reference to the "great applause and estimation" with which the Archbishops of Armagh used their pre-eminence over the clergy of Ireland from St. Patrick's day to the time of Urban IV. It is fairly certain that Primate Oliver Plunket had not read the documents of Edward III and Henry IV, to which he alludes, and that he knew them only by hearsay.

<sup>3</sup> MacMahon, *Jus Primatiale Armachanum*, 1728, pp. 14, 15, 203-208; *Prosecutio contra Anonymum*, pp. 42-48. The anonymous writer whom MacMahon had in view was Father John Hennessy, a Jesuit of Clonmel. "The style of Dr. MacMahon's work is perspicuous, the arguments are unanswerable, and the author, as is justly remarked by Harris, 'has accurately handled, or rather exhausted, the subject.' The minuteness of his research and the extent of his learning, on the points which he had undertaken to elucidate, are truly surprising; yet, when he wrote this very erudite and elaborate dissertation, he was by no means possessed of competent literary ease, or of robust health."—Stuart-Coleman, *Hist. of Armagh*, 265.



Talbot, Archbishop of Dublin, with characteristic disregard of accuracy, expresses his surprise that Primate O'Scannell (whom he calls O'Scanlan), "in his Synod of Drogheda, held in 1263, made no reference whatever to this Bull, which he had received in 1260."<sup>1</sup>

As Bishop O'Scannell did not become Primate of Armagh until the close of 1261, the date to which Archbishop Talbot ascribes the Bull is a palpable error. His dating of the provincial council of Drogheda is equally erroneous. It is quite possible that Primate O'Scannell may have held a synod at Drogheda in 1263; but there is not an atom of trustworthy evidence to show that he did so. His first and most famous synod was held at Drogheda in 1262; there, as Octavian's Register attests, *privilegia ecclesiae Armachanae de jure primatiae, post [renovationem]*<sup>2</sup> *in Curia Romana, publicata fuerunt*. It is clear that a good deal was said in this synod of Drogheda concerning the privileges of Armagh and their recent confirmation by the Sovereign Pontiff. Archbishop Talbot's confident assertion is, therefore, not only devoid of evidence but intrinsically improbable.

#### AN HISTORIC CLAUSE—THE PRIMATIAL CROSS

The decisive passage from Urban IV's Bull is cited in identical terms by all the Catholic disputants on either side. Of the existence of a more complete text, none of them had any definite knowledge.<sup>3</sup> None of them was aware that, hidden among the records of the Tower of London, was a document

<sup>1</sup> "Mirum etiam videtur Patritium O'Scanlan in sua Synodo Pontanae celebrata anno 1263, nihil dixisse de ista Bulla quam Anno 1260 acceperat."—Talbot, *Primatus Dubliniensis*, Lille, 1674, p. 7.

<sup>2</sup> In all the manuscript copies that I have seen the reading *revocationem* occurs, which is obviously a scribal error. Dr. Elrington, in his edition of Ussher's works, conjectures that the true reading must be *renovationem*.—Ussher's *Works*, I. p. cxxxi.

<sup>3</sup> Primate MacMahon, indeed, affirms that an entire copy of this Bull may be found in the Armagh Registers: "ubi illam [bullam] . . . reperiret expressam ad longum, ubi agitur de accessu et inthronizatione praefati Patricii O'Scanlan." But as the persecuted Primate had no means of access to the Armagh Registers, this statement may be taken as an expression of what he had surmised, rather than of what he had seen. Writing to the Cardinals of Propaganda in 1720, he feelingly describes the troubles he endured at the hands of Protestant "sons of Belial" who were on his track, as also from certain *false brethren*, who desired to gain the pecuniary reward offered by Protestant persecutors for the apprehension of a Catholic prelate; he also deplores his failure to obtain extracts from the Armagh Registers, even through the good offices of friends (*Spicilegium Ossoriense*, III. 133, 134; cf. Stuart-Coleman, *Hist. of Armagh*, 275). That he remained a stranger to these Registers until after the publication of his book in 1728, seems tolerably clear. His rash announcement of the existence of a complete copy of Pope Urban's Bull in the Armagh Registers has hitherto received no confirmation.

which might shed fresh and valuable light upon the entire discussion. We cannot reasonably blame those Catholic divines of the Penal Days; it was their misfortune, not their fault, to be deprived of access to official records. They were men, for the most part, "of whom the world was not worthy." Like those great and good men of whom the Apostle speaks, they were often "in want, distressed, afflicted"; like them, they were forced to seek refuge "in deserts, in mountains, in dens, and in caves of the earth." The savage bigotry of English Protestantism hounded Oliver Plunket to death upon the scaffold. Archbishop Talbot succumbed to the rigours of his imprisonment, and ended his days in a dungeon. The life of Primate Hugh MacMahon was that of a hunted outlaw, with a price upon his head; while the lot of Dr. John Clinch, Vicar-General of Dublin, and of Father John Hennessy, S.J., was scarcely more tolerable. It were as unjust as absurd to blame these harassed ecclesiastics for lack of industry or want of close research; their opportunities in that direction were sadly limited.

Far different was the position of the Protestant prelates. They had wealth and leisure in abundance; the old Catholic registers had fallen into their hands, and they had free access to official documents. In such circumstances, it is not surprising to find that Primates Hampton and Ussher were conversant with certain facts regarding Pope Urban's Bull, which Catholic writers, from the days of Oliver Plunket to those of Hugh MacMahon, were debarred from knowing. From Ussher's brief history of the primatial controversy we may cite these illuminating passages:

"At last Pope Urban y<sup>e</sup> fourth confirmed the order set downe by Celestine, and established y<sup>e</sup> rights of y<sup>e</sup> Primacy to y<sup>e</sup> See of Armagh, in manner following: *Primatiam vero totius Hiberniae, quam praedecessores tui usque ad haec tempora inconcusse habuisse noscuntur, ad exemplar supradicti Coelestini Papae praedecessoris nostri, tibi tuisque successoribus auctoritate Apostolica confirmamus, statuentes ut Hiberniae Archiepiscopi, Episcopi, et alii Praelati tibi et Successoribus tuis tanquam Primati obedientiam et reverentiam omni tempore debeant exhibere. PORRO CRUCEM, VEXILLUM SCILICET DOMINICUM, PER PROVINCIAS ET EPISCOPATUS TIBI METROPOLITICO JURE SUBJECTOS, SICUT PRAEDECESSORIBUS TUIS CONCESSUM FUISSE DIGNOSCITUR, ANTE TE DEFERENDI LICENTIAM IMPERTIMUR.*

"These priviledges thus renewed were presently published by y<sup>e</sup> Archbishop of Armagh in a Provincial Synod held at Drogheda, whereof in y<sup>e</sup> Registry<sup>1</sup> of that Church we read

<sup>1</sup> That is, in Octavian's Register, which is the sole original source of information as to the date and proceedings of this synod of Drogheda.



thus: *Feria secunda, luna 18a mensis Januarii anno Dom. 1262, frater Patricius Oscannail, Archiepiscopus Armachanus, Hiberniae Primas, Concilium celebravit apud Pontem cum Suffraganeis provinciae suae et quibusdam Suffraganeis provinciae Tuamensis sibi jure primatice subjectis, et quibusdam Canonicis Cathedralibus et Consilio Domini Dublinensis; cui interfuerunt Justiciarius et quidam magnates Hiberniae. Et ibidem privilegia Ecclesiae Armachanae de jure primatiae post [renovationem] in Curia Romana publicata fuerunt."*<sup>1</sup>

### AUTHENTICITY OF URBAN'S BULL—ITS TRUE DATE

These passages shed fresh and instructive light on the date and contents of Pope Urban's Bull. No early authority is cited by any writer in support of November, 1263, as the date of that celebrated pronouncement. The Ven. Oliver Plunket appears to be the first author who assigns it to that date, though Ussher, writing nearly forty years earlier, ascribes it by implication to the year 1261. The facts of the case are distinctly in favour of Ussher's view. From the testimony of Octavian's Register we know that the privileges of Armagh, after their confirmation by the Supreme Pontiff, were solemnly published at Drogheda in January, 1262. Some clear and decisive proof of that confirmation must have been forthcoming, else the opponents of Armagh might have been trusted to enter a vigorous and resounding protest. It was well-nigh twenty years since the Archbishops of Dublin and Cashel had bound themselves and their suffragans, jointly and severally, to resist the primatial claims of the Archbishop of Armagh; and by the year 1243 the Archbishop of Tuam had made common cause with his brother-prelates in their opposition to Armagh.<sup>2</sup> Since the primatial rights of Armagh were solemnly promulgated in the Drogheda synod of 1262, without any recorded protest from such watchful rivals or their interested representatives, and since the promulgation was made in virtue of a recent decision of the Holy See, it is reasonable to infer

<sup>1</sup> From Ussher's account of the Armagh controversy, written *circa* 1634. Ussher's rough notes, mainly in his own hand, along with a mass of other materials on the same subject, are in Manuscript E.3.13 in Trinity College, Dublin. There is a fair copy by a later hand, with some omissions, in F.1.22. The whole account is printed in Elrington's edition of Ussher's *Works*, I. pp. cxxix-cxliii. Even in Primate Hampton's time (1613-1625), the question of precedence between the Protestant Archbishops of Armagh and Dublin was already a burning topic. Hampton's notes on the Primacy are preserved in MS. E.3.13 in Trinity College.

<sup>2</sup> *Crede Mihi*, ed. Gilbert, pp. 60, 61; *Cal. Pap. Reg.*, I. 204. De Burgo (*Hib. Dom.*, 459) gives November, 1261, as the date of Urban's Bull; but he is wrong in claiming the support of Primate Plunket and MacMahon on this point.

that some strong and clear pronouncement from Urban IV, such as is contained in this very Bull, must have been read before the assembled prelates and dignitaries.

The synod was composed of rather diverse elements. It comprised Ulster and Connacht bishops; canons representing the Archbishop of Dublin; Anglo-Irish barons, with the Viceroy at their head. These men would be unlikely to acquiesce tamely in a solemn and official declaration of Armagh's superiority if Primate O'Scannell had not come provided with an authentic papal document, such as this Bull of Urban IV, in confirmation of his primatial rights and privileges. Besides, the Primate's right of visitation in Meath was expressly affirmed and acknowledged in this synod of 1262, despite the strenuous and costly efforts lately made by the Bishop and clergy of that diocese, in order to secure exemption from such visitation. Documentary evidence of a cogent and compelling nature must have been produced at the time, otherwise the Bishop of Meath and his clergy would not have so readily submitted. Moreover, the Primate's jurisdiction over the province of Tuam had been finally settled by Alexander IV in 1255; in consequence of which decision certain suffragans of Tuam attended the Drogheda assembly of 1262. The Bull of Urban IV was the logical sequel of Pope Alexander's decision; for if Armagh enjoyed primatial jurisdiction over Tuam and its suffragan dioceses, there was no obvious reason why it should not possess the same jurisdiction over the two other provinces. Something of the kind may have been felt by the Archbishop of Dublin, who was probably informed of the turn which affairs had taken in Rome. His representatives assisted at the synod of Drogheda, and listened to the announcement of the Pope's vindication of Armagh without, so far as we are aware, recording any protest.

All things considered, therefore, we are forced to the conclusion that Primate O'Scannell received his famous Bull from Urban IV in 1261; and it seems extremely probable that he caused the Bull to be published at the council of Drogheda in the following January. Indeed, the Bull of O'Scannell's translation from Raphoe to Armagh, which is usually dated November 5, 1261, may quite possibly be identical with the memorable instrument in which the privileges of his new see were confirmed; though it seems more probable that the latter was a separate and independent diploma, issued shortly after the former.

### *THE BAJULATIO CRUCIS*

A valuable addition to our knowledge of the nature and contents of this remarkable Bull of Pope Urban's may be found



in the manuscript notes of Hampton and Ussher. Catholic writers of the post-Reformation period seem to have been generally unaware of the existence of this important clause in the Bull: *Porro Crucem, vexillum scilicet Dominicum, per provincias et Episcopatus tibi Metropolitico jure subjectos, sicut praedecessoribus tuis concessum fuisse dignoscitur, ante te deferendi licentiam impertimur*.<sup>1</sup> The right thus re-affirmed was tenaciously upheld and repeatedly exercised by O'Scannell's successors in succeeding ages. In less than half a century after this synod of Drogheda, the ecclesiastical rulers of Dublin began to offer violent resistance to the Primate's privilege of having his crosier borne before him in the province of Dublin. Indeed, from 1216 or 1221 until about the year 1461, the Dublin authorities seem to have offered a more or less continuous and determined resistance to the claims of Armagh. But the privilege was, none the less, firmly insisted upon by a long line of Archbishops of Armagh, including Primates Nicholas Mac Mael Isa, Walter and Roland Jorz, David O'Hiraghty (or Mageraghty, as the name is sometimes written), Richard FitzRalph, Milo Sweetman, John Swayne, John Prene, and John Mey. The historical fact that this right of bearing the crosier outside their own province was stoutly maintained by a long succession of Primates of Armagh, during the two centuries subsequent to the reign of Primate O'Scannell; and the equally demonstrable fact that some, if not all, of these Primates laid special emphasis on the confirmation of that peculiar right by the Holy See,—such facts furnish a strong presumption in favour of the genuineness of Pope Urban's Bull, in which that right is expressly affirmed.

A privilege of the kind was by no means extraordinary. Innocent IV had accorded a similar permission (on March 19, 1246) to Albert Suerbeer, who had lately resigned the see of Armagh, and had just been translated to the dignity of first Archbishop of Prussia, Livonia, and Esthonia<sup>2</sup>; the Prussians of that time, like their neighbours of Livonia and Esthonia, being still in a semi-heathen condition. Indeed, such a distinction was far more fitly due to the sixty-eighth successor of St. Patrick, in the ancient and illustrious see of Armagh, than to the first Archbishop of a rude and barbarous region such as Prussia then was,—a region wherein the new Archbishop could find neither revenues for his maintenance, nor a cathedral city in which to make his home.

Earlier still, and still nearer home, we find a somewhat similar privilege awarded by Innocent III to Henri de Londres, Archbishop of Dublin, on May 18, 1216: *Porro crucem, vexillum*

<sup>1</sup> See references to Ussher's writings, *supra*.

<sup>2</sup> Bremond, *Bullarium Ord. Praed.*, I. 159.

*Dominicum scilicet, per tuam diocesim et episcopatus tibi subditos, ante te deferendi, fraternitati tue licentiam impertimur.*<sup>1</sup> In these papal letters we frequently find whole paragraphs which are obviously used as *clichés*, and which recur in one document after another. Thus, in the first few pages of the *Crede Mihi* we discover three documents emanating from three different Popes, all commencing with the exordium *In eminenti*, and all containing the same paragraph, with slight verbal variations.<sup>2</sup> It is not surprising, therefore, to find that the privilege granted to Henri de Londres in 1216, with respect to the carrying of his cross, was given (or rather confirmed) in almost identical terms to Primate O'Scannell in 1261, though with alterations of phrase to suit the loftier dignity and wider jurisdiction of the latter prelate. There is, indeed, a family resemblance between the diploma granted to the Archbishop of Prussia in 1246 and the diplomas issued in favour of the Archbishops of Dublin and Armagh, in 1216 and 1261, respectively; certain characteristic and unmistakable phrases recur in all three of these pontifical documents. Ingenious opponents of Pope Urban's Bull have confidently asserted, without any attempt at proof, that its terms "do not betray the style of the Curia."<sup>3</sup> If confronted with the fact that its terms, so far as the carrying of the cross is concerned, are almost identical with those of the admittedly genuine letter to Henri de Londres, these writers would probably fall back on the facile theory that Urban's Bull is a forgery, partly modelled upon the grant to Henri de Londres. In the coining of captious objections to meet every argument, the opponents of Urban's Bull betray no lack of resource.

### VICEROY'S ATTESTATION OF URBAN'S BULL

Those who maintain that the Bull in question is a forgery are driven to assert, as Archbishop Talbot does,<sup>4</sup> that it was unknown and unheard of until the time of Primate Richard FitzRalph (1346-1360). The assertion is entirely unfounded, as we shall presently see. But even if well founded, it would fail to prove that the Bull was a forgery. That a mid-fourteenth century forger, plying his art in Armagh, should hit upon the very words and phrases of a pontifical document addressed to an Archbishop of Dublin, nearly a century and a half earlier; or that he should have been sufficiently acquainted with such

<sup>1</sup> *Crede Mihi*, ed. Gilbert, p. 10.

<sup>2</sup> *Ibid.* pp. 3, 6, 8.

<sup>3</sup> Stuart-Coleman, *Hist. of Armagh*, p. 95.

<sup>4</sup> "Nec ipsemet Scanlan, nec ullus ex iis qui post illum praecesserunt Ricardum Armacanum (fuerunt autem sex) ostendit Urbani IV Bullam pro Primatu."—*Primatus Dubliniensis*, p. 7.



a document to plagiarise from it, seems somewhat improbable. Be this as it may, Archbishop Talbot and his copyists are egregiously in error when they affirm that Urban IV's Bull to O'Scannell was never published or promulgated until the days of Richard FitzRalph. For reasons already stated, it seems more than probable that the document was made known to the prelates and magnates assembled at Drogheda in 1262.

But there is positive proof that the Bull was known, and that it was submitted to careful scrutiny, before FitzRalph ever sat in Armagh; and this proof is of paramount importance in establishing the genuineness of the Bull. None of the Catholic disputants, on either side of the controversy, appears to have been aware that the Bull in question was examined, at the request of Primate O'Hiraghty, in 1337, and that it was duly authenticated by the Viceroy at Drogheda in the name of Edward III, by means of an official document stamped with the Great Seal of Ireland. This highly important fact was well known to Hampton and Ussher. The Ven. Oliver Plunket seems to have had some faint inkling of it, but the cruel circumstances of the time prevented him from pursuing his investigations to a successful conclusion.

In the course of the year 1337, as will appear from documents to be presently cited, Primate O'Hiraghty received a mandate from the Justiciary of Ireland, summoning him, in the name of Edward III, to attend a Parliament which was to begin its sittings in Dublin on January 14, 1338. The Primate was quite willing to comply with this order, and to take his rightful place in Parliament at the head of the Irish hierarchy. With this end in view, he caused preparations to be made for his stay at St. Mary's Abbey during the session. It speedily became clear, however, that Archbishop Bicknor and the clergy of Dublin were not disposed to tolerate the coming of Primate O'Hiraghty into the city and province of Dublin, with his cross borne before him. Dreading a repetition of the indignities to which Primate Roland Jorz had been subjected, in 1313, by the retainers of the Archbishop of Dublin, O'Hiraghty adopted a bold and straightforward course. He submitted the Bull of Urban IV, on which was based his privilege of having the cross carried before him, to an official examination at the hands of the Irish Viceroy; and he appealed to Edward III for proper protection.

In due course, letters patent were issued in the name of Edward III, by Sir John Charleton, then Viceroy of Ireland; they bore date of Drogheda, November 29, 1337. These official letters attested, as the result of actual inspection, that the Bull of Urban IV had not been found defective in any part, and that it had not been cancelled or revoked. They attested, moreover, that the Bull contained the crucial passages which

have been already quoted in these pages,—passages in which the primatial privileges of the Archbishop of Armagh were solemnly re-affirmed, and his right of carrying the cross in any part of Ireland expressly acknowledged. These letters patent closed with the cryptic remark that, as the Bull of Urban IV was “extremely confused,” its clauses relating to the Primacy had been officially transcribed at the request of the Archbishop of Armagh. In what respect the Bull was found to be confused, we are not informed; in any case, nothing could be clearer or less confused than the clauses which concern us here.<sup>1</sup>

### INTERVENTION OF EDWARD III

Edward III, for his part, was not inactive; he intervened decisively in the Primate's favour. On January 2, 1338, he issued a peremptory order to Archbishop Bicknor—and to the Vicar-General of Dublin, in case the Archbishop should chance to be absent—sternly forbidding them to interfere in any way with the Archbishop of Armagh, Primate of all Ireland, in

<sup>1</sup> Sir John Gilbert, following Pembridge and other authorities, gives this piquant account of Sir John Charleton and his bellicose episcopal brother: “In 1337 [Edward III] nominated to the Viceroyalty Sir John de Cherlton, Baron of Powys, who had served him in Brabant; conferred the Chancellorship on his brother, Thomas de Cherlton, Bishop of Hereford; appointed John Ap Rees, ‘Doctor of the decretals,’ his Treasurer for Ireland, and authorised them to carry over a body of Welsh soldiery to assist in repressing the Irish. Sir John de Cherlton, within six months from his arrival in Ireland, was removed from office through the representations of his brother the Bishop, who obtained for himself the post of Viceroy in addition to the Chancellorship, undertaking to perform all the duties of Governor, including those of maintaining and commanding the Viceregal troop of men-at-arms, at a period of almost general warfare throughout Ireland. Edward directed the Bishop to immediately victual, repair, and fully garrison the royal castles; to dismiss such constables and officials as he might disapprove of—although appointed under the English great seal—to seize all lands and castles not properly fortified by the proprietors, and to carefully exclude the Irish from employments under the Crown of England. The Episcopal Viceroy laboured strenuously to carry out the royal orders; arrested and imprisoned some of the mutinous colonial nobles; led military expeditions against the natives; and, on one occasion, seized, in Idrone in Carlow, the largest prey of cattle ever known to have been taken by the settlers from the Irish of that district. Highly gratified with these proceedings, Edward III, in a letter written in 1338, bore testimony to the great services of his Viceroy, the ‘venerable Father, Thomas, Bishop of Hereford,’ both in maintaining peace amongst his subjects in Ireland, and in repelling the attacks of the Irish enemies, by continually marching against them, from place to place, with a great force of horse and foot soldiery. In consideration of these exertions, the King ordered his Treasurer to pay the Bishop's Viceregal salary before that of any other of his officers in Ireland, that he might not, from want of funds, be obliged to discontinue his expeditions.”—Gilbert, *Viceroy of Ireland*, 186, 187.



his coming to Parliament and returning therefrom. Primate O'Hiraghty was to be permitted to have his cross borne before him, both in his coming and going, and during his stay in Dublin; otherwise the Archbishop of Dublin was to be regarded as a hinderer of the King's business, and to suffer punishment as such. Archbishop Bicknor and his Vicar-General were also warned that the King was instructing his sheriffs, bailiffs, officials, and other faithful subjects to give their aid and protection to the Archbishop of Armagh, and to see that he should enjoy unmolested his right of carrying the cross wherever he chose. An order to this effect was addressed to the King's sheriffs and other officials on the following day; it bore date of January 3, 1338.

Primate O'Hiraghty had scored a striking victory, for the time being; but the resistance of the Dublin authorities was by no means overcome. The struggle was renewed, eleven years later, and Edward III became as strong a partisan on the side of Dublin as he had formerly been on the side of Armagh. The ultimate decision, happily, rested with the Holy See; the intervention of a changeful king was a mere temporary irrelevance. The controversy wended its serpentine way until it reached another landmark at the beginning of the fifteenth century. On July 5, 1401, in the reign of Henry IV, more than sixty years after the authentication of Pope Urban's Bull at Drogheda, Primate Colton procured an official attestation of the *Inspeximus* drawn up by Sir John Charleton. By this time, doubtless, the original Bull had been lost, and nothing remained but the Viceroy's citations from its text, and his official guarantee of its authenticity. To this step on the part of Primate Colton we are indebted for whatever full and reliable information we possess regarding Urban's Bull to Primate O'Scannell. The "exemplification" issued on this occasion at the request of Primate Colton, lay buried, as has been said, among the records of the Tower of London; its tenor was well known to Hampton and Ussher, though hidden from Oliver Plunket and other Catholic writers.

### *PRIMATE O'HIRAGHTY AND POPE URBAN'S BULL*

Such, in order of time, are the incidents which we find grouped around the authentication of Pope Urban's Bull. The foregoing summary of events is based on documents which must now be cited; they are few but valuable. In the first place, under date of 1337, we read in the *Annals* ascribed to Christopher Pembrige, who is supposed to have flourished about the year 1370: "Item, Domino Johanne Charleton existente Justiciario et tenente Parliamentum Dublin, Magister

David Ohyrraghty, Archiepiscopus Ardmachanus, vocatus ad Parliamentum, fecit providentiam <sup>1</sup> in Monasterio Beate Marie, juxta Dublin, sed impeditus fuit per Archiepiscopum et clerum, quia voluit portare crucem ante eum, et noluerunt permittere eum." <sup>2</sup>

Primate O'Hiraghty's action in consequence of this rebuff is thus related by Ussher: "Uppon which occasion, David caused y<sup>e</sup> foresaid Clause of Pope Urban's Bull, confirming y<sup>e</sup> priviledges of the See of Armagh, to be exemplified under the great Seal of Ireland, 29<sup>o</sup> November, anno [1337] regni Edvardi 3<sup>i</sup> 11<sup>o</sup> as appeareth by y<sup>e</sup> Inspeximus of y<sup>e</sup> said lett<sup>rs</sup> Patents, preserved among the records of y<sup>e</sup> Towre of London, inter Patent: an. 2 Hen. 4, part 3, membrane 5." The official Inspeximus, to which Ussher here refers, and which was signed by Henry IV, is thus summarised:

"1401. July 5. Westminster. Exemplification at the request of John [Colton] Archbishop of Armagh, Primate of Ireland, of letters patent dated at Drogheda, 29 November, 11 Edward III, witnessed by John de Charleton, Justiciary of Ireland, exemplifying, at the request of David, then Archbishop, certain clauses in a Bull of Pope Urban IV confirming to the Archbishop of Armagh the primacy of Ireland, and granting licence for him to have a cross borne before him." <sup>3</sup>

It is extremely probable, as we have seen, that Urban's Bull was addressed to O'Scannell in 1261. It was duly authenticated, and its salient clauses placed on record, by the Justiciary of Ireland in 1337, sixty-seven years after Primate O'Scannell's death. Finally, in 1401, Henry IV issued a royal certificate, in which he reproduced the text of the Justiciary's attestation, and bore witness to its genuineness. A summary of Henry IV's Inspeximus has just been quoted, but it will be well to give the instrument in its entirety.

<sup>1</sup> Ussher (*Works*, I. p. cxxxi.) reads *fecit residentiam*, apparently without any manuscript authority. The context is fatal to Ussher's reading. Primate O'Hiraghty had *made preparations* for his stay in St. Mary's Abbey, but afterwards declined to come to Dublin on account of the opposition of Archbishop Bicknor. Edward III's letter of January 2, 1338, to be quoted later, shows that the Primate had not yet come to Dublin.

<sup>2</sup> Gilbert, *Chartularies of St. Mary's Abbey*, II. 380. This passage also occurs, in a slightly abridged form, in a fragment of some Anglo-Irish annals published by Gilbert, *ibid.* II. 292. Pembridge's *Annals* were first published by Camden in his *Britannia*, and afterwards by Gilbert, as above. (See article by Robert Dunlop on Christopher Pembridge, in *Dict. of National Biography*, XLIV. pp. 283, 284). A queer translation of this passage from Pembridge is given by Gough in his edition of Camden's *Britannia*, London, 1789, III. p. 686.

<sup>3</sup> *Calendar of Patent Rolls*, Henry IV, 1399-1401, p. 506.



## INSPEXIMUS OF HENRY IV

"Omibus ad quos etc. salutem. Inspeximus literas patentes Domini E[dwardi] quondam Regis Angliae, progenitoris nostri, factas in haec verba :

"Edwardus, Dei gratia Rex Angliae, Dominus Hiberniae et Dux Aquitaniae, Omnibus ad quos praesentes literae pervenerint, salutem. Inspeximus literas bullatas bonae memoriae Domini Urbani Quarti, dudum Sedis Apostolicae Summi Pontificis, non cancellatas, non abolitas, nec in aliqua sui parte vitiatas, Archiepiscopo Ardmachano totius Hiberniae Primati factas, et inter caetera in iisdem literis contenta, vidimus contineri in eisdem clausulas infra scriptas in haec verba : *Primatiam vero totius Hiberniae quam praedecessores tui usque ad haec tempora inconcusse habuisse noscuntur, ad exemplar supradicti Celestini Papae praedecessoris nostri tibi tuisque successoribus auctoritate Apostolica confirmamus : Statuentes ut Hiberniae Archiepiscopi, Episcopi, et alii Prelati tibi et tuis successoribus tanquam Primati obedientiam et reverentiam omni tempore debeant exhibere. Porro Crucem, vexillum scilicet Dominicum, per provincias et episcopatus tibi Metropolitico et Primatiae jure subiectos, sicut praedecessoribus tuis concessum fuisse dignoscitur, ante te deferendi licentiam impartimur. Et quia literae predictae valde sunt confusae, easdem clausulas ad requisicionem venerabilis Patris David nunc Archiepiscopi loci praedicti tenore praesentium duximus exemplificandas. In cuius rei testimonium has literas nostras fieri fecimus patentes. Teste Johanne de Charleton Justiciario nostro Hiberniae, apud Drogheda vicessimono nono die Novembris, Anno Regni nostri undecimo.*

"Nos autem literas praedictas ad requisicionem venerabilis Patris Johannis nunc Archiepiscopi Ardmachani, Hiberniae Primatis, duximus exemplificandas per praesentes. In cuius etc. T[este] R[ege] apud Westm[onasterium], quinto die Julii." <sup>1</sup>

This document is worthy of special note, as it is our sole official source of information regarding the steps taken by Primate O'Hiraghty in 1337 to place beyond question the authenticity of Urban's Bull to Primate O'Scannell. But O'Hiraghty, having caused the Bull to be officially scrutinised and duly authenticated, went a step further. Confident in the justice of his cause, he appealed, directly or indirectly, to Edward III, against the obstacles placed in his way by the Archbishop and clergy of Dublin. The outcome of these re-

<sup>1</sup> MS. E.3.13, p. 59, in Trinity College; there is another copy on p. 104. Much of this MS. is taken up with Ussher's notes on the Primacy. The entire document above given is printed in Rymer's *Foedera*, VIII. pp. 208, 209.

presentations was a stringent prohibition addressed to Archbishop Bicknor and his Vicar-General, forbidding them to hinder the coming of the Archbishop of Armagh to Parliament, and enjoining that he should have full liberty to have the cross borne before him whenever he pleased. This is the final document of the series; it is dated January 2, 1338, and is here given in full.

### EDWARD III TO ARCHBISHOP BICKNOR

"Rex, Venerabili in Christo Patri . . . Archiepiscopo Dubliniae, vel ejus Vicario-Generali, si ipsum Archiepiscopum ad alias partes divertere se contingat, Salutem.

"Cum nuper, per Breve nostrum, sub Sigillo quo utimur in Hibernia, mandaverimus Venerabili patri . . . Archiepiscopo de Armagh, totius Hiberniae Primati, quod ipse ad Parliamentum nostrum, quod apud Dubliniam, infra Diocesim vestram et Provinciam, ad Crastinum Sancti Hilarii proximo futurum, pro quibusdam arduis negotiis nostris, summoneri mandavimus, personaliter intersit, ibidem super dictis negotiis, una cum aliis Praelatis et Proceribus Terrae praedictae tractaturus, suumque consilium impensurus; ac jam intellexerimus quod vos ipsum Archiepiscopum Armagh, qui ad dictum Parliamentum nostrum, juxta Mandatum nostrum praedictum, accedere est paratus, super Bajulatione Crucis suae in Diocese sive Provincia vestra, versus Parliamentum illud, proponitis impedire, per quod idem Archiepiscopus ab eodem Parlamento retrahere se intendit, nisi super hoc aliud per Nos ordinetur.

"Nos, nolentes praedicta negotia nostra aliquialiter retardari, set volentes ea, prout expedit, maturari, Vobis districte prohibemus ne eidem Archiepiscopo, seu hominibus suis, infra dictam Diocesim vestram sive Provinciam venientibus, super Bajulatione Crucis ipsius Archiepiscopi ante se, in veniendo ad Parliamentum praedictum, ibidem morando, seu exinde ad propria redeundo, Dampnum, Molestiam, seu Impedimentum aliquod inferatis, seu ab aliis aliquialiter inferri procuretis; scientes quod, si secus feceritis, ad vos, tanquam ad negotiorum nostrorum impeditorem, graviter, prout convenit, capiemus. Mandavimus enim Vicecomitibus, Ballivis, Ministris, et aliis Fidelibus nostris partium praedictorum, tam infra Libertates quam extra, quod praedicto Archiepiscopo, cum ipsum ad districtuum suorum loca ex causa praedicta, declinare contigerit, occurrant, et ei in Bajulatione hujusmodi assistant, quotiens per ipsum super hoc fuerint requisiti. Teste Rege apud Bukeden, secundo die Januarii.—Per Concilium." <sup>1</sup>

<sup>1</sup> Rymer, *Foedera*, IV. 833, 834. The royal mandate to Sheriffs Bailiffs, and others is dated January 3, 1338, and published *ibid.* IV. 834.\*



If this was Edward III's first intervention in the primatial controversy, it was by no means destined to be his last. In later years he was considerably exercised in mind over the question; and his unlucky efforts towards its solution remind us once more of "the peculiar incompetence of a royal person who meddles with religion." After being a pronounced partisan of the claims of Armagh, he suddenly veered round and became a strong supporter of John de St. Paul, the new Archbishop of Dublin, who was one of his prime favourites. In the last period of his reign he proposed that the Archbishops of Armagh and Dublin should arrive at an agreement, whereby each should be entitled to carry his cross in the territory of the other.

### ERRORS AND ANACHRONISMS

King Edward's varying attitude in this dispute has given rise to an amount of reckless writing on the part of Dublin's defenders. For instance, Dr. John Clinch (or Clynch), writing shortly after 1720, avers that Pope Urban's Bull to O'Scannell is a manifest forgery, because Edward III indignantly revoked the letters patent which he had granted to O'Scannell, some little time previously, on the strength of that fictitious Bull.<sup>1</sup> Dates are fatal to this theory. Primate O'Scannell died in 1270; and Edward III ascended the throne of England in January, 1327, that is, fifty-seven years later. Heedless of this anachronism, Clynch serenely adds that King Edward, after annulling the above-mentioned letters patent, "granted a diploma to the Archbishop of Dublin, confirming him in the dignity of Primate of all Ireland, in accordance with the decrees of the Supreme Pontiffs Lucius III and Honorius III." This assertion is simply a tissue of errors. Edward III granted no such diploma, nor did any of the Sovereign Pontiffs ever confer the Primacy of all Ireland upon an Archbishop of Dublin. Even Archbishop Talbot, with his fine disregard of historical accuracy, is less rash than his copyist; Dr. Talbot nowhere ventures to affirm that King Edward "granted a diploma to the Archbishop of Dublin, confirming him in the dignity of Primate of all Ireland." In any event, such action on the part of King Edward would have been futile and vain. To create or confirm an ecclesiastical primacy is, on Catholic principles,

<sup>1</sup> "Immo vero praefata bulla falsitatis & supposititiae arguitur, quod Edwardus III Rex Angliae cum indignatione revocaverit litteras patentes paulo ante dicto Patricio O'Scanlan concessas intuitu fictae illius Bullae, et Archiepiscopo Dublinensi dedit diploma sigillo totius Regni sigillatum, confirmans illum Primatem totius Hiberniae juxta decreta Summorum Pontificum Lucii III et Honorii III" (Clynch's MS. in T.C.D.; it is bound into MacMahon's *Jus Primatiale*, Press A.3.26).

altogether outside the province of a secular monarch ; it is a matter with which he has neither the right nor the power to interfere. Yet Archbishop Talbot and his imitators, with unconscious Erastianism, are perpetually appealing to the words and acts of English kings, as if these were really relevant to the controversy, or could settle it for all time.

### *A MODERN MYTH*

The Sovereign Pontiffs, and they alone, were entitled to establish or confirm an ecclesiastical primacy. It is abundantly certain that they never bestowed any such privilege upon the see of Dublin. Indeed, from an historical point of view, Dublin's claim to the primacy is entirely a myth of modern origin. No such claim was advanced by any medieval Archbishop of Dublin. No claim of the kind was openly put forward by any of the successors of St. Laurence O'Toole, until it was set up in the reign of Henry VIII by Archbishop Allen, who was speedily worsted by Primate Cromer in a contest for precedence in Dublin. The claim was revived and made popular by Archbishop Talbot and his adherents in the dark and troubled period between 1669 and 1728. Able and ingenious as the pleading of the Dublin advocates admittedly was, it is now generally dismissed as unsound. Still, the writings of Dr. Talbot and his followers have had the far-reaching effect of obscuring the cardinal points of the controversy and creating confusion in the public mind and inaccuracy in the pages of historians. This inaccuracy and confusion are with us still. It is seldom realised, even at the present day, that the Holy See never once bestowed the title of Primate upon any of Archbishop Talbot's predecessors. It is equally true, and equally unknown to the general public, that no Archbishop of Dublin, down to the age of the Reformation, ever advanced an explicit claim to the Irish primacy.

The claims of Dublin in the Middle Ages were not pretensions to the primacy ; they were pleas of exemption from the power and authority of the Irish Primate. They may have been partly justified by earlier excesses on the part of the lay Primates of Armagh, or they may have merely borrowed a colourable pretext from such excesses. Still, in the main, it seems incontestable that the claims of Dublin had their origin in English ambition. St. Laurence O'Toole's successors in that see, down to the era of the Reformation, were invariably English by birth or descent, always English in sympathy, and always opposed to the "Irish enemy." It galled those English ecclesiastics to find themselves in a state of subordination, according to the Canon Law of the time, to a Primate who



dwelt among the "mere Irishry," and who was occasionally an Irishman of unmixed lineage. Dublin, moreover, had become the capital of the Pale, the head city of the English colony in Ireland. The archbishops of the colonial metropolis chafed against the supremacy of a prelate like the Archbishop of Armagh, whose seat was fixed in a provincial town, and whose ecclesiastical province was largely dominated by those odious O'Neills, O'Donnells, O'Reillys, O'Hanlons, Maguires, and others of that ilk.

Hence arose, on the part of the Archbishops of Dublin, a constant striving after privileges and exemptions, particularly during the half-century which followed the demise of St. Laurence O'Toole. These concessions were granted, with more or less complacency, by Popes Lucius III, Innocent III and, Honorius III, but they fell far short of conferring any primacy on the Archbishops of Dublin, while affording them a plausible excuse for resisting the jurisdiction of the Primate of Armagh. And here it may be noted that, while the title of Primate of Ireland was never accorded to a mediæval Archbishop of Dublin in any papal diploma—which is the only thing that matters in such cases—the primacy of the Archbishops of Armagh was expressly and repeatedly recognised by the Holy See. Thus, Archbishop O'Connellan was twice styled "Primate of All Ireland" by Alexander IV in 1258; Archbishop Nicholas Mac Molissa was styled "Primate of Ireland" by Gregory X in 1272; the same title was expressly accorded to Archbishops Stephen Segrave and David O'Hiraghty by John XXII in 1334<sup>1</sup>; and there is no need to cite further examples.

### *PAPAL FAVOURS FOR ARCHBISHOPS OF DUBLIN*

Of very different tenor were the concessions granted to the Archbishops of Dublin, though unsustainable inferences have been drawn from them by impassioned partisans. The earliest of these was a privilege, granted by Lucius III, on April 13, 1182, to Archbishop John Comyn, the first English successor of St. Laurence O'Toole in the ecclesiastical government of Dublin. A similar privilege was granted by Innocent III, on May 18, 1216, to Archbishop Comyn's successor, Henri de Londres, the masterful prelate who annexed Glendaloch to Dublin by rather questionable means, while his unmerciful treatment of his tenantry earned him the nickname of "Scorch-villein." In these papal ordinances it was laid down, with trivial differences of phrase, that no Irish archbishop or bishop, without the consent of the Archbishop of Dublin, in case he

<sup>1</sup> Theiner, *Vetera Monumenta*, 79, 80, 101, 263.

should happen to be present, should presume to hold meetings in the diocese of Dublin, or to deal with Church matters or ecclesiastical causes appertaining to the diocese, unless he were specially appointed for that purpose by the Pope or his legate.<sup>1</sup> By a further clause in the diploma of Innocent III, the Archbishop of Dublin was authorised to have the cross borne before him in the territory of his own province.<sup>2</sup>

The suggestion that Lucius III or Innocent III meant to raise the Dublin prelate to the primacy of Ireland derives no support from these papal letters. Indeed, the privileges conferred by these two Pontiffs upon the Archbishops of Dublin, apart from the licence concerning the cross, were of a rather unexciting and commonplace character, and were granted only at the express request of the Dublin prelates, both diplomas being prefaced by the phrase, *tuis justis postulationibus clementer annuimus*.<sup>3</sup> Any ordinary bishop or archbishop had the right to insist, as the Archbishop of Dublin was authorised to do, that none of his neighbours in the hierarchy should enter his diocese for the purpose of deciding causes between his subjects. This, of course, did not affect the right of an archbishop to entertain appeals from the decisions of his suffragans. It did not affect the ancient right of an archbishop to correct such abuses as he might discover in his visitation of the churches of his province. Finally, it did not affect the right of the Primate, under the Canon Law of the time, to entertain appeals in his own court from the tribunals of the archbishops of his nation.

### THE ANNEXATION OF GLENDALOGH

The decrees of Honorius III bring us to the climax of this controversy. Innocent III quitted this life on 16th or 17th of July, 1216, and a day or two later Honorius III was elected in his stead. On October 6 following, within three months after his accession, Pope Honorius issued a rescript in favour of Henri de Londres, Archbishop of Dublin, at the express request

<sup>1</sup> "Sacrorum quoque canonum auctoritatem sequentes, statuimus ut nullus archiepiscopus vel episcopus absque assensu Dublinensis archiepiscopi, si in episcopatu fuerit, in dioecesi Dublinensi conventus celebrare, causas et ecclesiastica negotia ejusdem dioecesis, nisi per Romanum Pontificem vel legatum ejus fuerit eidem injunctum, tractare presumat" (Bull of Lucius III in *Crede Mihi*, ed. Gilbert, p. 5; cf. Bull of Innocent III, *ibid.* p. 10).

<sup>2</sup> "Porro crucem, vexillum Dominicum scilicet, per tuam diocesim et episcopatus tibi subditos ante te deferendi, fraternitati tue licentiam impertimur."—*Crede Mihi*, p. 10.

<sup>3</sup> *Crede Mihi*, pp. 3, 8. A Primate is entitled to have the cross borne before him in all ecclesiastical provinces under his jurisdiction. An Archbishop has the same right within the borders of his own province.—Bouix, *De Episcopo*, 1859, I. 442.



of that aspiring prelate (*vestris precibus inclinati*). This document contained nothing of real relevance to the primacy. It gave a hearsay account of the way in which the new archdiocese of Dublin had been carved out of the territory of Glendaloch; and it sanctioned, though in somewhat cautious and ambiguous terms, the complete annexation of Glendaloch to Dublin. On February 15, 1215, Innocent III had already set his seal upon the amalgamation of Glendaloch with Dublin; the rescript of Honorius III, under date of October 6, 1216, was probably deemed necessary by Archbishop de Londres, in order "to make assurance doubly sure."

At this distance of time it is difficult to resist the suspicion that these rescripts were surreptitiously obtained, and that the annexation of Glendaloch was the result of a clever and unscrupulous intrigue, in which the leading part was played by that imperious courtier and politician, Archbishop de Londres. The reasons which lend colour to this suspicion cannot be fully set forth here. Suffice it to say that the rescripts of Innocent III and Honorius III, in reference to this affair, were confessedly based on hearsay evidence, plausible enough in itself, but still of an *ex-parte* character. In part, at least, it was the evidence of men who were interested advocates of the policy of annexation, while there is no suggestion that the clergy of Glendaloch had been consulted with reference to the proposed extinction of their diocese. In part, also, this evidence was extravagant or dubious, when not demonstrably untrue. Above all, the fact was not disclosed that Alexander III, on May 13, 1179, had taken the diocese of Glendaloch under St. Peter's protection and his own, guaranteeing to its Bishops the inviolable right of holding all the possessions of the see, and menacing with the direst pains and penalties any human being who should dare to violate the constitution thus granted to the diocese. This document was of vital necessity to any correct understanding of the question, and its importance outweighed the whole body of evidence produced by Archbishop de Londres and his friends. But it was carefully suppressed; not the least hint of its existence occurs in the rescripts of Innocent III and Honorius III.<sup>1</sup>

If the information supplied to Honorius III and his predecessor was tainted by a grave *suppressio veri*, it seems beyond question that Pope Honorius was also misled by a serious *suggestio falsi*. In his rescript of October 6, 1216, the Pontiff stated that the see of Dublin had been raised to the dignity

<sup>1</sup> For documents on this question see D'Alton's *Archbishops of Dublin*, 1838, pp. 6-8; *Crede Mihi*, ed. Gilbert, pp. 6-8, 11-12, 31-32, 45; *Liber Niger Alani*, copy by Dr. Reeves in T.C.D., p. 146, etc. For a very unfavourable account of Archbishop de Londres, see Canon D'Alton's *History of Ireland*, I. 329-331.

of an archbishopric, the sole reason assigned being the palpably erroneous one that Dublin had been "from ancient times the seat of royalty and the capital of the Kingdom of Ireland" (*ubi sedes regalis et caput Hibernie regni fuerat ab antiquo*).<sup>1</sup> This was the story told to Honorius III, in 1216, by Archbishop de Londres and his friends, less than fifty years since Dublin, after being the head city of the Danish marauders, had become the capital of those portions of Ireland which the English filibusters had been able to wrest from their rightful owners. The story must be noticed here, partly because of the injudicious prominence which it has shared with the rescript of Pope Honorius in the writings of ardent partisans of Dublin, and partly also as a specimen of the misinformation by which Archbishop de Londres succeeded in adding Glendaloch to his own proper territory.

### DUBLIN AS HEAD CITY OF THE INVADERS

Needless to say, the theory that Dublin had been the capital of Ireland and the seat of royalty in this country "from ancient times," long anterior to 1216, is scoffed at by every modern writer of reputation. For instance, Mr. Ossory Fitzpatrick, in his volume on Dublin, does not hesitate to write: "In this connexion, it is noteworthy that Dublin, the metropolis of Ireland, only became so under Anglo-Norman rule, and was for the first ten centuries of its history virtually a foreign city. For three hundred years it had been the centre of a small Scandinavian kingdom, and on the coming of the Anglo-Normans, it was peopled by the Bristol colony, administered by their trading guilds, and the seat of those governors who, under various titles, acted as viceroys of the English sovereigns. Indeed, until the control of the city was, in 1841, vested in the reformed corporation, it can scarcely be said to have been an Irish city in any national sense of the term."<sup>2</sup> In like manner Mr. D. A. Chart writes: "In 1152 the see [of Dublin] was raised to the level of an archbishopric by a decree of the papal legate published at the Synod of Kells. The den of thieves on the Liffey was in a fair way to become an orderly and devout Christian city." It is true, as the same writer loyally adds, that "the great advances made by Dublin during this period [from 1014 to 1170] were so remarkable that, at the time of the landing of Henry II, it stood out as unquestionably the leading city in Ireland and became the seat of the English government."<sup>3</sup> This does not lessen the

<sup>1</sup> *Crede Mihi*, p. 11.

<sup>2</sup> *Dublin*, Ancient Cities Series, 1907, p. 15.

<sup>3</sup> *The Story of Dublin*, Medieval Towns Series, 1907, p. 11.



romantic absurdity of the story, adroitly conveyed to Honorius III, in 1216, that Dublin had been, "since ancient times, the seat of royalty and the capital of the Kingdom of Ireland." Tara alone merited a description of the kind.

### A DIPLOMA OF HONORIUS III—AND ITS FRUITS

Not content with the valuable concessions which he had extorted, by such dubious means, from Innocent III and Honorius III, Archbishop de Londres succeeded in obtaining from the last-named Pontiff, in 1221, a diploma which forms the high-water mark of the papal grants to Dublin. Under date of December 8, 1221, Pope Honorius issued an "Inhibition, in favour of the Archbishop of Dublin, to any archbishop or other prelate of Ireland, except his suffragans or the papal legate, to bear the cross without his consent, *celebrare conventus*, except those of religious, or to hear ecclesiastical causes unless delegated by the Pope, in the province of Dublin."<sup>1</sup>

This inhibition was granted at the special request of Archbishop de Londres. In form it closely resembled previous concessions, but it contained a novel and harmless-looking clause, which was destined to sow the seeds of discord in the Irish Church for many a year. This was the clause forbidding archbishops and other prelates, not suffragans of Dublin, to carry their cross within the province of Dublin. The archbishops of the colonial metropolis were as far off as ever from the primacy of Ireland; but they had now at hand an instrument which placed them in a privileged position, and which might be plausibly interpreted as freeing them from the primatial jurisdiction of Armagh. There can be no reasonable doubt as to the authenticity of this document; its full text is seldom quoted, and may therefore be given here:

"Honorius Episcopus, servus servorum Dei, venerabili Fratri . . . Dublin. Archiepiscopo, salutem et Apostolicam benedictionem. Cum secundum divinae legis praeceptum nemo falcem suam debet mittere in messem alienam, ne quod ab alio non vult sibi fieri alii facere videatur, Nos tuis precibus inclinati, auctoritate praesentium inhibemus, ne cuiquam Archiepiscopo vel alii praelato Hiberniae (praeter suffraganeos tuos, aut Apostolicae Sedis legatum) sine tuo et successorum tuorum assensu bajulare Crucem, celebrare conventus (Religiosis exceptis) vel causas Ecclesiasticas, nisi a Sede Apostolica delegatus, tractare liceat in provincia Dublin. Nulli ergo omnino hominum liceat hanc paginam nostrae inhibitionis infringere, vel ei ausu temerario contraire. Si quis hoc attemptare prae-

<sup>1</sup> *Cal. Pap. Reg.*, I. 83.

sumpserit, indignationem Omnipotentis Dei, et Beatorum Petri et Pauli Apostolorum ejus se noverit incursum. Datum Laterani, VI<sup>o</sup> Idus Decembr., Pontificatus nostri anno 6<sup>o</sup>."<sup>1</sup>

Even if the Primates of Armagh were prevented by this decree from carrying their cross in the province of Dublin, or from celebrating assemblies or handling ecclesiastical causes in that province, they were not forbidden to exercise their wonted jurisdiction by hearing appeals, in their primatial court at Armagh, from the decisions of the Archbishop of Dublin.<sup>2</sup> But the Primates took far higher ground than this. So far as we can discover from their actions, they regarded the primatial jurisdiction as entirely unaffected by these pontifical decrees in favour of Dublin. It seems uncommonly probable that they were right, and that their jurisdiction over Dublin still held valid. Indeed, as the Ven. Oliver Plunket has pertinently pointed out, and as Primate Hugh MacMahon has proved with copious learning, it seems practically certain that these papal grants in no way affected the position of the Primates of Armagh. That they restrained all other archbishops and bishops—with the exception of Dublin's suffragans—from certain actions in the province of Dublin is, of course, obvious. But the Primate is superior to all other prelates of his nation; and an enactment which expressly touches inferiors leaves the superior wholly untouched, unless he is expressly mentioned. The Primate of Armagh was not specially mentioned in these grants of exemption, nor in any of the papal ordinances which are cited in favour of Dublin. Therefore, by the ordinary law of the Church, the Primate of Armagh remained untouched by these enactments. In a word, the Archbishops of Dublin never acquired any real title to the primacy of Ireland; they failed to secure canonical exemption from the primatial sway of Armagh; and they never laid any ostensible claim to the primacy until the days of Archbishop Allen.

Primate MacMahon relates an amusing episode, which illustrates the principle of interpretation by which we must be guided in discussing the papal decrees which figure in this

<sup>1</sup> Ussher's *Works* (Elrington's edit.), I. p. cxxx.

<sup>2</sup> On August 11, 1414, Pope John XXIII granted a "confirmation, at the recent petition of Nicholas [Fleming], archbishop of Armagh, of the ancient and immemorial custom whereby all appeals from Ireland to the Apostolic See pass by way of the archiepiscopal court of Armagh." — *Cal. Pap. Reg.*, VI. 464. The same Pontiff styles Archbishop Fleming "Primate of Ireland" (*ibid.* VI. 463). The text of the above "confirmation" is in the *Liber Niger Alani*, copy by Dr. Reeves in T.C.D., p. 204. An incident which may have prompted Primate Fleming's petition for this "confirmation" is summarily related in Dr. H. J. Lawlor's *Calendar of the Register of Archbishop Fleming*, p. 155. Extracts from Pope John's "confirmation" are given by Primate Hugh MacMahon (*Jus Primat. Armagh.*, p. 15), who, however, wrongly describes the Pontiff as "John XXII."



controversy. The story is told on the authority of Cardinal Pallavicini, the historian of the Council of Trent. Muzio Callino, Archbishop of Zara, had a grievance against the Patriarch of Venice, his hierarchical superior, whose visitations were as unwelcome as his acts were arbitrary. Many suffragan bishops had similar grievances against their Metropolitans, whom they accused of indulging in frequent and costly visitations at the expense of the sees which they visited. In the Council of Trent the Archbishop of Zara gave eloquent and forcible expression to the complaints of the suffragans, and became their principal spokesman. This he did, though himself a Metropolitan, partly from a laudable zeal for the redress of grievances, and partly also for the sake of securing freedom from the visitations of Venice. On his motion a decree was passed by the Conciliar Fathers, forbidding archbishops to hold visitations in the cathedrals or dioceses of their suffragans, except for some cause expressly approved by their provincial council. Too late the Archbishop of Zara discovered, to his own chagrin, that the decree which his oratory had called into existence contained no explicit reference to Patriarchs or Primate. Consequently, he still remained subject to the visitations of the Patriarch of Venice, and his last condition was no better, but rather worse, than the first.<sup>1</sup> In like manner, so long as the enactments in favour of Dublin contained no express exemption from the power of the Irish Primate, the Archbishops of Dublin still remained subject, like their brethren of Cashel and Tuam, to the primatial authority of the Archbishop of Armagh.

This view of the matter naturally failed to commend itself to those Englishmen who were spiritual shepherds of Dublin. Their policy was to conserve the privileges which they had gained, to extend them to the utmost by the aid of the kingly power, and to shrink from papal definitions of the precise scope and limits of these contested privileges. It is a notable fact that the medieval Archbishops of Dublin showed no sort of inclination to submit their claims to the arbitrament of the Holy See, while the contemporary Archbishops of Armagh—including Primate Reginald, Primate O'Scannell, and Primate Sweetman—were ready and eager to lay their primatial claims before the tribunal of the Sovereign Pontiff. In a broad sense, it is true that the Archbishops of Dublin placed their trust in English monarchs, while the Archbishops of Armagh were as ready to maintain their primatial rights before the Supreme Pontiff as before the English King.

<sup>1</sup> MacMahon's *Jus Primatiale Armacanum*, pp. 48, 49; for his discussion of Lucius III's diploma, see pp. 43-51. On pp. 51, 52 he discusses Honorius III's rescript of 1221 and wrongly rejects it as spurious.

## EDWARD III'S CONVERSION TO THE CAUSE OF DUBLIN

But English kings were often led to betray an interested partiality towards Dublin, at the expense of Armagh. Of this we have an example in the case of Edward III, which enables us to bring this long digression to a close. In 1338 King Edward issued letters patent, couched in strong and uncompromising terms, in favour of Primate O'Hiraghty, and eleven years later (1349) he signed a mandate of similar import on behalf of Primate Richard FitzRalph. Shortly afterwards, Archbishop Bicknor of Dublin died, on July 14, 1349; and John de St. Paul was appointed as his successor on September 4 following.<sup>1</sup> Immediately after his elevation, the new Archbishop, who was a particular favourite of Edward III, hastened to convert his royal patron to the cause of Dublin. Accordingly, on November 20, 1349, Edward revoked the letters patent which had been granted to FitzRalph.<sup>2</sup> In the following year (December 8, 1350) he returned to the charge, annulling FitzRalph's letters once more, and adding some paragraphs on the danger of armed collisions taking place in Dublin.<sup>3</sup> On May 12, 1352, he signed a third instrument in favour of Dublin and its Archbishop, begging the entire question at issue, and affirming of Dublin that "notorie sit metropolitana et Sedi Apostolicæ soli et in solidum in spiritualibus omnibus juribus immediate subjecta," thus claiming for Dublin a position analogous to that of St. Andrews in Scotland,<sup>4</sup> though many indications would seem to show that Edward was covertly anxious that Dublin should become the primatial see of Ireland.<sup>5</sup>

In the documents which followed his abrupt change of front, Edward III did not declare that Urban IV's Bull to Primate O'Scannell was spurious, as Archbishop Talbot and Dr. Clinch have rather rashly suggested. In fact, the English king made no direct reference whatever to Urban's Bull, whose authenticity had been attested by his Irish viceroy after careful examination in 1337. The dominant note of King Edward's letters in favour of Dublin was their reiterated insistence on the fact that Honorius III had forbidden archbishops and other Irish prelates to carry their cross in the province of Dublin; that Archbishop FitzRalph had made no mention of this papal

<sup>1</sup> Cotton, *Fasti*, II. 14.

<sup>2</sup> Rymer, *Foedera*, V. pp. 666-668.

<sup>3</sup> Ibid. V. pp. 695, 696.

<sup>4</sup> Cf. Theiner, *Vetere Monumenta*, p. 82.

<sup>5</sup> See his mandate of May 12, 1352, in Ussher's *Works* (ed. Elrington), I. p. cxxxvi.



diploma, but had suggested something which was contrary to the truth on that point. In the ardour of his conversion to the claims of Dublin, based on his novel acquaintance with the rescript of Honorius III, King Edward not only retracted his former letters in favour of Primate FitzRalph but interdicted FitzRalph from the exercise of his primatial jurisdiction over the province of Dublin.

In a word, King Edward turned canonist for the nonce, and undertook to determine the scope and interpretation of a papal ordinance. He assumed the functions of a judge in a sphere which lay entirely outside his competence, with the result that he delivered an unauthorised and untenable judgment. Obviously, the English king was no more competent to interpret a papal Bull than to establish an ecclesiastical primacy. Yet his certain efforts in one direction, and his alleged efforts in the other, have been constantly quoted and misquoted by over-ardent champions of Dublin. To exalt a secular monarch into a judge or autocrat over ecclesiastical affairs; to grant him the right of setting up a spiritual primacy, or of interpreting the text and extending the scope of a papal edict—such a procedure may be natural and consistent in an Anglican writer of marked Erastian sympathies, but it is scarcely permissible to a Catholic author. A secular monarch is in his proper place as a witness, not as a judge or lawgiver, in such affairs.

#### ARGUMENTS AGAINST POPE URBAN'S BULL

If Edward III said no word against the genuineness of Pope Urban's Bull, others have not been so idle. That document, they remind us, finds no place in the *Bullarium Romanum* or in the Dominican *Bullarium*; neither the original nor any complete and authentic copy is known to be anywhere in existence. All this may be readily admitted, yet it proves little or nothing. The Bull itself was officially examined, and its authenticity attested, just three-quarters of a century after its publication; and if we do not possess an entire copy in the handwriting of some unknown scribe, we possess what is vastly better, an official and undeniable record of its most memorable clauses. The fact that Pope Urban's Bull is no longer extant in the Roman archives can scarcely be a matter for surprise. The diploma of Innocent III, under date of February 25, 1215, whereby Glendaloch was annexed to Dublin, and that of Honorius III in 1216 on the same topic—to mention only two examples—have shared the same fate; neither of them finds mention in the *Calendar of Papal Registers*, yet everybody cheerfully acknowledges their authenticity.

Numbers of pontifical documents, addressed to various personages in these kingdoms, are no longer discoverable in the Roman archives; we know that "there are still extant in the Public Record Office, in the British Museum, and elsewhere, many original Bulls of which no mention can be found in the *Regesta*" preserved in the Vatican archives.<sup>1</sup>

Again, when it is remembered that the Dominican *Bullarium* was compiled only in the first quarter of the eighteenth century, and that it omits scores of genuine papal documents addressed to Irish Dominican prelates, there can be no occasion for surprise at the omission of Pope Urban's Bull. He would surely need to be an argus-eyed editor who should take note of a document addressed to a Dominican archbishop nearly five centuries earlier—a document which no longer existed in the papal archives, and which had nothing about it of a specially Dominican character; a document, moreover, which was then known only through the medium of an incomplete extract, printed in two or three rare books which were hardly accessible anywhere, save in a few libraries in far-away Ireland.<sup>2</sup>

So much for the purely historical difficulties which have been urged against the authenticity of Urban IV's Bull to Primate O'Scannell. We need not stay to discuss the long-range arguments and far-fetched objections by which Archbishop Talbot and his followers have sought to impair the force of that famous document. These objections are based on the theory that the Supreme Pontiff establishes a primacy when he confers the pallium on the chief city of any kingdom *as such*. Archbishop Talbot's mind was obsessed by a sort of algebraical notion, which might be expressed in this form:

Pallium *plus* principal city = primacy.

By a strange fatality this theory breaks down hopelessly in the case of each and every one of the recognised primacies; as Dr. Renahan observes, it is "a false notion, on which, however, the whole proof [of Dublin's claim] depends."<sup>3</sup>

By the aid of this convenient but groundless principle, Archbishop Talbot and his friends have demonstrated, to their entire satisfaction, that Armagh was never the primatial see, as it never received the pallium until 1151, when Eugenius III bestowed that honour simultaneously on four of the principal

<sup>1</sup> *Calendar of Papal Registers*, I. preface.

<sup>2</sup> Primate Hugh MacMahon complains, on the first page of his work, of the almost insuperable difficulty he experienced in discovering a copy of Archbishop Talbot's book. MacMahon's work appeared in 1728; the first volume of the *Bullarium Ord. Praed.* was published in the autumn or winter of 1729, but it is practically certain that Brémond, the Dominican editor, had no opportunity of consulting MacMahon's treatise.

<sup>3</sup> Renahan, *Collections on Irish Church History*, p. 211.



Irish dioceses. At that period, in Dr. Talbot's view, Dublin was the principal city of Ireland, for which reason it *ipso facto* became the primatial see. From these premises the facile conclusion is drawn that Urban IV's Bull, with its express recognition and confirmation of the olden primacy of Armagh, must of necessity be a forgery. We have had a surfeit of this style of reasoning, from German rationalists and others, in the domain of Biblical criticism and elsewhere. It is the old story of the unsubstantial theory knocking itself in vain against the solid and unyielding fact.

Even were it possible to prove that Pope Urban's Bull is a forgery—and the prospect of doing so seems rather hopeless—the primacy of Armagh would remain unshaken. Other arguments in its favour would still exist in undiminished vigour, though Urban's Bull is a potent auxiliary on the side of the traditional primacy. A fairly recent defender of the claims of Dublin has frankly abandoned the main line of reasoning pursued by Archbishop Talbot as "untenable"; acknowledging that Dublin has been "unlucky in its advocates," he has labelled their pleading a "feeble defence."<sup>1</sup> With his own particular theory, that the Archbishop of Dublin was created Primate of the Pale, it is by no means easy to agree. The Archbishop of Dublin received from the Sovereign Pontiffs the ordinary rights of a Metropolitan, together with sundry privileges and immunities strictly limited to his own province—and nothing more. There is no evidence to show that he ever received jurisdiction over those considerable portions of Meath and Louth which lay within the Pale, or over the populous English colonies which flourished in Waterford, Cork, Limerick, and Connacht. In short, there is not a solitary particle of evidence to show that the Archbishop of Dublin was ever made Primate of the Pale, much less Primate of Ireland.

### ARCHBISHOP ALLEN—HIS CLAIM AND HIS CHARACTER

This latter title, as applied to the Archbishops of Dublin, seems to have originated with Archbishop Allen, whose relatively modern testimony has played a conspicuous part in this controversy. In an entry in his *Black Book*, under date of 1529, Allen declares that when he was for eleven years proctor for the Archbishop of Canterbury at the papal court, he saw in the secret archives of the Vatican a decision given by Innocent VI (1352-1362), whereby the primatial controversy

<sup>1</sup> Art. in *Irish Ecclesiastical Record*, May, 1889, by the lamented Father Francis MacEnerny, late administrator of City Quay parish.

was finally closed. Pope Innocent decreed, if we may believe Allen, that the Archbishops of Armagh and Dublin should both be Primates; but in order to distinguish between them, the Archbishop of Armagh should style himself Primate of All Ireland, while the Metropolitan of Dublin should in future be called Primate of Ireland, thus following the arrangement existing between the Archbishops of Canterbury and York, of whom the former was known as Primate of All England, and the latter as Primate of England.<sup>1</sup>

This assertion of Allen's has long lain under a cloud of suspicion, and has never gained the least confirmation from any independent source. No other writer has ever professed to have seen the alleged decision of Innocent VI. No copy of that document exists in the ecclesiastical records of Dublin. No Archbishop of Dublin has ever produced it in vindication of his claims. No historian who has had access to the secret archives of the Vatican ever hints at its existence. The letters and papers of Innocent VI's reign, relating to these countries, have long since been calendared, but we search in vain through the *Calendars*<sup>2</sup> for any reference to this pretended decision. What is more, we have positive and conclusive evidence that no such decision was rendered.

Three years after the death of Innocent VI, we find the primatial controversy still in lively progress, and Edward III still meddling with what he did not understand. In a letter of June 9, 1365, the monarch "enjoins that the Archbishops shall meet and arrange a concordat, on the understanding that each may have his cross carried before him in the province of the other, following the example of the Archbishops of Canterbury and York, who, at the intervention of the King, made peace on this understanding after a similar controversy."<sup>3</sup> Obviously if Innocent VI had given a final decision of the kind ascribed to him by Archbishop Allen, we should not find the controversy proceeding as usual, some three years after Innocent's death. If Pope Innocent had decreed that the Archbishops of Armagh and Dublin should both be Primates, we should not find Edward III, three years after the Pontiff's death, suggesting a much more timid compromise.

<sup>1</sup> "Ut uterque esset Primas, sed ad distincte scribendum, Archiepiscopus Armacanus intitulet se Totius Hiberniae Primatem, Metropolitanus autem Dubliniensis exaret se Hiberniae Primatem, instar Cantuariensis et Eboracensis, quorum prior scribit se Totius Angliae Primatem, alter Angliae Primatem" (*Liber Niger Alani*, Dr. Reeves' copy, p. 298; *Journal R.S.A.I.*, Sept., 1893, p. 314; MacMahon, *Jus Primatiale Armacanum*, p. 52).

<sup>2</sup> *Calendar of Papal Letters*, III. 475-635; *Calendar of Papal Petitions*, I. 237-384.

<sup>3</sup> Lawlor, "Calendar of the Register of Archbishop Sweetman," in *Proc. R.I.A.*, XXIX. section C, No. 8, p. 225.



The arrangement proposed by King Edward was clearly acceptable to Archbishop Minot of Dublin, who stood to gain far more than he lost by assenting to the concordat. If he lost the dubious and debatable right of excluding the Archbishop of Armagh and his cross from the province of Dublin, he gained the new and unprecedented privilege of carrying his own cross in the province of Armagh. Still, as though conscious of the weakness of his cause, he shrank from the suggested meeting with Primate Sweetman, but calmly sent proctors to bid that prelate obey the King's brief "in all things, especially in regard to the mutual carrying of the crosses in both provinces." Primate Sweetman, as was natural, opposed a firm front to this invasion of the privileges of his see. His letter to Edward III shows clearly that no recent decision had emanated from the Holy See in reference to the controversy between Armagh and Dublin. In this letter, written most probably on September 27, 1365, the Primate states that, in obedience to the King's brief, he had

"Repaired to certain places on the border of the provinces, on 17 and Thursday, 24 September, to treat with the Archbishop of Dublin about the matter contained in the brief. The Archbishop of Dublin did not appear; but on the latter day he sent proctors, desiring the Archbishop [of Armagh] to obey the brief in all things, and especially in regard to the mutual carrying of the crosses in both provinces. This the Archbishop [of Armagh] could not do, (1) because it was impossible for him, in so short a time, to hold the necessary consultation with his chapter and suffragans, who were 100 miles or more away; (2) because, by grants of the Apostolic See, and of the Crown, some of which he sends for inspection, the Archbishops of Armagh have the right of primacy in the province of Dublin, and of carrying their cross throughout the whole of Ireland; (3) *because a suit brought by him many years ago at the Roman Curia against the Archbishop of Dublin on that matter was still pending*; while concerning the right of the Archbishop of Dublin to carry his cross in the province of Armagh no question had ever been raised,<sup>1</sup> notwithstanding suggestions to the contrary, and so the case of the Archbishops of Canterbury and York was not parallel to that of the Archbishops of Armagh and Dublin; (4) because, of right and ancient custom, the Archbishop of Armagh, Primate of Ireland, has three Archbishops subject to him, and when one of them—the Archbishop of Tuam—was

<sup>1</sup> Primate Sweetman's obvious meaning is that "no claim had ever been advanced." In point of fact, no Archbishop of Dublin had hitherto claimed the right of carrying his cross in the province of Armagh, just as none of them had hitherto claimed the primacy; and even Archbishop Minot, while eager to gain that right as a *quid pro quo* for allowing the Primate freely to exercise a similar right in Dublin, did not venture to lay any overt claim to the primacy itself.

recalcitrant, the Primate got judgment in his favour at the Roman Curia, and a Bull entitling him to hold quinquennial visitations."<sup>1</sup>

If it were true, as Allen alleges, that Innocent VI had decreed, between 1352 and 1362, that the Archbishops of Dublin and Armagh should both be Primates, it is incredible that the controversy should still be waged with unabated ardour in 1365. In those days, prelates and people alike accepted, with reverent submission, the ordinances of the Apostolic See. It is equally impossible, if any such decision had been given, that Primate Sweetman should be able to state as a palpable fact, three years after Pope Innocent's death, that his own lawsuit, instituted "many years ago at the Roman Curia against the Archbishop of Dublin," in vindication of the "right of primacy [of the Archbishops of Armagh] in the province of Dublin and of carrying their cross throughout the whole of Ireland," was "still pending." Finally, if a decision of such momentous importance to Dublin had lately been given by Innocent VI, as Allen affirms, it is incredible that Archbishop Minot should have passed it over in austere silence, and that all his successors, down to Allen himself, should have adopted the same mysterious and inexplicable policy. We are forced, therefore, to conclude that Allen's assertion is a mere figment of his imagination, designed to glorify his own position as Archbishop of Dublin.

That Archbishop Allen was capable of inventing a fraudulent statement, which promised to further his own interests and conduce to his own glorification, seems hardly to admit of doubt. Historians have reason to be grateful for his untiring industry in collecting the records of his see. Nevertheless, he was a thoroughly ambitious and unscrupulous man. At once the pliant tool of Wolsey and the worthy associate of Crumwell, he had played an ignoble part in the suppression of religious houses in England, shortly before his elevation to the see of Dublin. Cardinal Gasquet says of him<sup>2</sup>: "This Dr. Allen was, apparently, the object of great dread and intense dislike. He was an astute, hard man, and, like his fellow, Crumwell, had evidently been trained up in business habits to the detriment of his humanity or even honesty. He was after-

<sup>1</sup> Lawlor, *Calendar of the Register of Archbishop Sweetman*, pp. 224, 225. The recalcitrant Archbishop of Tuam was Florence MacFlynn, who was defeated at Rome by Primate Reginald in 1255 (Theiner, *Vetera Monumenta*, p. 68). The right of primacy over all other Irish prelates, and of carrying the cross in all parts of Ireland, was expressly confirmed, in favour of Primate O'Scannell and his successors, by Urban IV's Bull of 1261.

<sup>2</sup> Gasquet, *Henry VIII and the English Monasteries*, 1906 edit., p. 21.



wards made Archbishop of Dublin, 'where his imperiousness and rapacity brought him to a violent end.'"<sup>1</sup>

Cardinal Gasquet relates how "complaints were also carried to the king of the harsh and unjust way in which Wolsey's agents, Dr. Allen and Thomas Crumwell, were conducting the suppressions and visitations of the religious houses upon which they were then [1525] engaged"; and, as the same illustrious writer remarks, "there is little doubt that the reports about them [i.e., about Allen and Crumwell] were well founded."<sup>2</sup> Dr. Knight, afterwards Bishop of Bath and Wells, wrote to Wolsey in 1527, saying: "I have heard the king and noblemen speak things incredible of Mr. Allen and Crumwell."<sup>3</sup> The best that can be said of Allen is that "he was of a turbulent spirit, but a man of hospitality and learning, and a diligent enquirer into antiquities."<sup>4</sup>

The Protestant historian Fuller moralises, with his usual quaintness and candour, on the fate of Allen and his fellow-labourers in the odious work of suppressing religious houses: "God's exemplary hand ought to be heeded in the signal fatality of such as by the cardinal were employed in this service. Five they were in number, two whereof challenging the field of each other, one was slain and the other hanged for it. A third, throwing himself headlong into a well, perished wilfully. A fourth, formerly wealthy, grew so poor that he begged his bread. The fifth, Dr. Allen, one of especial note, afterwards archbishop of Dublin, was slain in Ireland. What became of the cardinal himself is notoriously known, and as for his two colleges, that in Ipswich (the emblem of its founder, soon up, soon down) presently vanished into private houses; whilst the other, Christchurch in Oxford, was fain to disclaim its founder."<sup>5</sup>

Such being the character of Archbishop Allen, we cease to wonder at his fabrication of a papal ordinance. That fabrication was prompted, no doubt, by self-interest, ambition, and vain glory. In his own register, and under his own hand, Allen accords himself most pompous titles. He styles himself, "Miseratione divina Ecclesiarum Cathedralium Regularis Abbas

<sup>1</sup> Brewer, *Henry VIII.*, II. p. 270.

<sup>2</sup> Gasquet, *ibid.* pp. 20, 21.

<sup>3</sup> *State Papers, Foreign and Domestic, of Henry VIII.*, I. p. 261.

<sup>4</sup> Alfred Webb, *Compendium of Irish Biography*, p. 3, quoting from Sir James Ware. Harris says that Allen "was made Chaplain to Cardinal Wolsey, Archbishop of York, and Commissary or Judge of his Legatine Court, in the execution of which office he was suspected of great dishonesty" (Ware-Harris, I. 346). Mr. James Gairdner says that Allen assisted Wolsey "in the collusive suit shamefully instituted by the Cardinal against the King in May, 1527, by which it was sought at first to get the marriage with Katharine declared invalid without her knowledge."—*Dict. of National Biog.*, I. 306.

<sup>5</sup> Fuller, *Church Hist.*, 1845 edit., III. p. 357, quoted by Gasquet, *ibid.* p. 24 n.

et S. Patricii Saecularis Dubliniensis Episcopus, et Sedis Apostolicae gratia Archiepiscopus, ac Hiberniensis Ecclesiae Primas, liberaeque Capellae Regiae B. Michaelis de Pencrich in Anglia Decanus natus, Co-Episcopatumque (sedibus Suffraganeorum vacantibus) Custos Spiritualitatis et Spiritualis Jurisdictionis, atque omnium Decimarum in eadem Provincia Apostolicus Compulsor Perpetuus, nec non Appellationum quarumcumque per totam Metropolim ad Romanam Curiam emissarum Judex per se tutorius ac singularis"; and to this portentous catalogue of real or imaginary dignities he adds, "atque per totam Hiberniam de jure ante se Crucem deferens."<sup>1</sup> For a man of Allen's grasping ambition and unscrupulous character, to say nothing of his overgrown vanity and inordinate self-importance, the fabrication of a papal edict was no impossible or unlikely feat. At the same time it is possible that, by some subtle process of auto-suggestion, he may have convinced himself—the wish being father to the thought—that he had really seen the mythical decision of Innocent VI. This hypothesis of a lapse or freak of memory on Allen's part is, at least, a charitable theory. His story may be a freak of memory or a deliberate fraud; in either case it is unworthy of credence.

To lend impressiveness to his story of Pope Innocent's decision, Allen appended the words: "Joannes Dublin. electus, manu mea propria, anno ab incarnat. 1529." Four years later he was provided with a favourable opportunity of putting his pretensions to the test. In 1533 a controversy arose on a question of precedence in Dublin between Allen and Primate Cromer, with the result that Allen was worsted. As Ussher drily remarks, the Archbishop of Dublin "would not in all likelihood have omitted to make mention of the success of that contention, if the matter had not been carried on the Chancellor's [Cromer's] side." Allen's ambitious effort was rather belated, for the primatial controversy had practically settled itself, some seventy years previously. Primate Bole issued letters for the visitation of Cashel and Tuam in 1461, at which period, as Ussher observes, "the Archbishops of Ardmagh seem to have enjoyed and quietly exercised this primacy over all the provinces of the kingdom." On November 5, 1462, Primate Bole delivered judgment in an appeal from the court of the Archbishop of Dublin, thus showing that Dublin was not exempt from the Primate's jurisdiction. Curiously enough, at an earlier date (July 15, 1443), when the Dean and Chapter of Armagh chose Richard Talbot, Arch-

<sup>1</sup> See *Liber Niger Alani*, Reeves' copy in T.C.D., p. 844; MacMahon, *Jus Primatiale Armacanum*, pp. 211, 212; Dr. G. T. Stokes in his *Ireland and the Anglo-Norman Church*, p. 266, gives a version of these swelling titles (from Marsh's Library copy of the *Liber Niger Alani*, fol. 374) which differs a good deal from Dr. Reeves' version.



bishop of Dublin, to be Primate of Armagh, their letter to the Pope contained an almost verbatim repetition of the crucial clause of Urban's Bull to Primate O'Scannell.<sup>1</sup>

### MAGNI NOMINIS UMBRA

Our study of an episode in Primate O'Scannell's life has led us far afield, but it has enabled us to reach two main conclusions; first, that Pope Urban's Bull in confirmation of the primacy of Armagh, is clearly authentic; and secondly, that the chief arguments put forward on behalf of the primatial claims of Dublin will not bear investigation. No Archbishop of Dublin advanced a tangible claim to primatial rank, until John Allen did so in the evil days of Henry VIII, and with rather unhappy results. Archbishop Peter Talbot, unversed in Irish history and unskilled in Irish traditions, was the first Archbishop of Dublin who regularly signed himself "Primate of Ireland," which he began to do in 1669, thus initiating an acute and painful controversy which raged for sixty years and more—a controversy which has created no little confusion in the public mind and in the pages of historians. Primate Hugh MacMahon's work may be said, in a sense, to mark the close of the controversy and the end of the primatial jurisdiction in Ireland; his administrative action in the *cause célèbre* of Valentine Rivers resulted in a Pyrrhic victory.

The primacy is now, in Ireland as in the major part of the Universal Church, merely *magni nominis umbra*, the shadow of a once great and imposing office. How this has come to pass, an erudite canonist shall explain; though we may note incidentally that the Archbishop of Armagh was the only Irish prelate who figured among primates at the Vatican Council:

"In the Western Church a primate is a bishop possessing superior authority, not only over the bishops of his own province, like the metropolitan, but over several provinces and metropolitans. This does not refer to episcopal powers, which each bishop possesses fully, but to ecclesiastical jurisdiction and organisation, especially in national churches. Primates exist only in the West, and correspond not to the patriarchs but to the exarchs of the East. There is no uniformity in the institution, it has no place in common law; primatial rights are privileges. In their widest acceptance these rights would be: to convoke and preside over national councils, to crown the sovereign, to hear appeals from the metropolitan and even episcopal courts, and finally the honorary right of precedence.

"This organisation, formerly useful, as it favoured and

<sup>1</sup> Ussher's *Works* (Elrington's edit.), I. pp. cxi-cxli.

maintained unity in national Churches, has lost its importance and disappeared; first, because national Churches as such no longer exist, and secondly on account of the gradual disciplinary centralisation of the Western Churches around the Roman See. Except in the case of Gran in Hungary, the primatial title is merely honorific. At the solemnities accompanying the canonisation of the Japanese martyrs no special place was reserved for primates; and in the Vatican Council the precedence of primates was recognised only at the instance of the Prince-Primate of Hungary (Vering, *Kirchenrecht*, sec. 133), as something exceptional and not to be considered a precedent. The Brief 'Inter Multiplices,' 27 November, 1869 (*Acta S. Sedis*, v. 235), ranks the primates according to their date of promotion after the patriarchs, but adds: 'Ex speciali indulgentia,' i.e., by special favour, for that occasion only, nor must it be interpreted as conferring any right on them or diminishing the right of others. . . .

"It is impossible to give more than the mere names of primacies: in Spain [and Portugal], Toledo, Compostella, Braga; in France, Lyons, Reims, Bourges, Vienne, Narbonne, Bordeaux, Rouen; in Germany, Mayence, Trier, Magdeburg; in England, Canterbury, York; in Scotland, St. Andrews; in Ireland, Armagh; in the Scandinavian countries, Lund. But of all these nothing but a title has remained; and at the Vatican Council the only bishops figuring as primates, in virtue of recent concessions, were those of Salzburg, Antivari, Salerno, Bahia, Gnesen, Tarragona, Gran, Mechlin, and Armagh (*Coll. Lacens.*, vii. pp. 34, 488, 726)." <sup>1</sup>

In like manner Armagh alone is recognised as the seat of the Irish primacy by Laurentius and other canonists,<sup>2</sup> as well as by the compilers of the *Catholic Dictionary*, who say: "In modern times those bishops only are properly called primates to whose see the dignity of vicar of the Holy See was formerly annexed. Such sees are—Armagh in Ireland, Arles and Lyons in France, Mentz in Germany, Toledo in Spain, Gran in Hungary, Pisa and Salerno in Italy, and some others. None of these retain any primatial jurisdiction, except Gran, the archbishop of which has still the right of receiving appeals from all the other archbishops in Hungary. Changed circumstances—especially the great facility with which the most distant countries can now communicate with Rome—have made the jurisdiction of primates almost a thing of the past." <sup>3</sup>

<sup>1</sup> Monsignor Boudinhon in *Cath. Encyclop.*, II. 423, 424.

<sup>2</sup> Laurentius, *Institutiones Juris Canonici*, 1908, p. 139; Scherer, *Handbuch des Kirchenrechtes*, 1886, I. p. 541.

<sup>3</sup> *Catholic Dictionary*, s.v. "Primate."



## AN IRKSOME COMMISSION

In the course of this lengthy digression we have seen that Primate O'Scannell received his historic Bull from Urban IV in 1261, not in 1263 as historians usually assert. We must now resume our narrative of O'Scannell's activities after his excommunication of the Meath pluralist in 1263. An uncommonly troublesome commission was entrusted by Urban IV to the Primate and Bishop Hugh de Taghmon towards the close of the year. A mandate from Orvieto to the two prelates, under date of November 22, 1263, and a somewhat similar missive addressed two days later to O'Scannell alone, may be given in the inverted order in which they are summarised in the *Calendar*:

"Mandate to the Archbishop of Armagh to undertake the business of demanding, receiving, and sending to Rome profits belonging to the Church of Rome in his province, and of making inquiry as to the money and goods which Master John de Frusinone, papal chaplain, and formerly nuncio in Ireland, is said to have received in the name of the Roman Church, with faculty to him to compel recalcitrant persons by ecclesiastical censures. At the end of the present year, contributions collected by sub-delegates or others are to be brought together at a certain time and place before the diocesan, the Prior of the Friars Preachers, and the Guardian of the Friars Minors, nearest to the place of meeting, or before an equal number of abbots, priors, or other honourable and trustworthy persons, who shall render account to the Archbishop, to whom faculty is given to compel them to do this, and to send off the account to Rome within eight days; the same order is to be observed each year until the present commission is revoked. This letter, by the Pope's order, is registered."<sup>1</sup>

"Mandate to the same and to the Bishop of Meath to make inquiry as to the large sum of money and other goods collected in Ireland by Master John de Frusinone, papal nuncio, and his sub-delegates, and deposited there in the hands of those who still hold various portions of it. The above have faculty to exact and receive the same, giving full receipts to those who deliver it to them, and to compel by ecclesiastical censure any who make opposition, of whatever dignity, order, or religion [=institute], papal or military, they may be; any papal indult to the contrary notwithstanding, with directions as in the letter of 8 Kal. Dec. [given above]. No money is to be received without a receipt, and a full report of what has been

<sup>1</sup> *Cal. Pap. Reg.*, I. 392, 393.

received and deposited, and in whose hands it has been placed, is to be sent under seal to the Pope."<sup>1</sup>

These sober summaries are somewhat misleading, as they convey no adequate idea of the magnitude of the task which Primate O'Scannell and his fellow-commissioner were called upon to perform. Master John de Frossinone, late nuncio and money-collector—the terms were interchangeable for ages in Ireland—had obviously left his accounts in a chaotic condition, though the Pope speaks of him in affectionate terms. He was reported to have placed various sums of money and other articles of value, subscribed for the Roman Church, in the hands of sundry individuals in Ireland, by way of deposit or for safe keeping; but Urban IV could not ascertain whether Master John had furnished any account of these transactions. The Archbishop of Armagh and his brother-prelate of Meath were now ordered to make diligent inquiry and render a full account of all moneys and other valuables collected by Master John and his agents in Ireland, on behalf of the Roman Church or under pretext of a commission for such collections. The commissioners were instructed to discover the subscribers as well as the amount contributed by each, and to forward a detailed report to the Holy See. O'Scannell and his brother-commissioner were to demand possession of all sums of money or other valuables which formed part of the collection, in case they should discover them in the hands of any persons whatsoever, and they had full authority to issue receipts for the same. They were to inflict ecclesiastical censures upon all persons whom they might find recalcitrant in this matter, even though these might be Bishops or other dignitaries, regulars of any Order, Cistercians, Cluniacs, Premonstratensians, Templars, Hospitallers, or Teutonic Knights (!). No privileges or immunities of any kind should avail to shield such offenders, in case they proved intractable.

In the discharge of this roving commission the Primate and the Bishop of Meath were to receive the moneys and valuables which formed the object of their quest; they were to take possession of them in the presence of the Bishop of the diocese, the Dominican Prior and the Franciscan Guardian of the place, or in presence of three other grave and reliable persons. The commissioners were then to draw up letters patent, under their own seals and those of the three witnesses, stating what moneys or valuables they had received, where and from whom they had received them, when and wherefore they had accepted them. These receipts or letters patent were to be handed to the persons from whom the moneys or valuables were received; and similar receipts, sealed in the same manner, were to be

<sup>1</sup> *Cal. Pap. Reg.*, I. 393.



forwarded to the Pope without delay. The entire work was to be done on a strictly business-like and methodical basis. No receipt was to be issued until the corresponding payment had been made, and no payment was to be accepted without issuing a formal receipt. The commissioners were not only to forward a detailed account of the sums they actually received; they were also bound to send the Pontiff any information they could glean in regard to sums of money placed by Master John or his agents in the hands of persons from whom such moneys could not be recovered by the commissioners.<sup>1</sup>

In his first letter, addressed to Primate O'Scannell and the Bishop of Meath, Urban IV declares that he places special reliance on the care and diligence of these worthy prelates. His letter to O'Scannell alone was written two days later, and it tacitly modifies some details of the scheme. The Primate could now cause most of the work to be done by deputy, though the task would naturally involve an immense amount of correspondence. In this second letter, the Pontiff adopts a much more personal tone. He writes to O'Scannell almost in the style of one writing to an old friend; jogs his memory about certain promises made on the occasion of his appointment to Armagh; administers a friendly rebuke for the Archbishop's remissness in pecuniary matters, and ends by saying that he has confidence in O'Scannell still. The whole exordium of this letter is very ingenious and witty; it paves the way admirably for the onerous duty which the Pontiff means to lay on the Primate's shoulders. The charm and grace of it are lost in a bald version such as this:

"Some years ago, when we placed you in charge of the see of Armagh, your sincerity inspired us with a firm hope that you would display solicitude and vigilance in everything that you knew might conduce to our well-being and that of the Roman Church. We trusted that you would inquire with closeness and care into all the rights and revenues that belonged to the Roman Church in your province, and that you would keep us properly informed on such affairs by means of your letters or messengers. But though you made us a verbal promise that you would do so, if we recollect rightly, on the occasion of your visit to the Apostolic See, it does not seem to us that your promise has borne fruit. This appears rather like negligence on your part, but we prefer to believe, with kindly dissimulation, that you have been since then overwhelmed with other business of an urgent nature. Now, as we have not ceased to repose special confidence in your loyal diligence and fidelity, we desire to cut off all occasion of further

<sup>1</sup> Theiner, *Vetera Monumenta*, 90, 91.

delay on your part, and to strip you of everything that may serve as a cloak for future pleas of excuse." <sup>1</sup>

Thereupon Urban IV, who appears to have had a wonderful knowledge of men, besides diplomatic gifts of a high order, proceeds to renew his former commission to O'Scannell, deftly adding a fresh commission of an exceedingly onerous nature. The Primate was authorised to demand and receive, in the name of the Pope and of the Roman Church, all revenues and rights appertaining to the Holy See in the province of Armagh. He was commanded, moreover, to institute inquiries concerning the moneys and goods which Master John de Frossinone, formerly nuncio in Ireland, was said to have received, personally or by his agents, in the name of the Roman Church. All such moneys and articles of value, wheresoever he might find them placed for safety, deposited, or detained, the Archbishop was to take into his hands, in the name of the Holy See. He was likewise empowered to punish recalcitrant parties by ecclesiastical censures, in accordance with the provisions of a previous papal letter [that of November 22, 1263], without allowing any possibility of appeal. After these instructions, the Pope adds,

"We fraternally beseech and respectfully exhort you—and by our Apostolic writ we lay it upon you as a strict obligation—to accept this commission promptly and willingly, as we have specially selected you, together with others who are devoted to us in those regions, to attend to these affairs. In pursuance of the powers vested in you by the aforesaid letter, you are to carry out this commission in the most efficacious manner possible. All and sundry of the facts that you may discover, in the execution of this commission, you are to report to us at your own risk through a faithful messenger, as fully and as speedily as circumstances may permit. As regards the sums of money and items of property which you may receive under this commission, you are to state why and from whom you received them, when and where they came into your hands, and in whose presence you accepted them. You are to draw up receipts or letters patent, sealed by the person or persons from whom anything has been received; and you are to forward all such receipts to us by your messenger, together with faithful and detailed reports.

"Though in our former letter we have prescribed the particular form which you are to use in accounting to us for sums received, yet we have taken care to add that you must observe such caution as may prevent all possibility of suspicion. By this we mean that, towards the close of the present year, reckoning from the date when you shall begin to execute this com-

<sup>1</sup> Theiner, *op. cit.*, p. 91.



mission,<sup>1</sup> you shall notify, by our authority, to all persons who have given any of the said moneys or valuables to yourself or any of your sub-delegates or agents in the course of the year, that such contributors are to appear, at a certain place and time to be determined by you, before the Bishop of their diocese and the nearest Dominican Prior and Franciscan Guardian; or failing these, before the same number of Abbots or Priors or other honourable and trustworthy persons, to whom the contributors shall present all the receipts they have received in the course of the year from you, or from others in your name. All these receipts are to be faithfully copied, and all copies are to be sealed with the respective seals of the Bishop, Prior, and Guardian aforesaid, or of three other reliable personages, whose attendance you are hereby fully authorised to enforce. These sealed copies are to be despatched to the Apostolic See in the custody of a special messenger, who must begin his journey within eight days of these proceedings. You are to warn the contributors that, if this be not done, they shall not be credited with the payments they have made, but shall be held accountable for those sums to us and to the Roman Church. The same procedure is to be observed each year until this commission is revoked. In order that you may realise the care with which we desire these regulations to be observed, we are sending you this letter under cover, after causing a verbatim copy of it to be inserted in our register. You will therefore apply yourself to this task with the utmost prudence and energy, so that no reason for suspicion or detraction may arise against you in course of time, and that we may find no occasion to blame you for any neglect or omission, but rather to commend you on the score of active and successful diligence. Given at Orvieto, 8 Kal. December, in the 3rd year of our Pontificate [24 November, 1263]."<sup>2</sup>

This two-fold commission was truly formidable. Its provisions were so drastic, so complicated and elaborate, that it seems highly doubtful whether they could have been carried out, with any measure of success, in a country torn by civil wars, and in an age when travel was extremely tedious and communication excessively slow. The Primate of Armagh was commanded in the first place, to collect all the revenues (and presumably all the arrears of revenue) accruing to the Holy See, under any of the customary titles, throughout his entire province, and forward them to the Pope. This in itself was a task of no inconsiderable magnitude, the proper discharge of

<sup>1</sup> As the commission would probably reach O'Scannell about the beginning of 1264, Urban IV doubtless meant that the further steps, indicated in his diploma, were to be taken towards the end of that year.

<sup>2</sup> Theiner, 91, 92.

which would naturally involve a vast amount of correspondence with Bishops and other dignitaries throughout the province.

In the second place, without a single clue to guide him, he was ordered to unearth, if possible, all the sums of money said to have been deposited by the late nuncio and his agents with unnamed parties in Ireland, perhaps with one or more individuals in each of the Irish dioceses. It was quite possible that these sums had already been accounted for; whether they had or not, nobody could definitely say. To discover the whereabouts of these mysterious sums of money, the Primate would need to employ a small army of agents—at least one or two reliable deputies in each diocese. The task of finding men suitable for this purpose, and the further task of formally appointing them when found, would entail an enormous amount of correspondence, aggravated by the delays and disappointments inevitable in such cases. Then, when the deputies (or sub-delegates, as the Pope calls them) had all been duly appointed, and when they had embarked upon their voyage of discovery, their difficulties, and those of the Primate, would only begin.

The task of discovering the persons who held money or valuables on deposit from Master John or his agents might be far from easy. Even if the deputies overcame the ingenious objections and the tenacious resistance of such persons—who would naturally cling to the possession of those moneys as long as possible—a formidable series of new formalities had to be faced. The deputies could not venture to take over such moneys or articles of value, save only in presence of three "honourable and trustworthy" witnesses; and these witnesses should, if possible, include the Bishop of the diocese, the Dominican Prior, and the Franciscan Guardian. According to the first papal letter, the seals of the Archbishop of Armagh and the Bishop of Meath, in addition to those of the three witnesses, were to be affixed to all receipts granted to those who handed in money or valuables; and duplicates of all such receipts, sealed in similar fashion, were to be forwarded to the Holy See without delay. If this rule were seriously insisted upon, it would have obliged Primate O'Scannell and Bishop Hugh de Taghmon to pay a personal visit to each and every diocese in Ireland—at least to each diocese in which there was any prospect of finding papal money—in the course of a single year. In the second letter of Urban IV, which we may take as the fruit of riper consideration of this scheme in the Pontiff's mind, it is tacitly assumed that receipts of the kind might be granted by O'Scannell's deputies. There still remained the irksome obligation of summoning an assembly of the deposit-holders in each diocese towards the end of the year, of simultaneously convoking a proper muster of witnesses, of elaborately drawing



up sealed copies of all receipts granted during the year, and of transmitting the sealed copies by special messenger to Rome, within a strictly limited period of eight days. In addition to all this, the Primate and his associate still lay under the obligation of transmitting full and detailed accounts to Rome, both in regard to sums received, and in regard to moneys which they were unable to collect.

It may be said, without irreverence to the memory of a worthy Pontiff, that the scheme was crude and ill-digested; its parts did not fit properly one into another. Above all, it was too elaborate and complicated to be workable on anything like a large scale. If the deposit-holders were to be found only in two or three of the Irish dioceses, the scheme of Urban IV might have worked with sufficient smoothness and satisfaction; applied to the entire country, it was bound to prove a failure. A failure, in fact, it proved; the commissioners found it impossible to carry out the mandate of Urban IV in a really successful manner. His successor, Clement IV, made a further effort nearly three years later; on May 23, 1266, he issued a fresh mandate to the same commissioners:

"Mandate to the Archbishop of Armagh and the Bishop of Meath to make inquiry as to a large sum of money and other goods collected by Master John de Frusinone for the Roman Church and the Holy Land, and detained by those with whom it was deposited; and, as it does not appear that Master John rendered an account, to intimate the exact amount to the Pope; with faculty to them to demand and give receipts for the same, compelling all who oppose them by ecclesiastical censure, any papal indult to the contrary notwithstanding. Whatever they receive is to be assigned to Master Sinicius, sent by the Pope to those parts."<sup>1</sup>

What success, if any, attended this fresh endeavour to trace the elusive deposits of Master John and his agents, we have no means of ascertaining. In 1266 and the next few years, the crusade collections went merrily on throughout the land. The Dominicans of Dublin, Limerick, Sligo, Roscommon, Strade, Mullingar, Athenry, Cashel, and Drogheda figure among the energetic collectors of crusade money at this time. For instance, in October, 1266, and February, 1267, the Dominican Father Clement handed to the Bishop of Lismore, at Drogheda, various sums, totalling about £160 in modern currency. It appears, and the fact is significant, that all the crusade money garnered by the Dominicans in these years was transmitted to its destination principally through the Bishop of Lismore, but partly also through Geoffrey de Joinville, who was soon to

<sup>1</sup> *Cal. Pap. Reg.*, I. 423.

become Viceroy of Ireland.<sup>1</sup> This crusade money was obviously the fruit of fresh collections; it had nothing to do with the deposits which O'Scannell and his associate were bidden to discover, and of which we hear nothing further after this time.

### *SECULAR versus ECCLESIASTICAL COURTS*

On December, 1263—a week after the dispatch of his laborious commission to Primate O'Scannell and the Bishop of Meath—Pope Urban IV addressed an extremely severe letter “to the Archbishops, Bishops, Abbots, Priors, Deans, Archdeacons, and other prelates and rectors, and all clerks in Ireland, inhibiting them from obeying any summons to appear before a secular court in regard to causes relating to tithes, wills, or other matters, and personal actions which belong to the ecclesiastical tribunal.”<sup>2</sup>

This inhibition is a document of some historical importance. It throws fresh light on the history of the anti-clerical campaign which was carried on in Ireland, in the third quarter of the thirteenth century, by English officials and their compatriots. Some account of this campaign has already been given in the chapter on Bishop O'Lee of Killala. Here it will suffice to say that in 1261 (two years earlier) Urban IV had written four letters to various personages, including Henry III and Prince Edward, denouncing in strong terms the iniquitous conduct of English officials in this country. Among the numerous acts of aggression and despotism laid to their charge, it was stated that these officials, in open violation of the law and custom then prevailing, prevented rectors and other ecclesiastics, who had disputes with one another over tithes or pecuniary affairs, from having such disputes settled by an ecclesiastical tribunal. Clerics and rectors, thus cut off by secular violence from the protection of ecclesiastical courts, were sometimes induced to prosecute their claims before secular tribunals. Some complaisant ecclesiastics had obviously fallen into the trap, and their conduct was severely censured by Urban IV.

In this document the Pontiff reminds the hierarchy and clergy of Ireland that it is the duty of the Holy See to intervene at the proper time, so that the liberties of the Church may flourish and expand under the blessing of God, and that obstacles to those liberties may be removed by the vigilance of the Pope. He has often heard with surprise and distress that some of the Irish clergy, instead of prizing the liberties

<sup>1</sup> Theiner, 107-109.

<sup>2</sup> *Cal. Pap. Reg.*, I. 415.



which they should foster with the utmost assiduity and care, are actually striving by novel arts and devices to trample upon those liberties, and basely endeavouring to whittle them down. This they do by citing one another to appear before secular tribunals, in cases of tithes, wills, and other matters, as also in personal actions, which belong solely to the jurisdiction of ecclesiastical courts. At times also, when a dispute arises between some Irish ecclesiastics; and when this dispute, like those already mentioned, should be decided by an ecclesiastical tribunal; even while the case is being heard by delegates of the Apostolic See or by the local Bishops, the defendant will maliciously obtain an injunction from the royal officials, restraining the delegates or Bishops from proceeding further in the case which is known to be pending in their courts. In this manner, the plaintiff is at times compelled to renounce his right, or else to lay his case before an irregular tribunal.

As it is right and fitting that the Holy See should employ all proper measures for the repression of such flagrant and intolerable temerity, the whole body of Irish prelates and clergy are strictly commanded to desist from the offences here specified, and from all others which may weaken the liberties of the Church or hinder the course of justice. They are bidden, moreover, to defend and promote the liberties of the Church with the utmost vigilance and constancy. By so doing they will merit a reward of grace from on high and gain increased favour with the Holy See. Should these admonitions prove unavailing, the Pontiff will be compelled to punish offenders with such rigour as will strike terror into the hearts of the rash and imprudent. He will adopt every possible means of making them feel how deeply he has been hurt by their action in frustrating the ends of justice and undermining the liberties of the Church.<sup>1</sup>

### *CARBRY O'SCOBA BECOMES BISHOP OF RAPHOE*

Two days after the dispatch of this minatory missive, Urban IV issued letters for the appointment of a new Bishop of Raphoe. That diocese had now been over two years vacant, since O'Scannell's promotion to the primatial see in 1261. Meanwhile, the Archdeacon of Raphoe had been elected by a minority of the Chapter, though the majority of the Canons agreed on a "postulation" in favour of the Abbot of Derry. The Primate of Armagh naturally declined to confirm the Archdeacon's election, whereupon the latter appealed to Rome and died there. As usually happens after contested elections,

<sup>1</sup> Theiner, 92.

the Holy See chose an outsider. Its choice fell, strangely enough, upon John de Alneto, an English Franciscan. On December 3, 1263, Urban IV issued a—

“Mandate to John de Alneto, a Friar Minor, Bishop-elect of Raphoe, appointed by the Pope. Archdeacon Henry, who had been elected by the minor part of the Chapter, having died at Rome, whither he had gone to appeal against the annulling of his election by the Archbishop of Armagh; and the postulation, by the rest of the Chapter, of the Abbot of Black Abbey (Nigra Cella) in Deri, having been disallowed by the Pope, the said John de Alneto is ordered to undertake the charge and to rule the diocese, any constitution of his order or papal indult notwithstanding.”

On the same date Pope Urban addressed “concurrent letters to the Chapter of Raphoe, to the clergy, and to the people of the diocese, and to the Archbishop of Armagh, ordering him to consecrate the said Bishop-elect.”<sup>1</sup> But John de Alneto was not destined to rule over the diocese of Raphoe, nor was Primate O'Scannell destined to preside at his consecration. Urban IV went to his grave long before the Raphoe vacancy was really filled. On April 28, 1265, his successor, Clement IV, issued a rescript for the “Absolution of John de Alneto, a Friar Minor, living in Ireland, from the provision and mandate of Pope Urban, by whom he was appointed to the see of Raphoe, an incurable infirmity unfitting him for that office.”<sup>2</sup>

This worthy Franciscan was never Bishop of Raphoe, though his name usually figures on the roll of prelates who have governed that diocese. Stricken with an incurable malady, he declined the appointment, and besought the Pope to hold him excused. He pleaded that the nature of his illness would render it impossible for him to discharge the duties of the episcopal office in a proper manner; and he had no wish that the spiritual and temporal interests of the see should suffer detriment by reason of his infirmity. These pleas being investigated and found valid, John de Alneto's request was granted,<sup>3</sup> and his nomination to the see of Raphoe was cancelled by the Pope. It was only in 1266 that Carbury O'Scoba, a northern Dominican, was chosen to rule the land of the O'Donnells.

<sup>1</sup> *Cal. Pap. Reg.*, I. 393-394; Theiner, 92. In Eubel (*Hierarch. Cath.*, I. 413), this appointment is wrongly assigned to the year 1264. The Abbey of Nigra Cella was, of course, the historic Abbey of Dubh Regies.

<sup>2</sup> *Cal. Pap. Reg.*, I. 425; Theiner, 96.

<sup>3</sup> See text of Clement IV's rescript in Theiner, 96.



## THE FRANCISCAN FRIARY OF ARMAGH

About this time Primate O'Scannell became the founder, or co-founder, of the Franciscan Friary of Armagh. A bewildering diversity of opinion has existed among authors with regard to the date of this foundation; various writers have assigned it to various years, from 1261 to 1291. Archdall, misquoting the *Annals of Ulster*, affirms that the Franciscans were brought to Armagh in 1261<sup>1</sup>; but this is clearly an error. During the year 1261 the primatial see was practically vacant. Primate O'Scannell, after his confirmation by the Sovereign Pontiff, could scarcely have reached his new home before the first or second week of December. The cares attendant on his translation from Raphoe to Armagh, coupled with the elaborate preparations needed for the forthcoming synod of Drogheda, would leave him with little time, and probably less inclination, for installing a new religious Order in the chief city of his archdiocese. The moment was highly unpropitious for a venture of the kind. We can hardly believe that the Franciscans settled in Armagh during the interregnum, without any sort of archiepiscopal approval. Had they done so, they would scarcely have received from Primate O'Scannell the substantial tokens of friendship which he bestowed on them a couple of years later. Archdall's opinion is, therefore, inherently improbable; it derives no support from original authorities, and is at variance with the very Annals on which it claims to be based.

The *Annals of Ulster*, probably the most trustworthy authority on a question of this nature, inform us that in 1264 "Friars Minor were brought to Ard-Macha by the Archbishop, namely, by Mael-Padrig ua Sgannail, and the same person, that is, Mael-Padraig, made a ditch round Ard-Macha this year." Harris ascribes this foundation to the year 1263 or 1264.<sup>2</sup> The *Four Masters*, from whom we might expect information of peculiar value on this point, put us off with wavering testimony. They assure us that in 1264 "The Archbishop of Armagh, Maelpatrick O'Scannal, brought the Friars Minor to Armagh; and (according to tradition) it was MacDonnell Galloglach that commenced the erection of the monastery." Under the year 1266, the *Four Masters* again state that "Maelpatrick O'Scannall, Primate of Armagh,<sup>3</sup> brought the Friars Minor to Armagh and afterwards cut a broad and deep

<sup>1</sup> Archdall-Moran, *Monasticon Hibernicum*, I. 50.

<sup>2</sup> Ware-Harris, I. 68.

<sup>3</sup> The expression used by the annalists is "ἡγουμῆνός τῶν ἀδελφῶν μαδᾶ." This disproves the confident assertion of Archbishop Talbot and his followers, that the Irish annalists never bestow the title of Primate on the Archbishop of Armagh.

trench around the church." The truth may be that the Franciscans were first invited to Armagh in 1264 by Primate O'Scannell; that the building of their church was begun in the same year, the expenses being mainly defrayed by MacDonnell; that the church was completed in 1266, and dedicated in that year by the Primate, who constructed a fosse around it shortly afterwards. This opinion, as we shall see, is endorsed by Dr. Reeves; it implies a rejection of the vague and improbable statement of the Ulster annalists, that Archbishop O'Scannell "made a ditch round Armagh" in 1264. The illustrious Irish Franciscan, Luke Wadding, is quoted by Archdall and Alemand as stating that the Armagh Friary "was founded in 1291 by O'Donnell." This date is commonly and deservedly rejected. For the rest, it is obvious that the tradition of the munificence of MacDonnell of the Gallowglasses to the Armagh Franciscans had reached the great Franciscan historian only in a vague and distorted form.

The spectacle of a Dominican Primate figuring as the founder of a Franciscan Friary in his cathedral city has given rise to a quantity of nonsensical writing, for which Alemand, in despite of his usual good sense, has been chiefly responsible. The futility of his speculations on this head has been amply exposed by Protestant writers. Indeed, there is not the slightest historical reason to doubt of O'Scannell's affectionate loyalty to his own Order. He went out of his way to petition the Holy See for the companionship of two of his brethren, by whose aid and counsel he might be guided and assisted in his government of the see of Raphoe. His influence is fairly obvious in the selection of an Irish Dominican as his successor in that see. Finally, his body was laid to rest in the Dominican church of Drogheda, of which only the venerable ruins exist at the present day.

Harris and Reeves, though from different standpoints, have disposed rather effectively of Alemand's speculations. "Allemand observes," writes Harris, "that it was not usual to find a Dominican to be the Founder of a House of Franciscans; and further of this Bishop, that in all appearance he was not satisfied with his Order, and was willing to revenge himself on it, by this Contempt of it; or else he thought by these prudent Means to renew and establish that Harmony and Friendship, which once existed between the Founders of these Orders, and that has never been since between the two Orders; which is another and more rational Conjecture of the same Writer."<sup>1</sup> Dr. Reeves goes at once to the root of the matter, by recalling the tradition that MacDonnell of the Gallowglasses was the open-handed chief who commenced

<sup>1</sup> Ware-Harris, I. 68.



the erection of this Franciscan establishment. "Here probably lies the secret of this preference," observes Dr. Reeves. "This MacDonnell was chief of O'Neill's Gallowglasses,<sup>1</sup> and the building of the house being his work, it is likely that his choice, or the will of O'Neill, whose family were always attached to the Franciscans, turned the scale in their favour. Be this as it may, the buildings progressed with reasonable speed, and in 1266 they were completed, as we learn from the annalists at that year: 'Maelpatrick O'Scannail, Primate of Armagh, brought the Friars Minor to Armagh, and afterwards cut a broad and deep trench around their church.' Thus 1266 is established as the year in which this church was built, which we shall presently prove to be the sombre pile within his Grace the Lord Primate's Demesne."<sup>2</sup>

The manner in which the sombre ruins of this historic Friary, together with the adjacent lands, were annexed to the Protestant Primate's demesne is sufficiently clear from these curt sentences: "On the 3rd July, 1620, the pseudo-primate, Hampton, received a patent in which the site and precinct of the Franciscan monastery was granted to the see. The remains of the building may yet be traced within the demesne."<sup>3</sup> To which we may append an extract from a modern Protestant writer, on the present condition of this mouldering relic of Catholic piety: "This old Abbey, though fast hastening to ruins, still retains some shadow of its primitive appearance. Dr. Elrington, in his *Life of Ussher*, informs us that Primate Robinson surrounded the ruins of this Abbey with farm offices. Primate Beresford (Lord J. G.) expended large sums of money in endeavouring to remove these defects, but many of them are incurable. The farmyard is removed, and the Abbey is now enclosed so as not to offend the good taste or feelings of the visitor. The Abbey at Armagh is a very rude structure, without any pretensions to architectural beauty."<sup>4</sup>

The "good taste and feeling" of Primate Robinson are strikingly portrayed by Dr. Elrington, in a passage of refreshing candour. Robinson was an Englishman of notable zeal and generosity, whom viceregal and courtly influences had raised to the front rank among his co-religionists in Ireland, and ultimately to a peerage. His good qualities were marred by bad taste and a vandal temper. On mensal lands wrested

<sup>1</sup> In his own right MacDonnell was the chief of Clan Kelly in Fermanagh, besides being the commander of O'Neill's Gallowglasses, or heavily-armed soldiers (O'Donovan in *Four Masters*, ad an. 1264). This does not quite agree with the account of the MacDonnells given in *The O'Neills of Ulster* by Thomas Mathews, 1907, II. pp. 107, 108.

<sup>2</sup> Reeves, *Ancient Churches of Armagh*, 1860, p. 32.

<sup>3</sup> Archdall-Moran, *Monasticon Hibernicum*, I. 50, note.

<sup>4</sup> *Memoir of Armagh Cathedral*, by Edward Rogers, pp. 57, 58.

by legal robbery from the Catholic Church at Armagh, he built, as Elrington tells us, "a handsome residence for himself and his successors. It is greatly to be regretted that the liberality and munificence of Primate Robinson was not guided by good taste, or by any respect for the ancient remains of the country to which he had been removed. When Bishop of Ferns he had part of the venerable old Cathedral pulled down, in order to build the walls of the churchyard, and he surrounded the ruins of the ancient Abbey at Armagh with the farm offices."<sup>1</sup> It is some consolation to know that the piggeries and cowsheds of Dr. Robinson have been removed from the vicinity of the sacred edifice so honourably associated with the memory of Primate O'Scannell.

### A TEMPEST IN A TEA-CUP—AN ALLEGED COUNCIL —MONEY MATTERS

Before we close the record of Primate O'Scannell's labours during 1263, two puzzling entries remain to be noted. The *Annals of Loch Cé* inform us darkly of "a great war between the comarb of Patrick and the bishop of Midhe in hoc anno." The editor of these Annals, Mr. W. M. Hennessy, blames the Four Masters for their omission of this and similar "entries which may have seemed to them to exhibit the character of ecclesiastics in a questionable light, or to cast discredit on the Church of which they were zealous members."<sup>2</sup> In spite of this hasty censure, it seems rather probable that the Four Masters were amply justified, on purely historical grounds, in rejecting this entry. The editor holds that it refers to "a dispute regarding the right of the archbishop of Armagh to make a visitation of the diocese of Meath, which Ware states was arranged in a provincial synod held at Drogheda in the year 1262."<sup>3</sup> On Mr. Hennessy's own showing, therefore, the entry is misdated; the "great war" is wrongly ascribed to the year 1263 by the annalists of Loch Cé. Even if we regard the item as correctly dated, we must set it aside as an exaggeration. The really serious conflict between Armagh and Meath had been settled in principle at the Synod of Drogheda in January, 1262, when the Bishop and clergy of Meath acknowledged the visitatorial rights of the Primate and his successors. It is true that a "contention" subsequently arose with regard to the time and manner of the Primate's visitations

<sup>1</sup> Elrington's Life of Ussher, in Ussher's *Works*, I. 75. There is a high-flown panegyric of Primate Robinson in Stuart-Coleman, *Hist. of Armagh*, 392-401.

<sup>2</sup> *Annals of Loch Cé*, ed. Hennessy, I. pp. xli.-xlii.

<sup>3</sup> *Ibid.* I. 446.



in Meath. That contention was amicably settled by an agreement between both parties in April, 1265; and it seems rather absurd to describe such a conflict about minor details as "a great war." Possibly the annalists of Loch Cé may have confused three distinct episodes—first, the clamorous collision between Primate Reginald and Hugh de Taghmon in 1252-1254; secondly, the somewhat obscure contest which ended in a sweeping victory for Primate O'Scannell in 1262; and thirdly, the minor disagreement over matters of detail, which ended in a friendly settlement in 1265. Anyhow, it is curious that the *Annals of Loch Cé* should chronicle only the latest and least important of these dissensions, extravagantly describing it as "a great war."

One more event of this eventful year remains to be recorded. Archdeacon Lynch informs us, with a vague appeal to the testimony of Irish annalists, that Primate O'Scannell assembled a council at Armagh in 1263.<sup>1</sup> This statement may be well founded, but I have not been fortunate enough to discover the annalists on whom Lynch relies. It were rash to affirm that no such synod or council was held; for, as we have seen, the Lateran Council of 1215 commanded Archbishops to hold a provincial synod every year. We know that Primate O'Scannell held two synods of the kind at Drogheda, one early in 1262, and the other late in 1265. It is quite possible that he presided over a similar assembly at Armagh in 1263, but the evidence in this case seems defective, and we know nothing of the acts of this Armagh synod, if it was ever held.

Two incidents of 1264 bring us back to solid ground. In January of that year Urban IV addressed a sheaf of mandates to most of the prelates of Great Britain and Ireland, ordering them, under pain of excommunication, to pay what they owed to various Florentine moneylenders. Primate O'Scannell was one of the prelates thus pointedly indicated; the Archbishops of Canterbury, York, Cashel, and Tuam, together with many of their suffragans, were in like case. Only the comprehensive mandate of January 13, 1264, in which O'Scannell is mentioned, need be quoted here; there are three other mandates of the same month, directed against sundry prelates of England and Scotland. It does not seem altogether certain that each of the prelates mentioned in these pontifical documents really owed money to the "Florentine merchants," or that the amount owed by each was considerable. In this instance, the mandates have rather the appearance of nets cast into the deep to catch what they could. The Archbishop of Dublin

<sup>1</sup> "In Annalibus Hibernicis commune Concilium Ardmachan A.D. 1263 convocasse . . . dicitur" (*De Praesulibus Hiberniae*, Trinity College copy, I. 59).

and an Italian Canon were empowered to proceed against numerous Irish prelates, for the recovery of any debts owing by them to the Florentine bankers, as we learn from this far-reaching mandate of January 13, 1264:

"Mandate on behalf of members of the firms of De Burgo, Simonetti, Octaviani, Bonaiuti, Barcarelli, Baiamonti, and Ardinghi, Florentine merchants, who have lent money to certain persons, to cause the same to be repaid under pain of excommunication. The mandate is addressed to various archbishops, abbots, and prelates, and amongst them to the Dean and Archdeacon of London, as against the Archbishop of Canterbury and some of his suffragans; to James de Portu [treasurer] of Syracuse, and Thomas, canon of Foligno, papal chaplains, living in England, as against the same; to Rufinus de Tonego, archdeacon of Cleveland, and Master Innocent, papal chaplains living in England, as against the Archbishop of York and some of his chaplains; to James de Portu, treasurer of Syracuse, and Thomas, canon of Foligno, as against the same; to the Archbishop of Dublin and Angelus, canon of St. Mary's, Frosinone, living in Ireland, as against some suffragans of Dublin; to the same, as against the Archbishop of Tuam and some of his suffragans; to the same, as against the Archbishop of Cashel and some of his suffragans; to the same, as against the Archbishop of Armagh and some of his suffragans; to the Bishop of St. Andrews, as against some bishops of Scotland."<sup>1</sup>

#### LANDS LEASED TO AN IRISH CLERIC

Happily, during the rest of O'Scannell's life, we hear nothing further of these liabilities to accommodating foreigners. The Primate, apparently, was allowed to govern his diocese in comparative peace; though the quest of Master John de Frossinone's deposits must have proved a source of some anxiety during the next three years. On February 5, 1264, Archbishop O'Scannell let certain lands, apparently on a perpetual lease, to an ecclesiastic whose surname has assumed a rich variety of modern forms. Originally Mac Giolla Mhuire, it has been modernised into Mac Kilmurray, Mac Elmurray, Mac Ilmurray, Kilmurry, Kilmore, Kilmary, Gilmary, Gilmer, Gilmore, Gilmour,<sup>2</sup> and so on. The extraordinary feature of this transaction was that the lands in question were assigned to this cleric "and his heirs male in the direct line":

"Grant by Brother Patrick [O'Scannell], archbishop, to

<sup>1</sup> *Cal. Pap. Reg.*, I. 395.

<sup>2</sup> Woulfe, *Irish Names and Surnames*, 1906, pp. 62-80.



Rory McGillamuru, clerk, and his heirs male in the direct line.—He is granted, with unanimous assent of the dean and chapter, the land of Tolach clochran, and the land of Oulltan, extending in length from (o)<sup>3</sup> Ath [*space in MS.*] mugi to Lom lena churrin and to Osta Thiri birn, and in breadth from (o)<sup>1</sup> Ath murnaíd fakolych to Ath kamogi and from (ab) Ath kamogi 'sicut puteus ascendit' to Tolach clochran and Kyle Oulltan, together with their (suis) areas in the city of Armagh, viz.: the area of Oulltan, and all the areas which lie between the areas of Mecmoelfedyr and Mecbrigdiu, and the areas which lie between the areas of Okonnwel (? Okomnoel) and Meckonsciach, at a rent of 3s. a year payable at 1 November and 1 May.

"Sealed by the archbishop and chapter.

"Ends: 'Hiis testibus Mauricio Macgillamuru, Gillachomded et Karmac Macomgan, Dompnallo Macinabbad, Patricio Macumyn et aliis. Datum apud Cloinfekna,' etc."<sup>2</sup>

These lands became known as the lands of Makillamuru; at all events, certain parcels of church property are mentioned under that name in the registers of Primate Fleming and Sweetman. In 1278 or so, some fourteen years after the transaction above recorded, Primate O'Scannell's successor, Nicholas Mac Mael Isa, remitted "to Rory Makillamuru and his heirs male" the rent of a certain meadow and pasture lying under the archbishop's lake of Loughnashade (townland of Navan, parish of Eglish, Co. Armagh), near Makillamuru's land of Tulachowyr (? Tulacholbyr) in the same parish.<sup>3</sup> In February or March, 1407, "the lands of the sons of McGillamur," together with other "portions of lands belonging to the church of Armagh," were unrighteously detained by Art O'Neill and his men, who were threatened with excommunication and interdict if they failed to restore the said lands to Archbishop Fleming and his erenachs and the citizens of Armagh within a period of eight days.<sup>4</sup> All things considered, it seems most likely that the Rory MacKilmurray who held these lands under Primate O'Scannell, was a cleric only in the sense of having received the tonsure and possibly minor orders.

<sup>1</sup> Apparently the Irish preposition *o*.

<sup>2</sup> H. J. Lawlor, *Calendar of the Register of Archbishop Fleming*, 1912, p. 107. Local knowledge is necessary for the correct identification of such place-names as Tolach clochran, Oulltan, Lom lena churrin, Osta Thiri birn, Ath kamogi, and Ath murnaíd fakolych. Meanwhile Ath kamogi=Ath(ka) mugi, near Armagh; Mecmoelfedyr=Mulpeters (mac maol peadair); Mecbrigdiu=MacBride (mac siolla briúioe); Okonnwel and Okomnoel are equated by Dr. Lawlor with O'Connell; Macomgan=MacCowan (mac siolla comgáin); Karmac is obviously Cormac; Gillachomded, anglicised Germanus or Gervase=siolla an chóiríob; Macumyn=MacCummings or Cummins (mac cumáin); Dompnallus Macinabbad=Donal Mac Nab; and Cloinfekna=Clonfeacle.

<sup>3</sup> Lawlor, *ibid.* p. 107.

<sup>4</sup> *Ibid.* p. 110.

To the year 1264 belongs, in all probability, an undated charter granted by Primate O'Scannell to St. Mary's Abbey, "near" Dublin. This is one of four documents of uncertain date, which shed instructive sidelights upon the history of the time, as well as upon the personal history of the great Churchman who then ruled at Armagh. These documents shall be given later in due order. For the present we may confine ourselves to chronicling the episodes whose dates are clearly ascertainable.

### *ANOTHER AGREEMENT WITH THE CLERGY OF MEATH*

On April 9, 1265, an agreement was drawn up between the Archbishop of Armagh and the clergy of Meath, in regard to the precise mode of holding primatial visitations in the latter diocese. This document sets forth that, whereas a dispute had existed for some little time between "the venerable Father in Christ, Patrick, by the Grace of God Archbishop of Armagh and Primate of Ireland," on one hand, and the clergy of Meath on the other, relative to the form and manner of holding visitations in Meath, it was unanimously agreed by the Archbishop and his Chapter, as well as by the Bishop and clergy of Meath, that the Archbishop and his successors should be entitled to enter the diocese of Meath once in every four years, for the purpose of subjecting the Bishop and the religious houses of that diocese to due and proper visitation, such as the Archbishop and his predecessors had been accustomed to hold. The right of visitation was obviously admitted in principle, and had been admitted since the synod of Drogheda in January, 1262. Divergent views existed, but only in reference to questions of detail; and these subsidiary questions were unanimously and satisfactorily solved by the agreement of April 9, 1265. Under the circumstances, it seems incredible that a "great war" had been waged, as the annalists of Loch Cé assure us, between the Archbishop of Armagh and the Bishop of Meath in 1263.

The very title of this agreement shows that the divergence of opinion which existed was mainly between Archbishop O'Scannell and the clergy of Meath, Bishop Hugh de Taghmon being content for the nonce to play a subordinate part. The agreement goes on to state that the persons thus visited are to be at liberty to choose between offering due hospitality to the Archbishop, or else paying a sum of 4 marks, equivalent to £32 in present-day currency. Two stations shall be held in each of the deaneries of Duleek, Skreen, Trim, Lough Sewdy,



and Slane; and in each of the six remaining deaneries of Meath a single station shall be held at a principal centre, to which the clergy and people of the deanery are to be invited. At these stations, the Archbishop may hear complaints and correct any glaring abuses he may discover, in accordance with the provisions laid down in Canon Law. In each deanery he shall receive hospitality as before, or else be paid the sum of 4 marks, according to the choice of those whom he is visiting. The visitation once begun must be carried out on successive days without interruption or delay, except when a legitimate reason exists for such delay or interruption. The visiting Archbishop is not to depart from the diocese during the course of his visitation, save for some urgent and highly important cause, and with the consent of the Bishop of Meath or his clergy; after which the Archbishop must return without delay to complete the work of visitation. Moreover, as the see of Meath is usually blessed with sagacious prelates, the visitation of the parochial churches of the diocese is entrusted to the conscientious discretion of the Bishop and Archdeacon of Meath and their officials, though the Archbishop of Armagh may intervene in case he finds that these prelates have been notoriously negligent in the discharge of this duty.

Such are the principal provisions of the agreement of April 9, 1265. As the document drawn up on that occasion is relatively little known, it may here be quoted in full:

*"Composicio inter Archiepiscopum Ardmachanum et Clerum Midensem.*

"Noverint universi quod cum inter venerabilem patrem in Christo, Patricium, Dei gratia archiepiscopum Ardmachanum, primatem Hybernie, ex parte una, et clerum Midensem, ex altera, de forma et modo visitandi diocesim Midensem orta fuisset contencio, causaque super hoc inter eos aliquamdiu verteretur, tandem, de unanimi voluntate et consensu, tam prefati archiepiscopi et capituli sui Ardmachani quam episcopi Midensis et prefati cleri, quievit predicta contencio sub forma inferius annotata, videlicet, quod liceat prefato archiepiscopo, et successoribus suis, de quarto anno in quartum annum completum, causa visitacionis Midensis, intrare dyocesim, et tam episcopum Midensem quam domos religiosorum ejusdem dyocesis modo debito visitare, secundum quod ipse et predecessores sui facere consueverunt, et recipere procuraciones debitas ab eisdem in victualibus, vel quatuor marcis tantummodo, prout persone elegerint visitande.

"Et preter hec habebunt ipse et successores sui, tempore visitacionis sue, in singulis quinque decanatuum predictę dyocesis, scilicet, Diuelek, Scrin, Trum, Loxiuedi, Slane, duas

stationes, et in quolibet aliorum decanatum, qui sex sunt numero, unicam tantum stationem, in locis solempnioribus predictorum decanatum, ibique, clero et populo illius decanatus in quo steterint coram se convocatis, poterunt licite de excessibus inquirere et notorios excessus corrigere, secundum quod in jure plenius est expressum; et recipient pro qualibet statione unicam procuracionem in victualibus vel quatuor marcas in pecunia numerata, prout elegerint qui fuerint visitandi.

"Et ex quo visitare inceperint, visitacionis officium sine interrupcione vel dilacione diebus continuis quousque ea vice visitacionem compleverint exercebunt, nisi forte legitime ad tempus fuerint impediti, et nisi pro causis necessariis et arduis, de voluntate predicti episcopi vel ipsius qui pro tempore fuerit, aut cleri prefati, ad loca alia extra predictam dyocesim se divertant, et ad complendam visitacionem cum celeritate debita reversuri.

"Quoniam vero Midensis ecclesia discretos consuevit habere prelatos, visitacio omnium ecclesiarum parochialium dicte dyocesis relinquetur conscientie et discrecioni episcopi et archidiaconi Midensis et officialium eorumdem, nisi in hujus visitacione dicti prelati inveniantur notorie negligentes.

"Incipiet autem ipse archiepiscopus, vel successor suus qui pro tempore fuerit, visitacionis officium in predicta dyocesi, supradictis modo et forma, prima vice post completum triennium a die confectionis presencium. Et extunc ipse vel successores sui de quarto anno in quartum annum completum visitabunt tantummodo, sicut superius est expressum. Premissis autem modo et forma visitandi, et procuracionibus recipiendis, sine aliis exactionibus, et omnibus predictam formam excedentibus, tam prefatus archiepiscopus quam successores sui precise contenti pro se et ecclesia Ardmachana perpetuis temporibus remanebunt.

"Et si, quod absit, ipse vel successores sui, predicta forma non contenti, clerum predictum vel eorum aliquem extra hanc formam gravare voluerint, liceat eidem clero eisdem resistere impune; et eodem modo liceat eidem archiepiscopo et successoribus suis in prefatum clerum adanimadvertere, si formam istam recusaverint observare. Quam formam tam prefati archiepiscopus et successores sui quam clerus procurabunt cum omni diligencia et fidelitate a Summo confirmari Pontifice.

"Et ad majorem securitatem tam ipse archiepiscopus, pro se et successoribus suis et ecclesia Ardmachana, quam archidiaconus et alii procuratores predicti cleri, in animas suas et ejusdem cleri, ad observacionem hujus forme se astrinxerunt, sacramento prestito corporali.

"Et ad perpetuam confirmacionem, firmitatem, et memoriam hujus rei, tam prefatus archiepiscopus quam prefatum



capitulum Ardmachanum presens scriptum unanimi assensu, sicut pretactum est, sigillorum suorum munimine roborarunt.

"Data quinto Idus Aprilis, anno Domini millesimo CC.LXV."<sup>1</sup>

### *THE BARONS' WAR—MANDATES OF CLEMENT IV*

The next entry leads us abruptly into the thick of the Barons' War—a "great war" indeed, beside which the gentle bickerings between O'Scannell and the Meath clergy pale into insignificance. Since 1258 the struggle of the English Barons against the despotic rule of Henry III had entered upon an acute and momentous phase. That monarch's oft-proven ineptitude, and his inveterate partiality for foreign favourites, lent an additional element of bitterness to the struggle. For a few years Henry was compelled to assume, more or less, the attitude proper to a constitutional monarch; but in 1261 he repudiated his sworn adhesion to the Provisions of Oxford, whereby a check had been placed on his arbitrary powers, and the Pope complaisantly released him from his oath. In 1263 de Montfort and his friends took up arms against the King, but as barons and royalists were alike unwilling to risk a decision by force of arms, the dispute was submitted to St. Louis of France for arbitration. By his award, known as the Mise of Amiens (1264), St. Louis annulled the Provisions of Oxford and Westminster, as derogatory to the English Crown. Incensed by this attempt to restore Henry to his former autocratic position, the Barons flew to arms, defeated their monarch at the battle of Lewes, and took him prisoner. By the Mise of Lewes (14 May, 1264), Henry was forced to re-confirm the Provisions, and to surrender his son and nephew as hostages for his good behaviour. The actual government of the nation was entrusted to nine councillors, chosen by three electors, of whom de Montfort was one.

Meanwhile, Henry's cause was ardently espoused by foreign nations, and by the Sovereign Pontiff, Urban IV, who 'commissioned Guido, Cardinal Bishop of Sabina, to proceed to England and take Henry under the papal protection; but deterred by a hint of a conspiracy against his life, from crossing the sea, he excommunicated the Barons unless, before the first of September, they should restore the King to all his rights; placed London and the Cinque Ports under an interdict, and at the same time summoned four of the English prelates to appear before him at Boulogne. After much tergiversation,

<sup>1</sup> *Register of the Abbey of St. Thomas, Dublin*, edited by Sir John Gilbert, pp. 71-73.

these obeyed, but appealed from his jurisdiction to the equity of the Pope, or a general council; and though they consented to bring back a sentence of excommunication against the King's enemies, they willingly suffered it to be taken from them by the officers at Dover. Their conduct was approved by the Convocation of the clergy; the Bishops, Abbots, and Barons appended their seals to the appeals; and Guido, after publishing the excommunication himself at Hesdin, returned to Rome, where he was elevated to the chair of St. Peter by the name of Clement IV."<sup>1</sup>

Three months after his election to the papal chair, Clement IV threw the whole weight of his authority into the scale on behalf of Henry III. On May 4, 1265, he appointed Ottobono Fieschi, Cardinal of St. Adrian—who was himself destined to become Pope in 1276, under the title of Adrian V—to the office of apostolic legate in England, Scotland, Wales, and Ireland. To the new legate Clement IV granted powers of the most drastic and overwhelming character, for the purpose of crushing all opposition to Henry III. Amid the almost incredible variety of faculties and mandates addressed by the Pope to his legate and other persons, with a view to the overthrow and discomfiture of the English "rebels," we find a "Monition and mandate to Archbishops, Bishops, Abbots, Deans, and all prelates in England, Scotland, Ireland, and Wales, to receive and obey the legate, and obey his advice and orders."<sup>2</sup> This was issued on May 4, the very day of Cardinal Ottobono's appointment. Next day, the Pope granted a "Faculty to the same to punish Archbishops, Bishops, heads of religious houses, exempt or not, convents, chapters, or colleges, and all ecclesiastical persons, who do not obey him in regard to his mission, by suspension, citation to Rome, and deprivation."<sup>3</sup>

These are merely specimens of the vast and formidable powers conferred by Clement IV upon his legate at this time. We have no record of Primate O'Scannell's dealings with the latter; but one of the instructions addressed to the legate must have proved specially obnoxious to the Irish hierarchy and clergy. This was nothing less than an order for the collection of a tenth of all church revenues in Ireland, for the purpose of upholding the unstable throne of Henry III. On May 11 the Pope issued a "Mandate to the [legate] to cause to be collected a tenth of all church revenues in all parts of the realm, in Scotland, Wales, and Ireland, and in Norway, the only exemptions allowed being the monasteries of Cistercians, Carthusians, Templars, Hospitallers, St. Mary's Teutonic Knights,

<sup>1</sup> Lingard, *Hist. of England*, 1878, II. p. 227.

<sup>2</sup> *Cal. Pap. Reg.*, I. 426.

<sup>3</sup> *Ibid.*, I. 427. The registers of Clement IV (*ibid.* I. 419-441) are full of mandates and other documents relating to the Barons' War.



and the order of St. Clare; the proceeds to be applied to the purposes of his mission."<sup>1</sup>

At the battle of Evesham (on St. Dominic's day, August 4, 1265) the Barons suffered a disastrous defeat, and their leader, the brave de Montfort, whose father had been St. Dominic's devoted friend in Toulouse, was slain. But the Barons' cause triumphed in its failure. In the school of bitter experience, Henry III had at last learned to rule with greater wisdom. Many of the reforms for which de Montfort and his Barons had striven were permanently adopted by the Parliament of Marlborough in 1267. The country rapidly settled down, and with peace an era of prosperity began.

De Montfort has been styled, with some degree of truth, the "founder of the House of Commons."<sup>2</sup> In his lifetime he was the idol of the English clergy and people; after death he was revered as a saint, and miracles were ascribed to his intercession.<sup>3</sup> "His fame survives as a popular hero, as one whom the people's reverence canonised, and the people's minstrels sang."<sup>4</sup> However great his personal ambition may have been, and however narrow the oligarchical tendencies of his Barons, it seems clear that de Montfort and his friends, in the main, represented the nascent spirit of constitutionalism and democracy, as opposed to the old feudal spirit of autocracy and regal omnipotence. Though his party was "in the end vanquished, the principles of free and national government prevailed."<sup>5</sup>

Though the reforms for which de Montfort contended seem timid and elementary in our day, yet, by a generation accustomed to the absolute rule of kings, they were regarded as perilous and revolutionary innovations. They were banned by that model of paternal monarchs, the saintly Louis IX; and their promoters were proscribed by contemporary Popes. Clement IV regarded de Montfort as a "pestilent man,"<sup>6</sup> and exerted all his feudal and apostolic powers to crush both him and his party. In this the Pope agreed with the continental princes and peoples of his time, who regarded de Montfort merely as an ambitious and turbulent nobleman, conspiring for the dethronement of his legitimate monarch. The Pope's attitude, while sincere, was not wholly disinterested. He had been led to believe that the Barons aimed at the assassination

<sup>1</sup> *Cal. Pap. Reg.*, I. 429.

<sup>2</sup> For his close connexion with the Dominicans, see Barker, *The Dominican Order and Convocation*, p. 60.

<sup>3</sup> Gilbert, *Viceroy of Ireland*, p. 509.

<sup>4</sup> *Simon de Montfort and his Cause*, by Rev. W. H. Hutton, p. 4. The book abounds in examples of Earl Simon's popularity among the writers and ballad-makers of his time.

<sup>5</sup> *Ibid.* p. 3.

<sup>6</sup> *Cal. Pap. Reg.*, I. 437.

of Henry and his progeny<sup>1</sup>; and it needed no great political foresight to perceive that such a tragedy would most probably plunge England into anarchy for an indefinite period, and might ultimately lead to the loss of her independence. Besides, "so noble a fief" as England and her possessions would doubtless pass forever from the feudal jurisdiction of the Popes, to the immense pecuniary loss of the Holy See, which had been accustomed to levy taxes upon these islands, ever since the days of King John. The Popes were always the staunchest supporters of England's independence. For Ireland's independence they showed as little concern as was shown by the Irish princes themselves. In this very year (1265), the O'Conors, O'Farrells, MacRannals, and MacMorroughs were engaged in their usual pastime of internecine strife, instead of working together for the upbuilding of a free and united Irish nation.

#### SYNOD OF DROGHEDA, 1265—ANOTHER PAPAL COLLECTOR

From the *Annals of Ulster* we learn, under date of 1265, that "Friar Patrick O'Sgannail, Archbishop of Ard-Macha, held a general chapter in Drochet-atha this year (the 2nd, 3rd, and 4th week-day) after the Feast of All Saints." This "general chapter" was obviously a provincial synod; it was held at Drogheda within the week following Sunday, November 1, in that year. This synod must have been an assembly of no slight importance, as its sittings were continued for three days; unhappily, no flotsam or jetsam of its deliberations has been saved from the waves of time. Possibly one of the chief topics of discussion may have been the Primate's scheme for the erection of his new cathedral, in which he would naturally desire the help and co-operation of the Bishops of his province. This is the second of O'Scannell's synods as to which we possess definite and reliable information; the first having been held, as the reader will remember, in 1262. It is true that Lynch represents Primate O'Scannell as holding yet another synod at Armagh in 1263, but the question is still involved in some obscurity.

Two mandates of May 23, 1266, touched the Archbishop of Armagh rather closely. The first was an order from Clement IV to O'Scannell and Hugh de Taghmon, with a view to the

<sup>1</sup> In a letter of May 16, 1266, Clement IV tells Cardinal Ottobono that if he leaves England, the object of his mission will be completely frustrated, "the King, Queen, and their family delivered to death, and so noble a fief of the Roman Church lost without hope of recovery."—*Cal. Pap. Reg.*, I. 420.



discovery of Master John de Frossinone's hoards of money and valuables; this mandate has been discussed on a previous page, and needs no further consideration here. The second was a papal command to "Archbishops, Bishops, Abbots, and heads of all religious and military houses in England, Wales, Scotland and Ireland, directing them to receive Master Sinicius, and to provide him with four or five mounts, and six or seven attendants, on his passing by them or their places, and with other necessities, or give him 7s. sterling a day, and to give him safe conduct. If he stay long in one place, this amount can be collected from other churches in the neighbourhood. If this is not done, Master Sinicius is empowered to compel them."<sup>1</sup>

In 1257 Master Sinicius was a "papal writer, living in England." In 1263 he figures as a "papal subdeacon and clerk of the papal camera"; he was also Canon of Chichester, Canon of St. Symphorian's at Rheims, and entitled to enjoy the fruits of his benefices, though non-resident. In the same year he was employed as a money-collector in England and France, and was authorised to add "an additional benefice with cure of souls" to his already handsome collection of benefices. In 1266, though Cardinal Ottobono was legate, Master Sinicius figures as "papal nuncio" in these islands. His chief functions, however, were those of an active and diligent money-getter; he was empowered to exact and receive "papal and Holy Land cess, Peter's pence, and debts contracted by vow or promise, tenths or twentieths, redemptions of crusaders' vows or others, deposits, legacies, or goods of intestate clerks, or any other sums due." He had orders to compel the Archbishop of Tuam to pay 500 marks (equivalent to £4,000 in modern currency) within one month, and to excommunicate that prelate in case of non-payment. Whatever relics of Master John de Frossinone's collection might be discovered by Primate O'Scannell and the Bishop of Meath were to be forwarded to Rome through Master Sinicius.<sup>2</sup> The Primate and his brother-prelates, together with all the heads of religious houses in these countries, were now ordered to provide horses, attendants, and entertainment for Master Sinicius and his party, or else forfeit a sum equivalent to four guineas per diem, so long as he might tarry in their neighbourhood. Under the circumstances they must have looked forward to his visit with restrained enthusiasm.

<sup>1</sup> *Cal. Pap. Reg.*, I. 424. A marginal note on this document states that "In a like letter to the same the sum of 27 shillings of Tours a day was to be given."

<sup>2</sup> *Ibid.* I. 354, 391, 392, 422, 423, 424.

*THE NEW CATHEDRAL OF ARMAGH—THREE  
INTERESTING FUNCTIONS*

Primate O'Scannell at this time had pecuniary cares of his own—cares which pressed upon him with peculiar force. Desirous of erecting a worthy cathedral in his primatial city, he would have been more than human had he failed to resent the incessant claims of Italian money-graspers like Master Sinicius and his agents. We may surmise, in the entire absence of evidence, that Hugh Boy O'Neill, whose real or nominal sway extended over the greater part of Ulster at this period—though he was constantly harassed by his intriguing brother, Niall Cualanach—did something to discourage the visits of such persons as Master Sinicius and his associates. On this question, as usual, we have no definite information one way or the other. Few features of our history are more remarkable than the obscurity which hangs over the relations between Irish princes and Irish bishops in the thirteenth century.

Be this as it may, the *Annals of Ulster* inform us that in 1266, "the larger church of St. Patrick in the city of Armagh was commenced by the Archbishop of Armagh, namely, Mael-Padraig Ua Sgannail. The cemetery of the Friars Minor of Armagh was consecrated by the same Patrick, Archbishop, and the Lords [Bishops] of Raphoe, Down, and Connor." In regard to the date of this double event, the authorities are not unanimous. Lynch informs us that Primate O'Scannell "is said to have restored the cathedral of Armagh" in 1267.<sup>1</sup> The *Four Masters*, followed by Dr. Reeves, assure us that 1268 was the year in which "the Great Church of Armagh was begun by the Primate, Gilla-patrick O'Scannal."<sup>2</sup> I venture to think that the *Annals of Ulster* have given us the correct date; and if this surmise be well founded, three interesting functions must have taken place at Armagh about the same time.

One of these was the consecration of Bishop O'Scoba for Raphoe. After O'Scannell's promotion to Armagh in 1261, as we have seen, the Raphoe electors were at variance over the question of his successor, one party being in favour of the Archdeacon of Raphoe, while another party espoused the cause of the Abbot of Derry. Setting these rival candidates aside, Urban IV appointed the Franciscan, John de Alneto, in 1263. This worthy Franciscan declined the nomination on the score of infirmity, and his appointment was revoked by

<sup>1</sup> "Anno 1267 cathedralem Ardmachanam restaurasse dicitur."—Lynch, *De Praesulibus Hiberniae*, T.C.D. copy, I. 59.

<sup>2</sup> Here we have a fresh refutation of the Dublin theory that our Irish annalists never confer the title of Primate on the Archbishop of Armagh. It is quite true that they never bestow it on the Archbishop of Dublin.



Clement IV in 1265. The Pope reserved to himself the right of filling the vacancy<sup>1</sup>; and in 1266, Carbery O'Scoba, a northern Dominican was selected, by "papal provision," to rule the diocese of Raphoe. It is most likely that O'Scoba's appointment was made upon Primate O'Scannell's recommendation, just as O'Scannell's own elevation to the see of Raphoe had very probably been due to the influence of Primate Reginald. In any case, the *Four Masters* and the *Annals of Ulster* agree in stating that O'Scoba was consecrated at Armagh in 1266, from which we may infer that the ceremony was performed by Primate O'Scannell. The assisting prelates apparently were Thomas de Lydel, the newly-confirmed Bishop of Down, and Robert de Flandres, Bishop of Connor, on whose behalf O'Scannell had written a strong letter of commendation to Henry III in 1263.

After Bishop O'Scoba's consecration the assembled prelates took part in two important functions. One of these was the laying of the foundation-stone of the new cathedral of Armagh; the other was the consecration of the Franciscan cemetery. Possibly the dedication of the Franciscan church may have taken place at the same time, its erection having begun apparently some two years earlier; but the curt and conflicting statements of the annalists afford little ground for certainty on this head. Whatever the precise share which the Franciscans may have taken in these solemnities there can be no doubt that the week was a bustling and eventful one for Armagh. A goodly concourse of clergy and people must have assembled to witness the consecration of the new Bishop of Raphoe, as well as the blessing of the foundation-stone of the new cathedral, which was destined to be the pride of Armagh for many a generation. Side by side with the venerable Primate were to be seen the Bishops of Down, Connor, and Raphoe; and we shall not be far wrong in supposing that the princes and chiefs of Ulster were also present on this memorable occasion.

The fine old cathedral which Primate O'Scannell erected in honour of God and St. Patrick is still substantially preserved, though greatly altered and sadly desecrated. Confiscation and brute force have placed it in Protestant hands; it no longer serves as a shrine for the adorable Sacrament of the Altar; prayers to Our Lady and St. Patrick are no longer heard within its walls. The truths of the Catholic faith are no longer preached from its pulpit; Catholic worshippers no longer bow the knee within its precincts. The Franciscans, of whose Friary Primate O'Scannell had been the honoured founder, were hounded out of Armagh and barbarously maltreated by those who seized upon O'Scannell's cathedral and perverted it to their own purposes.

<sup>1</sup> Theiner, 96.

It would seem that the ancient cathedral of Armagh, known as the *Damhliag Mor* or Great Stone Church, had remained in a ruinous condition for three-quarters of a century, until Primate O'Scannell replaced it by his new cathedral, which became known as the *Tempull Mor*. The older edifice probably occupied part of the site of the present Protestant cathedral; it was apparently a plain oblong, with the great door in the west and the principal window in the east. "This building," adds Dr. Reeves, "seems to have served as the principal church until 1268, when Maelpatrick O'Scannail, the Primate, who founded the Franciscan Abbey, commenced the *Tempull Mor*, or 'Great Church' of Armagh. The new structure, like the Roman Catholic Cathedral in our day, was probably carried on at intervals, and required a long period for its completion; but when finished proved enduring; for after repeated conflagrations, changes, and repairs, it still remains the pride of the province," etc.<sup>1</sup>

Mr. Rogers, the author of an interesting memoir on Armagh Cathedral, follows Dr. Reeves in assuming that it was begun in 1268; and he adds: "The Temple Mor, or great church of Armagh, was commenced by Primate O'Scannail. Ware says 'he repaired and much beautified the Cathedral of St. Patrick at Armagh.' According to this, then, the Temple Mor is the same as the *Damhliag* mentioned in 1125, which, with the other churches at Armagh, was destroyed in 1189, and had, perhaps, continued in a ruinous state until Primate O'Scannail set about rebuilding it. The addition made to the east end of the Cathedral—now forming the space over the crypt—from the pulpit to the communion table, as well as the erection of the north and south transepts, which very probably took place at this time, may have caused the name of 'Tempul Mor' to be given to the original building. The formation of the crypt was evidently caused by the sudden declivity of the ground on the east side of the hill. The erection of the transepts at this time seems pretty certain, as we learn from Spelman's *Councils* (p. 636), that the manner of building *cruciform* was not introduced into England until about the year 1120, six hundred and seventy-five years after St. Patrick founded Armagh. The construction of the great lime-kiln at Emania in the previous century no doubt gave this prelate [he means Primate O'Scannell] great facilities in carrying out the completion of Tempul Mor." <sup>2</sup>

Passing from this enduring memorial of O'Scannell's piety and zeal, we must now devote a special section to four documents of uncertain date, which are not without importance for

<sup>1</sup> Reeves, *Ancient Churches of Armagh*, 1860, p. 14.

<sup>2</sup> *Memoir of Armagh Cathedral*, by Edward Rogers, p. 58.



the general history of the time, as well as for the personal history of Primate O'Scannell. The first of these official papers is an undated letter from the Primate to Henry III, in favour of the Abbot of Bangor and against the Bishop of Down. This document is calendared under the safely vague date of 1261-1271, and is thus summarised :

*ABBOT OF BANGOR versus BISHOP OF DOWN*

" P[atrick], Archbishop of Armagh and Primate of all Ireland, to the King. Having, by virtue of his authority as Metropolitan, considered the appeal between the Abbot of Bangor and the Bishop of Down [Dunensis], his suffragan, he has judicially determined that the Bishop's process against the Abbot was irregular, and that the Abbot's appeal was legitimate ; he had, therefore, nullified the Bishop's process for the removal of the Abbot, restored the latter to his former position and dignity, and bound by sentence of excommunication those who disturb him. Prays that the King will cause the temporalities of his house of Bangor to be restored to the Abbot." <sup>1</sup>

It is by no means easy to fix the approximate date of this letter. Which Bishop of Down was worsted in the conflict—was it Reginald or Thomas de Lydel ? The evidence either way is inconclusive ; but an outline of the facts may be usefully given here. In 1244 Innocent IV had confirmed a decree of Primate Albert Suerbeer, whereby the Benedictine church of St. Patrick in Down was declared to be the cathedral of the diocese, the Prior and Chapter of that church being awarded the exclusive right of electing the Bishop of Down, and the Abbot of Bangor, their antagonist in this action, being non-suited.<sup>2</sup> In 1256 the old Abbot of Bangor having died, a new Abbot was elected in the person of Brother Eugenius, one of the canons of that institution.<sup>3</sup> On November 21, 1257, Henry III granted licence to the Benedictine community of Down, otherwise known as the Prior and Convent of St. Patrick's, to elect a Bishop for their diocese. Their choice fell upon Thomas de Lydel, a secular priest and rector of a parish in the diocese of Connor. Meanwhile, the Abbots of Bangor, Moville, Saul, and Comber, with their several communities, and some clergy of the city and diocese of Down, had held an election of their own, for the purpose of bestowing the vacant mitre upon Reginald, Archdeacon of Down. In 1258, Primate O'Connellan, ignoring the award of Innocent IV, confirmed the election of

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 116.

<sup>2</sup> *Cal. Pap. Reg.*, I. 207 ; Theiner, 42.

<sup>3</sup> *Calendar of State Papers, Ireland, 1252-1284*, pp. 84, 85.

Archdeacon Reginald, who shortly afterwards received the temporalities of the see, and set about governing the diocese in good earnest, making appointments to parishes, and so on.

Chagrined at this turn of affairs, Thomas de Lydel and the Prior of St. Patrick's appealed to the Holy See. After a prolonged and careful examination of the whole controversy, Clement IV translated Bishop Reginald to Cloyne in April, 1265;<sup>1</sup> and in July, 1266, he confirmed the election of Thomas de Lydel to the see of Down.<sup>2</sup> For the next ten years Bishop Thomas ruled his diocese; he survived Primate O'Scannell, and died in 1276.<sup>3</sup> The question now arises, Which prelate was foiled in his encounter with the Abbot of Bangor—was it Bishop Reginald or Bishop Thomas de Lydel? I am inclined to surmise that Bishop Reginald was the prelate who sustained an adverse decision at the hands of Primate O'Scannell; and that, therefore, the Primate's letter on this affair belongs to the period 1262-1264. Sweetman, the editor of the Calendar of Irish State Papers, seems to have entertained a similar suspicion, for he places that letter among the documents of 1262, though he is careful to state that its true date may lie anywhere between 1261 and 1271. On the other hand, it were strange to find Bishop Reginald using harsh and drastic measures against one of the most prominent and influential of his quondam supporters; against a personage, moreover, whose influence and good will were still valuable, in view of the investigation then proceeding at Rome. As for Bishop de Lydel, we should naturally expect him, unless he were a saintly and forgiving man, to show severity towards one of the heads of the party whose action had kept him in the wilderness for eight years, besides subjecting him to the heavy costs and anxieties of a protracted law-suit in the Roman courts. If he was the suffragan whose acerbity Primate O'Scannell felt constrained to curb—and on the scanty facts before us, he seems the more likely of the two—then O'Scannell's letter was written sometime between the opening of 1267 and the close of 1270. In fairness to Bishop de Lydel, however, it must be said that

<sup>1</sup> *Cal. Pap. Reg.*, I. 425. Dr. B. MacCarthy is wrong in stating (*Annals of Ulster*, IV. 135) that Reginald was the Bishop of Down who assisted at the consecration of the Franciscan cemetery of Armagh in 1266.

<sup>2</sup> *Cal. Pap. Reg.*, I. 433; Theiner, 100. It is clear that the consecration of the Friars' cemetery at Armagh must have taken place rather late in 1266.

<sup>3</sup> For a fuller account of these episodes, see O'Laverty, *Bishops of Down and Connor*, pp. 160-169. Curiously enough, early in 1263 we find that the Prior of Down and the Abbot of Bangor were among the five persons elected by the Dean and Chapter of the neighbouring diocese of Connor to choose a suitable bishop for the latter diocese. The election took place at Carrickfergus, and the choice of the five delegates fell upon Robert of Flanders (O'Laverty, *ibid.* p. 255).



we have no positive evidence of any kind to connect him with the Bangor dispute; our Irish and Anglo-Irish annalists, so far as I can discover, are mute on the subject.

### CHARTER OF NICHOLAS DARDIS

The second of these undated documents is a charter of Nicholas Dardis, concerning the lands of Faughart, in the county of Louth. The instrument reads thus: "Patrick [O'Scannell], Archbishop of Armagh, having bound himself and the Church of Armagh, by letters of obligation, in 200 pounds of silver, Dardix undertakes to remit the same and return the letters as soon as the Archbishop has infeoffed him of the land of Fachard, (if Dardix recovers it by the great assize in which he has put himself), and has placed him in seisin thereof in the same state as that in which the Archbishop recovered it, and has given him a charter thereof from himself and his chapter. Dardix will hold the land at a rent of half a mark a year. He binds himself and his heirs to the Archbishop and his successors in 200 pounds of silver to observe the contract. He concedes also to the Lord Edward 60 pounds sterling as often as he or his heirs contravene it, and to his bailiffs who labour in compelling observance thereof, a cask (doleum) of wine out of his goods, as often as their labour is due to his defect."

The charter ends: "Hiis testibus: domino Milone, Dei gratia episcopo Ardachadensi; Dominis Thoma de Molendinis [Milton], Johanne de Hyda, Adde [*sic*] Cusack juniore, Ricardo de Overtoun, Roberto de Alemaynn, Alexandro Curteys, Galfrido de Wythingoun, Gilberto clerico, et aliis."<sup>1</sup>

Two slender clues may help us to form a probable opinion as to the date of this charter. It will be observed that Milo de Dunstable, Bishop of Ardagh, heads the list of witnesses to this document; and it is a curious coincidence that Bishop Milo also appears among the chief signatories of a charter granted by Primate O'Scannell to the monks of St. Mary's Abbey in Dublin. This latter instrument is ascribed by Ware to the year 1264; and it may be that both charters were drawn up about the same time, and that both were signed by Bishop Milo on the occasion of a visit to the Primate, in or about the year 1264. This surmise is strengthened, in some measure, by the fact that Prince Edward—who is obviously regarded as Lord of Ireland in the charter of Nicholas Dardis—was deprived of that title in 1265. Under date of June 10 in that year, we find the following instruction from Henry III, assuredly one of the strangest circulars ever issued by a father in regard to his son:

"The King to Archbishops, Bishops, and others in Ireland.

<sup>1</sup> Lawlor, *Calendar of the Register of Archbishop Fleming*, p. 148.

Had believed that the disturbances long prevailing in his kingdom had been thoroughly quelled by the ordinance made at London regarding the liberation of Edward, the King's son, who after the hateful battle of Lewes, had, to secure the peace of the kingdom, of his own free will given himself up as a hostage. The King, his son, the magnates, and the commonalty had sworn to observe this ordinance. But his son, as the King is grieved to say, at the instigation of him who strives to sow the seeds of discord, had, against the ordinance and his own oath, gone over to certain marchers and other rebels against the King, and by his adhesion, favoured and upheld those against whom he ought to prove himself an enemy. According to rigour of law and his own deed, Edward has thus forfeited his right to the kingdom and to all his demesnes. The King therefore commands the Archbishops, &c., that they be intente and respondent to H[ugh de Taghmon], Bishop of Meath, to whom in the King's name he had entrusted the office of Justiciary of Ireland; that until further orders they do not favour, aid, or obey Edward or his bailiffs, but that they sedulously strive to promote peace and concord in Ireland, so conducting themselves that no danger accrue to that country from those who have shown themselves to be rebels there."<sup>1</sup>

The presumption, therefore, is that this charter of Nicholas Dardis, with its matter-of-fact reference to the jurisdiction of "the Lord Edward" in Ireland, was drawn up some time before June, 1265. This presumption, however, is weakened by the fact that King Henry's repudiation of his son was probably a sordid political device, already tried on more than one occasion in the course of the last five years.<sup>2</sup> Almost exactly a year after this insincere repudiation, we find Prince Edward once more lording it over Ireland, and addressing a stern note to the prelates and ecclesiastical judges of this country, forbidding them to entertain certain causes in their courts.<sup>3</sup> It is possible that the charter of Nicholas Dardis may have been signed in 1266 or later; anyhow, we meet with no personage of the name in the Irish State Papers until January, 1280.

#### [O'SCANNELL'S CHARTER TO ST. MARY'S ABBEY

The next document of dubious date is a charter granted by Primate O'Scannell to the Cistercian Abbot and monks of St. Mary's Abbey, "near Dublin." It is assigned by Ware to the

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, pp. 125, 126.

<sup>2</sup> Lingard, *Hist. of England*, 1878, II. pp. 219, 220.

<sup>3</sup> Gilbert, *Historical and Municipal Documents*, pp. lv. 179.



year 1264,<sup>1</sup> and there is no inherent improbability in this attribution. The charter runs thus:

"*Confirmacio et quieta Clamacio Fratris Patricii, Archiepiscopi Ardmachani, Hibernie Primatis; Josephi, Decani; et Capituli Ardmachani.*

"Frater Patricius, miseracione divina Archiepiscopus Ardmachanus, Hibernie Primas; Joseph, Decanus; et Capitulum Ardmacanum, universis Sancte Matris Ecclesie filiis ad quos presens scriptum pervenerit, salutem in Domino.

"Cum Christi fidelium curam in Domino gerere debeamus, religiosorum virorum pre ceteris sollicitudinem agere tenemur, et ut quieti et contemplacioni vacent divine ac liberius vigilant studio sollicitius providere;

"Hujus igitur considerationis ratione inducti, et bone memorie predecessorum nostrorum Gileberti, Thome, Eugenii, et specialiter Donati,<sup>2</sup> inducti exemplo, Monasterii Sancte Marie, juxta Dublin, Abbati et Monachis Cisterciensis Ordinis ibidem Deo servientibus, auctoritate nostra et omnium nostrorum voluntate et unanimi assensu et consilio, concedimus, confirmamus, et presenti munimine ac sigillorum nostrorum appositione roboramus, videlicet:

"Terram de Ballibaghbell, cum omnibus pertinenciis suis; Rathcuokonery, Knocknosarraht, Drissok, cum suis pertinenciis, capellis, decimis et oblationibus, et omnibus aliis ecclesiasticis beneficiis; ecclesias Sancti Finiani de Drumkare et Sancti Ultani de Culifan, cum suis pertinenciis: in capellis, decimis, oblationibus et obventionibus, et ceteris omnibus ecclesiasticis beneficiis ad eos spectantibus; et terram quam Henricus de Wittune eis in puram et perpetuam elemosinam dedit, cum ecclesiis et capellis ac ecclesiasticis beneficiis; quatuor feodorum militum in tenemento de Knockterterlyng, cum omni jure patronatus de prenominationis quatuor feodis. Ecclesiam vero de Balisconan, cum omnibus pertinenciis suis, unacum terris eisdem ecclesiis assignatis.

"Confirmamus eciam eisdem compositionem et conventionem inter ipsos et Priorem ac Conventum de Lueth, super ecclesias Sanctorum Finiani et Edani de Drumkare et de Clonken, prout continetur in instrumento conventionali inter eosdem confecto, et signis alterutrum appensis, unacum sigillis autenticis Archidiaconorum, videlicet, Midie et de Uriel.<sup>3</sup>

"Volumus igitur et concedimus ut predictus Abbas et monachi predicti habeant et teneant, ut puram et perpetuam elemosinam, prefatas terras, ecclesias, et ecclesiastica bene-

<sup>1</sup> *Chartulary of St. Mary's Abbey*, ed. Gilbert, II. 29.

<sup>2</sup> The Primates here referred to were Gilbert O'Caran (1175-1180), Thomas O'Connor (1181-1201), Eugene MacGillaweer (1206-1216), and Donat O'Furey (1227-1237).

<sup>3</sup> Portion of county of Louth.

ficia, cum omnibus pertinentiis suis, et omnia que in presenti scripto comprehenduntur, plene, pacifice, et honorifice, libere et quiete ac absolute, in proprios usus, prout melius et plenius aliqua elemosina dari potest, concedi, aut confirmari, absque omni vexacione, molestia, vel gravamine, in perpetuum.

"Auctoritate igitur nostra, inhibemus districte ne aliqua ecclesiastica secularisve persona ipsos vel eorum monasterium super dictis terris, ecclesiis, capellis, decimis, oblationibus, obventionibus, vel aliquibus eorum pertinentiis, audeat in posterum molestare; sed predicta omnia, illibata et immutata, servantur usibus eorundem omnimodis pro futuro, unacum grangia sua de Lacorre et terris eisdem assignatis ibidem, cum molendino de Drumkare, prout carte donatorum plenius testantur; simul etiam cum terris suis quas habent in tenemento de Culifan et de Balisconan, cum una carrucata terre et pertinentiis suis, quam Johannes de Riccheued de eis tenet.

"Et si quid juris vel clamii in pretaxatis terris, ecclesiis, capellis, et ecclesiasticis beneficiis, cum omnibus suis pertinentiis, habuimus vel habere poterimus, prenominatis Abbati et Conventui et eorundem monasterio pro nobis et successoribus nostris, salvis episcopalibus et debita porcione vicariorum, qui pro tempore fuerint, remittimus, relaxamus, et in perpetuum quietum clamamus.

"Ut autem hec nostra concessio, quieta clamacio, et confirmatio futuris temporibus perpetue firmitatis fidem et robur optineant, presens scriptum sigilli nostri impressione, unacum sigillis capituli nostri, roboramus.

"Hiis testibus: Hugone, Episcopi Midensis;<sup>1</sup> Milone, Episcopo Ardakadensi;<sup>2</sup> Ricardo de Malmebiseria, Archidiacono Midie;<sup>3</sup> Magistro Nicholao de Tathmon; Magistro Henrico Theoutoun; Ricardo de Rupella;<sup>4</sup> Alexandro de Nottingham, Ricardo de Exonia, militibus et Justiciariis itinerantibus;<sup>5</sup> Domino Willelmo de Bakepuz, Escheatore Regis

<sup>1</sup> Hugh de Taghmon, Bishop of Meath, 1254-1281.

<sup>2</sup> Milo de Dunstable, Bishop of Ardagh, 1256-1288.

<sup>3</sup> Richard of Malmesbury, proctor of Meath at Rome, 1253-54; Archdeacon of Meath, 1264-1279.

<sup>4</sup> Sir Richard de la Rochelle, who had been Viceroy of Ireland in 1261, and had been imprisoned by the Fitzgeralds in the castles of Ley and Dunamase (Gilbert, *Viceroy*, 107).

<sup>5</sup> Richard and Jordan de Exonia were among the best-known personages in Ireland in the thirteenth century. Jordan's wife, Basilia de Bermingham, was instrumental in bringing the Dominicans to Strade Abbey, where Michael Davitt lies interred. Jordan de Exonia bulks largely in official records of the time as one of the justices itinerant in Ireland. Much information concerning these notabilities of the day may be gleaned from the Annals and State Papers, particularly from the *Annals of Multifernan*, which are supposed by Ware to have been written by Stephen de Exonia, or de Exeter, a Dominican scion of the same family. Later generations of the family branched out into Dexters, MacJordans, and Jordans.



Anglie; <sup>1</sup> Magistris Michael, Cancellario Ardmacano; Bricio et Odone, notariis; nostris Fratribus, Johanne de Beverel et Thoma de Trissternath, monachis dicti Monasterii; Fratribus Mauricio et Helia, de Ordine Predicatorum; et aliis." <sup>2</sup>

Ware ascribes this charter to the year 1264, a date which seems to harmonise admirably with the internal evidence. Most of the charters granted by former prelates to St. Mary's Abbey are preserved in the Chartulary of that historic monastery; Primate O'Scannell's charter is probably the most comprehensive of all. In these documents the same place-names repeatedly occur. Ballybaghyl is the modern Ballyboghil, a village which lies about four miles west of Lusk, in Co. Dublin; its name signifies "the town of the crozier." Drumkare and Clonken are the modern Drumcarr and Clonkeen, both in the barony of Ardee, Co. Louth. Lacorre, the Cor or Corre, was a place near Drumcarr. Rathcuokouery is a corrupt form of Rathconcoueri, which was the old spelling of a place-name in Louth. Drissok or Drishoge was in Dublin; the name signifies "a brake of briars or brambly place," and is common to several localities in Dublin, Roscommon, and Tipperary. Knocknossarraht also figures in the Chartulary as Cnocneserrach and Cnockneseragh; along with Drishoge and Rathconcoueri, it appears to have been one of the "appurtenances" of Ballyboghil. Culifan, otherwise Coillifan or Kyllane, was in Louth. Knockterterling is a corrupt form of Cnocherterling; and Balisconan has escaped identification, though there is a Ballysonan in Co. Kildare. The name of Henry de Wittune is corruptly given; elsewhere it appears in more correct forms as Wottune and Wotton.<sup>3</sup>

Primate O'Scannell's generous intentions with regard to St. Mary's Abbey were frustrated by the rapacity of Henry VIII and Elizabeth. In the sixteenth century, the monks were turned adrift from their monastery, and their lands bestowed upon the personages whom Cobbett has aptly styled "the cormorants of the Reformation." The Abbey has disappeared, largely through the sacrilegious vandalism of a Protestant bridge-builder;<sup>4</sup> its chapter-room is now an underground store, and its memory is preserved in a few of the street-names of Dublin.

<sup>1</sup> Figures largely in the State Papers as Escheator of Ireland; is mentioned casually as Dean of Kilkenny in 1266 (*Calendar of State Papers, Ireland*, 1252-84, p. 130).

<sup>2</sup> *Chartulary of St. Mary's Abbey*, ed. Gilbert, I. pp. 327-330.

<sup>3</sup> Several of the above-mentioned place-names are identified by Sir John Gilbert in the index to his *Chartularies of St. Mary's Abbey*. For references to others, see Dr. Lawlor's index to his *Calendar of the Registers of Archbishop Fleming*; and Dr. Joyce, *Irish Names of Places*, II. 183, 335.

<sup>4</sup> *North Dublin*, by Dillon Cosgrave, O.C.C., 1909, p. 37.

ORDINANCES OF GEOFFREY DE JOINVILLE AND  
HIS WIFE

The fourth and last of our undated documents relating to Primate O'Scannell is a copy of the ordinances drawn up by Geoffrey de Joinville and his consort, for the proper government of their lordship of Meath. Geoffrey de Joinville was one of the most illustrious men in the Ireland of his time. A brother of the celebrated Sire de Joinville, the companion and biographer of St. Louis of France, Geoffrey had married Matilda de Lacy, one of the greatest Anglo-Irish heiresses of the day, and had thus become lord of Meath and Vaucouleurs. In 1263 he founded the Dominican Priory of Trim, after which he served as a brave knight and crusader in the Holy Land. Returning to Ireland, he filled the office of Viceroy from 1273 to 1276. In 1308, full of years and honours, he became a Dominican in the priory which his own munificence had founded at Trim; and there, in 1314, he passed to his reward. Geoffrey de Joinville was one of the noblest types of the Anglo-Irish, or Franco-English, nobles of his time. Yet he shared also in their narrowness; he seems to have regarded the Irish in much the same light in which an Australian squatter regards the Australian blackfellows. The feudal system bred in the Anglo-Irish nobles of the period a hard, domineering spirit, which was as alien to the spirit of Christianity as to that of democracy.

The latest date to which we can assign these ordinances of Geoffrey and his consort is the month of June, 1265. Geoffrey is not mentioned in the Irish State Papers from June 10, 1265, when he was called to England to give an account of the state of Ireland, until about August 23, 1273, when he appears as the newly-appointed Justiciary of Ireland.<sup>1</sup> As Primate O'Scannell signed the ordinances which we shall presently quote, and as the Primate had passed away before Geoffrey's return to Ireland in 1273, it is clear that the ordinances must have been drawn up and signed before Geoffrey's departure for England and the Holy Land in June, 1265. These ordinances bristle with obsolete terms of medieval law, which shall be explained in notes, as far as possible:

*"Ordinances by Geoffrey de Joinville and his Wife, Matilda de Lacy, for their district of Meath.*

*"Sciunt presentes et futuri quod ego, Galfridus de Jeynevyl, auditis et intellectis cartis et munimentis magnatum meorum Midie et antecessorum suorum, ipsorum videlicet qui cum Hugone de Lacy seniore ad conquestum suum primo venerunt*

<sup>1</sup> On January 15, 1269, a passing reference is made to his liberty of Meath, but this is not relevant.



in Hyberniam, similiter et omnium qui de Waltero de Lacy, filio et herede dicti Hugonis, sunt feoffatum; <sup>1</sup> quod, sicut antecessores sui, placitum Namii Vetiti et catella <sup>2</sup> Hybernicorum suorum pro quolibet delicto et qualibet feloniam per primum feoffamentum suum habeant et habere debeant, per consensum et assensum Matilde de Lacy, uxoris mee, concessi et hac presenti carta mea confirmavi, pro me et pro dicta Matylda et heredibus dicte Matylde, magnatibus supradictis et eorum heredibus et eorum tenentibus, placita Vetiti Namii de omnibus tenentibus in eorum terris in curiis suis terminare; et si super aliquem dictorum magnatum de Vetito Namio placitum moveatur per querelam alterius magnatis, sui vicini, qui de nobis tenet in capite, in curia mea vel predictae Matylde vel heredum predictae Matylde, huiusmodi placitum terminetur.

"Preterea, si in terris predictorum magnatum hubitum levare contingat aut clamor, Vicecomes de Trum inquisitionem capiat utrum tales transgressionem spectant ad Coronam vel non."<sup>3</sup>

"Et transgressionem que spectant ad Coronam in curia mea vel dicte Matylde vel heredum dicte Matylde, omnino terminentur; et alie transgressionem, que non spectant ad Coronam, in ipsorum curia terminentur in quorum tenementis oriuntur.

"Et ego, Galfridus, et Matylda, concessimus, pro nobis et heredibus predictae Matylde, predictis magnatibus et eorum heredibus et eorum tenentibus, catella Hybernicorum suorum

<sup>1</sup> *Feoffare* is defined by Du Cange as "Feudum in aliquem conferre, investire, donare." *Feoffamentum* means "donatio feudi." According to Wharton, *feoffment* was "the transfer, in ancient times, by word of mouth and livery of seisin, i.e., by the delivery to the transferee of some part of it, as a sod of turf, of freehold land."—Wharton's *Law Lexicon*, 1911 ed., p. 352.

<sup>2</sup> *Placitum*, a word of many meanings, here stands for an action at law. *Namium Vetitum* means "illegitima pecorum prehensio, et in locum illicitum abactio, sub praetextu damni per ea abigenti facti, quo casu clarigationis jus conceditur, quod *Placitum de Vetito Namio* dicitur" (Du Cange, s.v.). *Placitum Namii Vetiti*, therefore, was an action against a person for wrongful seizure. *Catella* or *Catalla*=chattels. "The word among the Normans primarily signified only beasts of husbandry, or, as they are still called, 'cattle'; but in a secondary sense the term was applied to all movables in general, and not only to those, but to whatever was not a fief or feud."—Wharton, p. 149.

<sup>3</sup> The *Vicecomes* de Trum was simply the Sheriff of Trim. Du Cange (s.v. *Shiref*) gives this extract from Camden: "Singulis vero annis, nobilis aliquis ex incolis praeficitur, quem Vicecomitem, quasi vicarium Comititis, et nostra lingua Shyref, i.e. Comitatus Praepositum vocamus; qui etiam Comitatus vel Provinciae quaestor recte dici potest. Ejus enim est publicas pecunias provinciae suae conquirere, multas irrogatas vel pignorum ablati colligere, et aerario inferre, iudicibus praesto adesse et eorum mandata exequi, 12 viros cogere qui in causis de facto cognoscunt et ad iudices referunt, etc." *Hubitum* is a word which does not seem to occur in dictionaries; it is either a synonym or a false reading for *hutesium*. *Hutesium et clamor*=the hue and cry, "the old common law process of pursuing with horn and voice felons and such as have dangerously wounded another."—Wharton, *ibid.* p. 414.

super quolibet delicto et feloniam convictorum, licet tales in curia mea vel dicte Matylde, vel heredum dicte Matilde, contingat judicari.

"Et si Anglicus alteri forte Anglico in tenementis predictorum magnatum vulnus infligat, liceat predictis magnatibus ipsum vulneratum alium Anglicum, etiam male et enormiter tractantem, atachiare et retinere unacum catellis suis que in eorum tenementis poterunt inveniri, quousque de vita vel de morte ipsius vulnerati pro certo sciatur.<sup>1</sup>

"Et si vulneratus mahemium habeat aut infatus discedat, mihi, Galfrido, et dicte Matylde, vel heredibus dicte Matylde, ipse vulneratus cum catellis suis, sine diminutione restituatur. Et si leviter fuerit vulneratus, per quod mors non emineat nec mahemium, hujusmodi transgressionem in curia predictorum magnatum emendentur.<sup>2</sup>

"Preterea, si Anglicus Hybernicum interfecerit, liceat predictis magnatibus ipsum Anglicum qui Hybernicum suum interfecerit, si cum manu opere possit inveniri, retinere quousque de solutione securitatem fecerit sufficientem.

"Et sciendum est quod vicecomes de Trum faciat turnum suum in dominio cujuslibet dictorum magnatum, bis per annum, et pluries si oporteat, ratione congrua, cum a dictis magnatibus fuerit requisitus.<sup>3</sup>

"Limites quoque, que non sunt regales, predictis magnatibus quiete remaneant.

"Et ego vero Galfridus, mera voluntate predicte Matylde, concessi pro me et dicta Matylda et heredibus dicte Matylde, eisdem magnatibus et eorum heredibus, omnes libertates supradictas.

"Et ut hec mea concessio et presentis carte confirmatio, et omnes libertates supradicte firme et stabiles remaneant in perpetuum, presentem cartam sigilli mei impressione roboravi.

<sup>1</sup> *Atachiare*, to attach, "to take or apprehend by commandment of a writ or precept. It differs from arrest, because it takes not only the body, but sometimes the goods, whereas an arrest is only against the person; besides, he who attaches keeps the party attached in order to produce him in court on the day named, but he who arrests lodges the person arrested in the custody of a higher power, to be forthwith disposed of."—Wharton, *Law Lexicon*, p. 86.

<sup>2</sup> *Mahemium* or *Mahamium* = maiming; Du Cange defines it as "membra mutilatio, vel enormis laesio, qua quis ad serviendum Principi in bello redditur imbecillior." *Infatus* will be vainly sought for in the dictionaries; possibly "si infatus discedat" may mean "if he dies without recovering the use of speech." I suspect that several corrupt readings occur in the course of this document.

<sup>3</sup> *Turnus*, the turn or tourn, "the great court-leet of the county, as the old county-court was the court-baron; of this the sheriff was judge, and the court was incident to his office, wherefore it was called the sheriff's tourn, and it had its name originally from the sheriff making a turn of circuit about his shire, and holding this court in each respective hundred. —The tourn, which had long been obsolete, is formally abolished by s. 18 of the Sheriffs Act, 1887."—Wharton, *Law Lexicon*, p. 865.



"Hiis testibus: Fratres Patricio, tunc Archiepiscopo Ard-machano; Fulcone, tunc Archiepiscopo Dublin.; Hugone, tunc Episcopo Midie; Domino Johanne de Verdon; Domino Johanne de Cogan; Domino Waltero de Burgo; Domino Mauritio filio Mauritiu." <sup>1</sup>

These ordinances imply that Geoffrey de Joinville's territory of Meath was practically a palatine district at this period. The ruler of a palatine county or district was a potentate of no small importance. From him the local magnates held their lands under feudal tenure. Within the borders of his lordship he exercised all the regalia or royal rights, nominated the sheriff, received the whole profits of the courts, held his own councils, and generally acted as an independent prince, except in the owing of homage to the English king.<sup>2</sup> In Ireland there were several of these palatine districts; the privileges enjoyed by de Joinville in Meath were enjoyed elsewhere by the de Burgos and the Fitzgeralds.

### ENORMITIES OF WALTER DE BURGH

The manner in which these Anglo-Irish lords at times misused their power is strikingly set forth in a letter of reproof addressed by Henry III to the Earl of Ulster on December 22, 1269:

"The King to W[alter] de Burgh, Earl of Ulster. When he gave Ireland to Edward his son, the King retained episcopal and abbatial investitures, and thereby became entitled to the custody of churches and abbeys in vacancies. But by virtue of a feoffment of the county of Ulster which Edward had made to the Earl, the latter had dragged into his court the Archbishop of Armagh and the Bishops and Abbots of that county, compelling them and their tenants to answer regarding their holdings and in other pleas belonging to the Crown, as if they were subject to the Earl, which they are not. The Earl further usurps the custodies of abbeys when vacant, arbitrarily extorts amerçiements from prelates, and inflicts other enormities on them. The King neither can nor ought to permit this, and therefore commands the Earl to desist from such injuries and

<sup>1</sup> *Chartularies of St. Mary's Abbey*, ed. Gilbert, I. 275-277. The list of witnesses to this charter reads like a bede-roll of the greatest Anglo-Irish names of the period. Among them were Primate O'Scannell of Armagh; Fulk Basset or de Saunford, Archbishop of Dublin (1256-1271); Hugh de Taghmon, Bishop of Meath (1254-1281); Walter de Burgo, Earl of Ulster; Maurice FitzMaurice Fitzgerald, who was destined to become Viceroy of Ireland in 1272; and John de Verdon, the husband of Margaret, daughter of Gilbert de Lacy, and co-heiress of her grandfather, Walter de Lacy, Lord of Meath.

<sup>2</sup> Stubbs, *Constitutional Hist.*, vol. I.; cf. *Encyc. Brit.*, 11th ed., art. "Palatine."

oppressions; to allow the Archbishop, Bishops, and Abbots to hold their lands, tenements, and possessions in peace; and to restore to the Bishop of Down [Thomas de Lydel] the amercia-ment he had taken from him. By so doing he will prevent the King from interfering in a different way."<sup>1</sup>

These misdeeds leave an indelible stain on Walter de Burgo's memory. King Henry's strong indictment of Earl Walter's wrongdoing is distinctly creditable to the English monarch; though it is probable that his sense of justice was quickened by his alarm at the invasion of the royal prerogatives by an aspiring and turbulent subject. Whatever the result of this royal mandate may have been, Earl Walter's career of violence and oppression was fast drawing towards its close. After suffering a galling defeat at the hands of Hugh O'Connor in 1270, Walter de Burgo, "Earl of Ulster and lord of the Foreigners of Connacht, died in the castle of Galway, of a week's illness, after the victory of penance," on July 28, 1271.<sup>2</sup>

Historians have believed, with much reason, that King Henry's denunciation of de Burgo was inspired by the complaints and protests of Primate O'Scannell. The *Annals of Ulster* inform us that, in 1268, "Mael Padraig ua Sgannail, archbishop of Ard-Macha, went to the house of the king of the Saxons this year, and came from the east again the same year with great power." King Henry's trenchant letter to de Burgo was penned in the later weeks of 1269; doubtless the English monarch had taken pains, in the interval, to verify the correctness of O'Scannell's representations. The positiveness of Henry's tone in this letter shows that he was amply satisfied as to the truth of the charges against Earl Walter. The *Four Masters*, incorrectly as it would seem, place O'Scannell's journey to England in the year 1270. They say: "Maelpatrick O'Scannal, Archbishop of Armagh, went over to the King of England; the King received him honourably, and he returned home with great privileges." The date to which the *Four Masters* assign this journey fails to harmonise with what we may regard as the natural object of O'Scannell's expedition, namely, to seek protection from Henry III against the overbearing despotism of his unruly vassal; and it likewise fails to harmonise with the fact that Primate O'Scannell's earthly labours had terminated, very probably, before St. Patrick's Day, in the year 1270.

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 139. For other crimes of Walter de Burgh, see the chapter on Bishop O'Lee of Killala.

<sup>2</sup> John Cogan died in 1270; in the following year, John de Verdon was slain and Walter de Burgo passed to his account. The most probable date of Primate O'Scannell's death appears to be March, 1270. Thus four of the signatories of the Joinville agreement departed this life within a few months of one another.



CONSECRATION OF MACATEER—DEATH OF  
O'SCANNELL

The last recorded event of Primate O'Scannell's life was his confirmation and consecration of Michael Mac an t-Saoir (anglicised as MacAteer, MacIntyre, and Carpenter), official of Armagh, as the new Bishop of Clogher. David O'Brogan, the strenuous pastor of that see, had closed his life in 1267,<sup>1</sup> and had been laid to rest in Mellifont Abbey, where he had laboured and prayed as a monk, prior to his elevation to the stormy episcopate of Clogher. After Bishop David's death Reginald MacGillinnion (or MacGilla-Finin, as Ware calls him), Archdeacon of Clogher, was elected by the Chapter of that see. This election must have been in some way irregular or informal; it was annulled by Primate O'Scannell, who placed the crozier of Clogher in the hands of Michael MacAteer, who had hitherto been his own official or vicar-general. The Primate himself officiated at MacAteer's consecration in Clogher, on Sunday, September 9—"the morrow of the Nativity of Our Lady," as the annalists phrase it—in the year 1268,<sup>2</sup> Sunday being one of the days prescribed for conferring episcopal consecration.

A year and a half later O'Scannell was summoned into the presence of the Master for whom he had laboured so long. He passed away at Dundalk, in St. Leonard's monastery of Crutched Friars of the Order of St. Augustine, on the eve of his patron, St. Patrick, in the year 1270. Himself a Dominican, and a good friend to the religious Orders, it was fitting that he should close his days in a religious house. At Dundalk he had received the episcopal consecration nearly seventeen years before; and in Dundalk, to use the touching phrase of the old chronicler, "he rested in Christ." His bones were interred beside those of his brethren in the old Dominican Priory of Drogheda, and his dust now mingles with the hallowed earth beneath the shadow of the Magdalen Tower.

A word may be said on the variety of dates to which

<sup>1</sup> *The Four Masters* erroneously give 1269 as the date of his demise. His obit in the *Annals of Ulster*, as Dr. B. MacCarthy observes, "appears to have been composed by one well acquainted with the date," which was really 1267.

<sup>2</sup> *Annals of Ulster*, ad an. 1268. Ware seems to be the ultimate authority on the MacGillinnion episode; his words are: "After the death of David, Reginald Mac Gilla-Finin, Archdeacon of Clogher, was elected Bishop, by the Chapter of Clogher. But this election was nulled by Patrick O'Scanlain, Archbishop of Armagh, who substituted Michael Mac-Antsair, Official of Armagh, in his Room, and consecrated him on the 9th of September, 1268." (Ware-Harris, I. 183). Dr. B. MacCarthy, in his notes to the *Annals of Ulster*, wrongly states that the Nativity of Our Lady (September 8) fell in 1268 on a Sunday. It fell on a Saturday in that year.

O'Scannell's death has been ascribed by various authorities. The *Annals of Ulster*, in an obviously misdated passage, allege that he died in 1268. The contemporary *Annals of Mullifernan*, and those of *Loch Cé*, place his death in 1269. This may have arisen from the old custom, specially favoured in ecclesiastical circles, of regarding March 25 as the beginning of the new year. In a second entry, the *Annals of Loch Cé* inform us that "the comarb of Patrick *quievit*" in 1270. This agrees with the date given in such sources as Primate Octavian's *Register* and Camden's *Annales Hiberniae*, which are followed by Ware, Lynch, and a host of later writers. But as Primate O'Scannell died on March 16, it is only natural to suspect that the "1270" of the medieval sources may really mean 1271. Hence Gams<sup>1</sup> boldly sets down March 16, 1271, as the date of O'Scannell's demise.

The solution of this difficulty may be found in the State Papers, which inform us that "Brictius, Canon of Armagh, having come to the King with letters of the Dean and Chapter of that Church, announcing the death of Patrick, late Archbishop of Armagh, licence to elect is granted to him."<sup>2</sup> The date of this entry is "about May 9, 1270"; and a reference to the position of the original, among the Patent Rolls of Henry III, shows clearly that there can be no doubt as to the correctness of the month and year. It was in May, 1270, that the official report of O'Scannell's death reached Henry III,—a fact which enables us to place implicit confidence in the statement of Octavian's Register, that Primate O'Scannell's demise took place on March 16, 1270.<sup>3</sup>

While a Catholic writer has borne witness to the equity of O'Scannell's administration, and to "the zeal and firmness which he displayed on many trying occasions,"<sup>4</sup> a Protestant writer has not hesitated to regard him as one of the three greatest of the pre-Reformation Primates of Armagh.<sup>5</sup> This eulogy may be deemed immoderate; but it is no exaggeration to affirm that O'Scannell occupies a high and honourable place among the active and devoted successors of St. Patrick.

<sup>1</sup> *Series Episcoporum*, p. 207.

<sup>2</sup> *Calendar of State Papers, Ireland*, 1252-1284, p. 142. Brictius is presumably a Latin alias for Mael-Brigte or Gilla-Brigte, as Dr. B. MacCarthy has suggested.

<sup>3</sup> "Obitus Patricii y Scannail Primatis, 1270.—Anno Domini millesimo cclxx Patricius O'Scannail de Ordine Predicatorum, Archiepiscopus Armachanus, Ybernie Primas, sexagesimus octavus Archipresul post beatum Patricium, ecclesiam nostram Armachanam viriliter et reverenter rexit annis xx [recte, ix], qui in domo sancti Leonardi de Dundalgk in vigilia sancti Patricii in pace quievit, et in domo fratrum Predicatorum de Druathatha traditus sepulture."—*Reg. Octaviani de Palatio*, Dr. Reeves' copy in T.C.D., pp. 918, 919.

<sup>4</sup> Brennan, *Eccl. Hist. of Ireland*, 1864, p. 299.

<sup>5</sup> Rogers, *Memoir of Armagh Cathedral*, p. 153.



# MAURICE O'CONNOR, BISHOP OF ELPHIN

(1266-1284)

ACHONRY and Elphin surpass the other sees of Ireland in the number of their Dominican bishops. The two western dioceses have each had eight Dominican prelates ; while Armagh and Ossory, Ardagh and Killala, come next with five apiece. Elphin has had the rare fortune of being able to welcome, in each of her Dominican pastors, a genuine Irishman. This was no trifling consideration in pre-Reformation times, when so many English ecclesiastics, secular and regular, were thrust into Irish sees. In those days, as now, it was a matter of vital consequence that the prelate appointed to govern a diocese should be no idle consumer of diocesan revenues, no absentee pluralist, but a pastor who understood and spoke the language of his people, a high-priest of their own race, living in their midst, and devoting himself heart and soul to their welfare. One thing, at least, must be said of the numerous and distinguished group of purely Irish Dominicans who have been raised to the Episcopate : as a general rule, and allowing for some rare exceptions, they were careful and zealous administrators ; they devoted themselves in earnest to the work of their high office ; they governed their sees wisely and well.

Maurice MacNeill O'Connor was the first Dominican Bishop of Elphin. Though his exact lineage has not been clearly traced, he is said by the O'Connor Don, no mean authority, to have been a scion of the royal O'Connor family ; his elevation to the bishopric of Siol-Murray betokens something of the kind. For the O'Connors, still powerful and influential despite their quarrels, almost monopolised the bishopric of Elphin ; five prelates of the name were elected to that diocese in the fifty years from 1216 to 1266. Though forty years of fratricidal strife had desolated the western province, the O'Connors were still potent in Church and State, especially in the region now comprised in the counties of Roscommon and Sligo. Felim O'Connor still sat on the unstable and blood-stained throne of Connacht. His greater son Hugh, a commander of undeniable

genius and a soldier of dauntless gallantry, was tarnishing his great gifts by inexcusable acts of ferocity, and by a natural but deplorable lack of statesmanship.

That Bishop Maurice O'Connor was a Dominican is certain from State Papers to be presently cited; that he was elected to the bishopric of Elphin early in 1266, according to the modern reckoning, is equally certain. It would seem, on the other hand, that the particular Dominican Priory to which he belonged must remain a matter of conjecture. The Priors of Sligo and Strade had been founded in 1252, only fourteen years previous to his elevation to the episcopal chair of St. Assicus. The Priory of Roscommon, now a noble ruin, had been founded by King Felim O'Connor in 1253, only thirteen years before the appointment of Maurice O'Connor to the see of Elphin. Thirteen or fourteen years of religious life seem a rather brief probation for one who is raised to a bishopric. If Maurice O'Connor had been twenty years of age on entering the Dominican Order in Sligo, Strade, or Roscommon, he would still be only thirty-three or thirty-four at the time of his appointment to Elphin; and this seems rather too juvenile for a thirteenth-century bishop of an Irish diocese. It is true that he might have become a member of the Order in another Connacht house, that of Athenry, which had been founded by Miler de Bermingham in 1241; or he might have joined the Dominicans in Sligo, Strade, or Roscommon after his elevation to the priesthood; or, finally, an exception might have been made in his favour, despite his youthfulness, by reason of his royal blood.

As regards the particular Priory to which Bishop O'Connor belonged, we are reduced to the merest conjectures, though probability would seem to point to either Sligo or Roscommon, preferably the latter. His interests, so far as they are known to us, seem to have centred round Roscommon; the stately cluster of Dominican buildings in that town had owed their origin to the munificence of his noble kinsman, King Felim; and it seems highly probable that Maurice O'Connor's fortunes, both as Dominican and as bishop, were closely linked with Roscommon. Hence we can readily accept, with some slight qualifications, the brief account which the O'Connor Don has given of Bishop Maurice:

"This Brother Maurice, son of Nial O'Connor, was one of the royal house of Connaught, and having first entered the Dominican monastery of Roscommon, was made Bishop of Elphin in the year 1265, and received the royal confirmation in 1266. He was a witness to the deed by which an exchange of land was effected between the king [of England] and the prior of the convent of St. Coman in the year 1282, as before related."<sup>1</sup>

<sup>1</sup> *The O'Conors of Connaught*, by the O'Connor Don; Dublin, 1891, p. 171.



Maurice O'Connor must have been a young man in his twenties, if not older, in the year 1253, when St. Mary's Priory of Roscommon was founded by King Phelim. In spite of wars and treacheries, hostings and depredations, the work of construction was carried on apace; the Priory Church of Roscommon, now known as the Abbey of that town, was ready for consecration within four years. In 1257, as we learn from the *Annals of Loch Cé*, "the monastery of Mary in Roscommon was consecrated by Tomaltach O'Connor for the Friars Preachers." Tomaltach O'Connor, another kinsman of King Felim, was at this time Bishop of Elphin, from which see he was translated to Tuam in 1258; to Ware and others he is known by the somewhat inappropriate name of Thomas O'Connor.

In the year 1261 Murarius Duach O'Konnoke figures as Prior of Roscommon;<sup>1</sup> and it has been somewhat hastily asserted that Maurice O'Connor, the future bishop, was likewise prior of the same house at some unstated period. The original authorities, so far as I am aware, lend no support to the statement that Maurice O'Connor, before his elevation to the episcopate, was prior of the Dominicans of Roscommon. To identify him with Murarius Duach would be a decidedly rash proceeding; for while "Murarius" seems to be a Latin adaptation of "Muirheartach," the Bishop's Christian name is invariably given as "Muiris" by the Four Masters and the chroniclers of Loch Cé; when they favour us with his full name they consistently style him Muiris MacNeill O'Connor.

#### KING FELIM O'CONNOR DIES—HIS TOMB IN ROSCOMMON

After a troublous reign of thirty-five years, King Felim O'Connor slept with his fathers in 1265. His people mourned him as "the protector and supporter of his own province, and the protector of his friends on every side; the plunderer and extirpator of his enemies, wherever they might be; a man full of distinction and honour in Erin and Saxon-land"; to which the Connacht chronicler adds that "he died after the triumph of unction and penitence, and was buried in the monastery of the Friars Preachers in Roscommon, which he had previously granted to God and the Order."<sup>2</sup> The Four Masters, in their turn, extol King Felim as "the exalter of the clerical orders and men of science"; and they intimate that, in happier circumstances, he might have been a worthy King of

<sup>1</sup> King MSS., p. 93, ap. Archdall.

<sup>2</sup> *Annals of Loch Cé*, ad an. 1265.

Ireland, by reason of his "nobility, personal shape, heroism, wisdom, clemency, and truth."<sup>1</sup> His tomb still stands, an object of perennial interest to antiquarians, amid the picturesque ruins of the Dominican church of Roscommon; it affords an interesting and forcible reminder that the gentler arts were not uncultivated in Ireland in those wild times of strife and turmoil.<sup>2</sup>

### MAURICE O'CONNOR CHOSEN FOR ELPHIN

The year 1265 also witnessed the death of Bishop Thomas MacDermot, sometime Abbot of Boyle, who had governed the see of Elphin for a brief period of three years. On February 27, 1266, Henry III of England, then in the fiftieth year of his reign, granted licence to the Dean and Chapter of Elphin, on the petition of Maurice, their clerk, to elect a bishop for that see. A similar licence was granted to the Dean and Chapter of Achonry on the same day, and at the request of said Maurice, who had obviously been sent to Westminster as agent of both Chapters.<sup>3</sup>

The Elphin election must have been held with commendable promptitude; we may regard it as having taken place on March 25, 1266, or within a few days of that date.<sup>4</sup> The choice of the

<sup>1</sup> *Four Masters*, ad an. 1265.

<sup>2</sup> Descriptions of Roscommon Abbey, as the ruined Dominican church is called, may be seen in various archaeological journals, and an interesting account of it is given in the memorial volume published in connection with the dedication of the Sacred Heart Church, Roscommon, in 1903. Lord Walter Fitzgerald has pointed out that the effigy of King Felim O'Connor and the altar-tomb on which it rests, "do not belong to one another, as is generally supposed. The effigy, which is in a very fair state of preservation considering its age—over six hundred years—belongs to a much earlier period; besides which, the effigy rests on a coffin-shaped slab, whereas the altar-tomb originally had an oblong covering slab fitted to it." (*Journal of Royal Soc. of Antiq. of Ireland*, December, 1900, p. 364.)

<sup>3</sup> *Calendar of Patent Rolls, Henry III*, 1258-1266, p. 561. These entries are also calendared by Sweetman, who dates them "about end of Feb." [1266], in his *Calendar of State Papers, Ireland*, 1252-1284, p. 127.

<sup>4</sup> It is interesting to note that the *Four Masters* and the *Annals of Loch Cé* place this election in 1265; but if it had taken place, say, on March 24, 1266, it might still be regarded by a fourteenth-century chronicler as having taken place in 1265. In England, as Sir Harris Nicolas reminds us, "the civil, ecclesiastical, and legal year, which was used by the Church, and in all public instruments, until the end of the thirteenth century, began at Christmas. In and after the fourteenth century, it commenced on the 25th of March, and so continued until the 1st of January, 1753" (*Chronology of History*, p. 41). The annalists of Loch Cé are careful to begin the year with January 1; but if their entries concerning Bishop Maurice O'Connor were written, or revised, in the fourteenth century, we should naturally expect some slight confusion of dates.



electors fell upon Maurice O'Connor. On April 23 following, Henry III, who was then at Oxford, issued his mandate for the restoration of the temporalities to the new Bishop :

"The King to Richard de la Rochelle, Justiciary, or his lieutenant, and to William de Bakepuz, the King's escheator of Ireland. The Dean and Chapter of Elphin, having obtained licence, had elected as bishop Brother Maurice Conchouir, of the order of Dominicans ; owing to disturbance of the kingdom Maurice feared to approach the King to render his duty. The King therefore commends the Justiciary and escheator to give the royal assent in lieu of the King ; to apprise the Metropolitan to do what depends on him in this matter ; on confirmation, to receive fealty from the Elect, and to give him possession of the temporalities, having first taken from him and the Dean and Chapter security that this grace shall not tend to the King's prejudice, nor be converted into a precedent."<sup>1</sup>

This document affords a fresh illustration of the tenacity with which English rulers clung to every conquest or privilege which they had won in Ireland. The claim of Henry III to interfere in the elections of Connacht bishops had been admitted, only a few years previously, by King Felim O'Connor, whose weakened position rendered such concessions unavoidable. Bishop Maurice, in his heart, must have felt extremely reluctant to swear fealty to the English king. But his excuse was a valid one. England, no less than Connacht, was desolated by civil strife. The Barons' War had kept the neighbouring island in turmoil during the two preceding years. Though the victory of Evesham in 1265 had made Henry once more supreme, yet the adherents of Simon de Montfort still held out at Kenilworth, and no man knew what sanguinary scenes might be enacted in England in 1266. Happily, as the event proved, peace was in sight. The Barons' struggle seemed to end in failure, but it curbed the despotic absolutism of the King, and it secured the triumph of great constitutional reforms.

Bishop O'Connor had no difficulty in securing confirmation from his friendly namesake and probable kinsman, the Archbishop of Tuam. But his native province was devastated by blind civil turmoils, and his task as bishop must have seemed hard and almost hopeless. The English fought, every now and then, against the Irish ; and the Irish, when not engaged in fighting against the English, fought against one another. Thus, in the very year of Maurice O'Connor's appointment to Elphin, Mahon O'Kerin, lord of Kilkeevin in Roscommon, was slain by the English of Dunmore, that is, by the Berminghams and their adherents. In revenge for this the Castle of Tiaquin was broken down and laid waste, and all the territory of Dun-

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 128.

more was desolated. Dermot Roe MacDermot and Donncahy MacGeraghty, two important chiefs of the western province, were blinded by Hugh O'Connor, the gallant but ruthless King of Connacht, who had succeeded his father in 1265. The borough of Ballintogher, now a petty village in Sligo, was burned by Flann Roe O'Flynn, by whom many English settlers in the town were slain. The English, on their side, were equally active and turbulent. William Burke (or de Burgh, as he was then styled) led an army against O'Melaghlin, but many of his troops were drowned at Shannon Harbour, and the enterprise proved abortive. King Hugh O'Connor, adopting a favourite but unscrupulous practice of the English, led an expedition into Breffny O'Rorke to depose the rightful prince of that region, and to set up in his stead a creature of his own. Meanwhile, some of King Hugh's chiefs made a great slaughter of the Welshmen—Joyces, Barretts, Merricks, Hostys—and other people of Leyney, in West Connaught; thirty-one of their gory heads were brought in triumph to King Hugh. Barbarous as this proceeding may have been, it was more than surpassed by the English in Ireland, as lately as the seventeenth century.

In 1266, the year of Maurice O'Connor's elevation to the episcopal chair of Elphin, another Irish Dominican was appointed to the see of Raphoe. This was Bishop Carbry O'Scoba, who was consecrated by Primate O'Scannell of Armagh, himself also a Dominican. The same year witnessed the consecration of two prelates at Athenry, on the Sunday before Christmas. These were Thomas O'Meehan, Elect of Achonry, and John, an Italian ecclesiastic, who was promoted to the see of Clonfert. Bishop John ruled his Connacht diocese for thirty years and became Papal Nuncio in Ireland; in 1295 he was translated to the Archbishopric of Benevento, and spent his declining years under the sunny sky of his native land.

### *CRUSADE MONEY—IRISH CIVILISATION*

The functions of a Papal Nuncio in Ireland at this period were largely those of a collector of money, and Bishop John's nunciature was no exception to the rule. His duties in this respect began in 1275, or perchance a little earlier. In 1266, the year of Bishop Maurice O'Connor's consecration, Connacht is depicted by the annalists as a scene of war and slaughter; yet we learn with surprise that, in the same year, the Dominicans of Roscommon were able to present the Bishop of Lismore, then collector for Ireland, with a sum of nearly £750 as crusade money, which they had peacefully collected in the district surrounding the Priory. This Bishop's receipt ran thus:



"To all who shall see or hear the present letters, Thomas, by Divine permission, Bishop of Lismore, executor of the business of the Cross [Crusade] in Ireland, health in the Lord. Know that we have received at Atlon [Athlone], on the day of SS. Processus and Martinian [July 3], A.D. 1266, from the friars Eneas, then prior, and Comdinus, sub-prior, of the Friars Preachers of Roscommon, 92 marks of crusade money, collected by themselves and their other friars, within their limitation and not beyond.

"We have also received from the same friars 17 shillings and 10 pence of crusade money, collected by the prior and friars of the same Order of the house of Slygaht [Sligo], within the limitation of same and not beyond."<sup>1</sup>

This was one of a number of receipts, of which the Dominicans of Dublin forwarded sealed copies to Bishop John of Clonfert in 1275. From the document just quoted it would seem to follow that the Dominican Priory of Roscommon was in a vastly better financial position than the Priory of Sligo, at least in 1266. The difference between the contributions of the two Priories—some £740 in one case, and less than £11 in the other—is most striking. The discrepancy may in part be accounted for by a variety of external circumstances; still, it is difficult to resist the conclusion that the Priory of Roscommon had far wealthier and more generous friends than that of Sligo.

It seems obvious that money was not very scarce in Connaught at this time, despite the plunderings and depredations with which we are surfeited by the annalists, whose narratives too often assume the character of a Police Gazette. Like the conductors of certain cheap journals in our own time, the annalists seem to have had an eye only for the sensational and the abnormal. The sane, healthy incidents of everyday life were left unrecorded; battles and sieges, successes and misfortunes by flood and field, absorbed most of the annalists' attention. Ireland, like so many other nations in the Middle Ages, presented a scene of intermittent or continuous warfare, and recent experience has taught us that, in a period of war, news from the front, as a rule, dwarfs all other items of information in interest and value. Let us not judge those medieval chroniclers too harshly; the times in which they lived were very different from our own. If our lives, like theirs, were constantly surrounded by martial alarms and excursions, our chronicles might not be so very different from theirs.

The rapidity with which the building of the Dominican Priory and Church of Roscommon had been pushed forward, little more than a decade before Bishop O'Connor's consecration,

<sup>1</sup> Theiner, *Vetera Monumenta*, 108-9; O'Heyne-Coleman, *Irish Dominicans*, Appendix, p. 106.

points to the conclusion that skilled workmen, and money to reward their labours, were by no means deficient in Connacht about the middle of the thirteenth century. Moreover, the remarkable tomb of King Felim O'Connor was probably begun within a few years of that monarch's death in 1265; and this monument, whatever may be the true dates of its component parts, forms one of the antiquarian wonders of Ireland. Thus, the peaceful collection of crusade money, and the quiet cultivation of the arts of architecture and sculpture, went on side by side with wars and affrays, and are scarcely noticed in our Annals.

### WARS AND PLUNDERINGS

In 1269 Hugh O'Connor, the lion-hearted King of Connacht, was prostrated by illness, and the English hastened to profit by the opportunity thus afforded. Sir Robert de Ufford, the new Justiciary, led an invading army into King Hugh's territory, and built a castle at Roscommon on a site wrested from Bishop Maurice O'Connor. The local chronicler notes that "a new Justiciary came to Erinn from the King of the Saxons," in the person of Robert de Ufford, "to settle and pacify Erinn. He afterwards proceeded into Connacht, accompanied by the Foreigners of Erinn, and a castle was erected in Ros-Comain by them. And the reason it was erected was that Aedh O'Conchobhair was at that time in sickness and ill-health."<sup>1</sup> The Four Masters add that, until King Hugh's recovery, the people of Connacht "were plundered and trodden under foot by the English."<sup>2</sup>

King Hugh's "grievous disease, supposed to be irrecoverable" may have prompted his old and trusted friend, Ivor O'Beirne, to prepare his own soul for the last passage. In this year, at all events, we read that "Ivor O'Beirne, chief servant and confidant of Hugh O'Connor, withdrew from the world, from the midst of his children and affluence, and entered the monastery of Roscommon, where he passed the rest of his life among the Dominican Friars."<sup>3</sup> Two years later he passed away: "Ivor O'Beirne, the head and confidential servant of Hugh O'Connor, died at Roscommon after penance, and was buried there."<sup>4</sup>

<sup>1</sup> *Annals of Loch Cé*, ad an. 1269.

<sup>2</sup> *Four Masters*, ad an. 1269.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.* ad an. 1271. Dr. Cummins, the compiler of a very interesting and readable account of Roscommon Abbey, in the memorial volume above mentioned, seems to be mistaken in stating that O'Beirne was buried in the Priory of Canons Regular (St. Coman's) at Roscommon. He would naturally be buried in the Dominican Priory, to which he had retired in the evening of his life.



In 1270 King Hugh was himself again. A mighty struggle with the English marauders was felt to be imminent. Many poor people from the region round Roscommon brought their little stores of money and corn, and deposited them for safety at the Dominican Priory, believing that, under the ægis of religion, their little belongings would remain unharmed. But James de Audeley, who had succeeded Robert de Ufford in the office of Justiciary, violated the sanctuary without scruple, confiscated the money of these poor people, and seized their little stocks of grain for the support of his army.

Meanwhile, the English made strenuous preparations for the approaching conflict. The "chiefs of the English in Ireland," assembled their forces in order to crush the redoubtable King of Connacht. Foremost among these Anglo-Irish nobles was Walter de Burgh, Earl of Ulster, who may have been the chief plunderer of King Hugh's dominions during the previous year; in any case the annalists represent Earl Walter as the great protagonist on the English side during the campaign which followed. The Earl's forces were aided by those of the Justiciary, for the latter had marched to Roscommon with all his English troops and all his Irish faction. In the ranks of the invading host were numerous English knights, including John Butler and his Leinster adherents.

An engagement took place at the ford of Athenkip on the Shannon. So fierce was the onslaught of King Hugh and his Connachtmen that the forces of Earl Walter and the Justiciary were ignominiously routed, and the Earl saved his life only by headlong flight from the field of battle.<sup>1</sup> The defeat of the English was disastrous and complete. Richard de Burgh (the Earl's brother) and John Butler lay amongst the slain; many nobles and knights, including nine of the chief men on the English side, were left lifeless on the field. Immense spoils were taken by the Irish as a result of this victory. "And this," adds an old translation of the *Annals of Ulster*, "was one of the soarest battayles that the Irish ever gave to the Galls in Ireland."<sup>2</sup>

King Hugh followed up this victory by demolishing a number of English castles and burning a number of towns which had been occupied by the enemy. Thus, he set Roscommon ablaze in 1270 and broke down its formidable castle in 1272. Unfortunately, in his burning of Roscommon he injured friend as well as foe; for in the *Annals of Multifernan*, under date 1270, we read, "domus fratrum et villa de Roscoman combusta est." Two years later James de Audeley, the Justiciary, was slain by O'Brien and his host of Connachtmen.

<sup>1</sup> *Clyn's Annals*, ad an. 1270.

<sup>2</sup> *Four Masters*, O'Donovan's edit., I. p. 412 n.

*HUGH O'CONNOR AND HIS SUCCESSORS*

The year 1274 saw the close of Hugh O'Connor's vigorous and eventful reign. He was unquestionably the greatest Irish soldier of his time. A man of boundless energy and dauntless bravery, he was a born leader of men. In happier circumstances he might have become a second King Brian—he might have crushed the Anglo-Norman invaders as Brian had crushed their Norse kinsmen and forerunners. But King Hugh's gifts as a statesman were inferior to his military genius; he had no talent for conciliation; his career was stained by occasional acts of barbarity; and he reached the throne of Connacht too late in life to organise a comprehensive movement for the expulsion of the Anglo-Normans. Indeed, in his general policy, King Hugh seemed to have no higher ambition than the desire to preserve his own territory intact, and to punish the insolence of his neighbours. The western annalists take little pains to conceal the evil which blended so strangely with the good in Hugh's career and character. He was, observe the annalists—

"A King who emptied and wasted Connacht against the Foreigners and Gael who were opposed to him; a King who inflicted frequent great defeats on Foreigners and Gael, and a King who demolished their courts and castles; a King who took the hostages of the Ui-Briuin and Cinel-Conaill; the most formidable and triumphant King of the Kings of Erin; the destroyer and improver of all Erin during the period of his own renown, dignity, and time."<sup>1</sup>

Eoghan O'Connor, cousin of King Hugh, was elected to the vacant throne of Connacht, but his ill-starred reign was of brief duration. Three months after his election, he was assassinated by his own kinsman, Rory O'Connor, in the Dominican Church of Roscommon. Another Hugh succeeded, but his term of sovereignty was still briefer; he was slain within a fortnight by MacGeraghty and O'Beirne, two of the minor chieftains of Connacht.

*TARDY AND PARTIAL RESTITUTION*

Meanwhile, amid all these scenes of war and bloodshed, Bishop Maurice O'Connor was striving as best he could to safeguard the interests of his people. He urged the English king, Edward I, to make due reparation to the poor people whose property had been seized by the Justiciary; and James de Audeley himself had the frankness to acknowledge that resti-

<sup>1</sup> *Annals of Loch Cé*, ad an. 1274.



tution was due. As Audeley was Justiciary from 1270 until his death in 1272, the letters addressed by Audeley and Bishop O'Connor to the King, in reference to this matter, cannot be of later date than 1272. Three years passed, and no reparation was made. But on May 27, 1275, Edward I addressed the following mandate from Westminster:

"To the Treasurer of Ireland. Order to cause restitution to be made to the Friars Preachers of Roscommon and to others, for the following money and goods taken from the Friars' church, as the King understands by letters patent of the Bishop of Elphin and James de Aldithel[eye], late Justiciary of Ireland, that the said James, during the disturbance between him and one who called himself King of Connacht, took from the Friars' church £77 11s. 1¾d. in money deposited therein by poor men of that county for fear of the disturbance, and also that James took from the church wheat, oats, and other victuals, to the value of £8 2s. 7d., and timber to the value of £16, oats to the value of £11 6s. 8d., and wheat to the value of 24s. 4d., all of which were converted to the use of James and his army then with him."<sup>1</sup>

The total value of the money and property thus seized by Audeley was £114 4s. 8¾d.—equal to about £1,400 in our modern currency. The "chiefs of the English in Ireland" had no intention of restoring this money to the poor cottiers of Roscommon, the aforesaid chiefs being more inclined to robbery than restitution. Though Audeley had honourably acknowledged the debt, the Anglo-Irish officials allowed years to pass without evincing the least disposition to make restitution. Even when Edward I issued a formal order for repayment, the Treasurer seems to have treated his royal master's mandate in a spirit of supreme nonchalance. In 1282, seven years after the date of the English king's order, we find that a niggardly payment of 40 shillings was made to the Dominicans of Roscommon, as an instalment of the debt of over £114 due by the Treasury; and another entry of the same kind occurs two years later. Thus, after the lapse of nine years from the date of King Edward's mandate, only £4, apparently, had been restored in lieu of the £114 taken away from the plundered clansmen of Roscommon. It is a significant instance of the callousness and corruption which existed among Anglo-Irish officials at this period.

These officials had no hesitation in spending vast sums of money on the construction and up-keep of English castles in various parts of the country, notably in Roscommon; yet they

<sup>1</sup> *Calendar of Close Rolls*, Edw. I, 1272-1279, p. 177. This mandate is also summarised in Sweetman's *Calendar of State Papers, Ireland*, 1252-1284, p. 196.

had not the elementary honesty to pay what they owed to the poor people of Roscommon, though formally commanded to do so. Thus, between November, 1274, and November, 1275, provisions to the value of £20 were delivered to Geoffrey de Joinville, Justiciary; and a similar quantity of provisions was destined for the English castle of Roscommon, which had been rebuilt after the death of King Hugh. The rebuilding of this castle forms one of a number of items totalling over £1,729 (more than £20,000 in modern money), which were entered in the Treasury accounts before the close of 1276. By the end of the following year, a sum of £157 10s. 2½d. (equivalent to something like £2,000 nowadays) had been expended in fortifying the English castles of Roscommon, Rendown, Athlone, etc., and in procuring stores for these alien fortresses. Between September, 1274, and September, 1275, Geoffrey de Joinville, the Justiciary—who had founded the Dominican Priory of Trim, and who afterwards closed his chequered career in the Dominican habit there—had expended over £2,384 (nearly £30,000 in modern money) in fortifying the castles of Roscommon, Rendown, Ballymor, and in various other enterprises destined to overawe the people whose country was being invaded and oppressed.<sup>1</sup> And so the tale runs on for many years. If the Anglo-Irish officials had not wherewithal to pay their lawful debts, they had abundance of money for purposes of aggression and invasion. Ridiculously small as these sums may appear in comparison with the colossal war expenditure of our own time, they seemed large and important to the men of the thirteenth century.

Tadhg O'Connor, the new King of Connacht, was elected during a period of anarchy, and his brief rule lasted only from 1274 to 1278. He was unable to prevent the rebuilding of the castle of Roscommon, which took place in the first year of his distracted reign. The new castle, like its predecessor, was built on church land. From the Exchequer Rolls of 1276 we learn that Bishop Maurice O'Connor was paid a fee of 15 marks (£120 in modern coinage) at Easter and Michaelmas, 1275, for the site of the castle of Roscommon: "Paid to Brother Maurice, Bishop of Elphin, for his fee for the site of the castle of Roscoman, for Easter and Michaelmas, a.r. 3, by writ, 15 marks."<sup>2</sup> In 1277 it was again destroyed by the sturdy Connachtmen: "The castle of Roscommon was thrown down by the son of Felim, and by Donal O'Donnell, and by the Connachtmen along with him."<sup>3</sup>

<sup>1</sup> *Thirty-sixth Report of Deputy-Keeper of State Papers, Ireland*, pp. 27, 33, 34, 35, 41.

<sup>2</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 241.

<sup>3</sup> *Annals of Loch Cé*, ad an. 1277. The O'Connor Don is doubly wrong in stating that the castle was destroyed by King Hugh O'Connor in 1276.



## BISHOP O'CONNOR AS A WITNESS—HIS DEATH

The last document in which Bishop Maurice O'Connor's name occurs is a deed of exchange between Edward I and the Canons Regular of St. Coman's, Roscommon, dated September 24, 1279. On that date Bishop O'Connor was in Dublin, where he acted as one of the witnesses to this instrument. The document is thus summarised in the *Calendar of State Papers* :

"1282. Nov. 28.—Inspeximus and exemplification of charter lately made under the King's Irish seal by Robert de Ufford, when Justiciary of Ireland, to the Prior and Convent of St. Coman of Roscommon, whereby the King granted in fee to the said Prior and Convent the land of Rathbrenyn and Clonyiwyn, 70 acres of land in the vill of Illauch, and 59 acres in Trustmor, in exchange for a grant of land in Lysnenerley, Ballyureduan, Clounenabbanauch, Balmacleg, Killeglenewan, Killegenith, and Balialowen, to the dike of the territory. Further grant to the Prior and Convent of their weekly free market on Saturdays in their Irish vill, between their house and that of the Dominicans in the same vill, with all the liberties which the Prior and Convent and their predecessors were wont by right to have. Further grant to the Prior and Convent and their successors, that they may for ever water all their animals in the lake, under the King's castle of Roscommon. Witnesses :—Maurice, Bishop of Elphin ; John de Tuyt, John Mape, John de Cusack, David de Prendelgast, Walter de Valle, Jordan of Exeter, Nicholas Taf.—Given by the hand of Robert de Ufford, the King's Justiciary of Ireland. Dublin, Sept. 24, a.r. 7 [1279].—Witness, the King. Rhuddlan.

"Letters of simple protection for the Prior and Convent aforesaid. [Pat. 11 Edw. I, m. 25]."<sup>1</sup>

Bishop O'Connor's troubled episcopate was now drawing to

King Hugh was then two years in his grave ; and the castle was demolished, not in 1276, but in the following year. It was again rebuilt, not in 1276, as the O'Connor Don asserts, but in 1277 or later ; "and from this date until far into the next century, it remained in the hands of the English, and was one of their principal strongholds in Ireland." The same distinguished writer seems to be treading unstable ground when he asserts that "it appears from an entry in the English State Papers that the castle was originally built upon land belonging to the friary of Dominican monks at Roscommon." Apart from the fact that Dominicans are not "monks," I have found no entry in the State Papers in support of this view. The fee for the site was certainly paid to the Bishop ; if the site had belonged to the Dominicans the fee would, in all probability, have been paid to them. See *The O'Connors of Connaught*, p. 171.

<sup>1</sup> *Calendar of State Papers, Ireland*, 1252-1284, pp. 458-459. Misled by the date of King Edward's inspeximus and letters of protection, Harris erroneously assigns Nov. 28, 1282, as the date of Bishop O'Connor's signature to this deed of exchange (Ware-Harris, 1739 edit., I. 630).

its close. The years of his episcopal rule had been saddened by tragedies, both public and private, which he had been powerless to prevent. His diocese had been desolated by constant warfare. The fortunes of his family were steadily declining; those of the foreign invader were steadily in the ascendant. Not a few of his noble kinsmen had been treacherously assassinated, or had perished in battle. In 1269 one whom we may regard as the Bishop's brother, "Tadhg, son of Niall, son of Muiredhach O'Connor, was most unfortunately slain by a soldier of his own brother's people, at Elphin, in hoc anno; and the soldier was himself immediately killed in retaliation for it."<sup>1</sup> Amid continual hostings and depredations, the good Bishop must often have looked forward to death as a relief from his troubles. The end came in 1284, when "Maurice O'Connor, Bishop of Elphin, in Christo quievit."<sup>2</sup>

<sup>1</sup> *Annals of Loch Cé*, ad an. 1269.

<sup>2</sup> *Ibid.* ad an. 1284.



# VIII

## CARBRY O'SCOBA, BISHOP OF RAPHOE

(1266-1274)

CARBRY O'SCOBA, Bishop of Raphoe, is one of the shadowy figures of a dim and distant past. Very little is known of the events of his career. His Christian name and surname have an unfamiliar sound in modern ears: they have long since disappeared from modern usage. Yet Carbry, properly Cairbre, as a baptismal name, was by no means uncommon in medieval Ireland. It was one of the numerous forenames of purely Gaelic origin, which had been popular in Ireland from time immemorial. It was as indigenous and racy of the soil as Cahal or Cahir, Colm or Cormac, Brendan or Brigid.

The family name of O'Scoba, properly O'Scuaba or O'Scuapa, was apparently a western appellation, which now seems to be altogether extinct. It must have been an unusual surname at the best of times; for the worthy Bishop, whose life-story we are endeavouring to trace, is the only personage of the name whom we can discover in the *Annals of Ulster*, the *Four Masters*, or the *Annals of Loch Cé*. Still, rare as the name may have been, it survived until the beginning of the seventeenth century, when it appears as O'Skoaby in the Fiant of Queen Elizabeth. Its modern form might be O'Scoby<sup>1</sup> or Scooby (otherwise Broom or Brush), though such names appear to be non-existent in our time. By a curious coincidence, the only man of the name who finds mention in the Fiant of Elizabeth is another Carbry O'Skoaby, apparently a Roscommon man, who was pardoned and fined by the English queen.<sup>2</sup> Across the border, in Galway, there is a townland and parish called Killoscobe, a couple of miles from Menlough, in the barony of Tiaquin. Killoscobe, or Cill O'Scoba, is commemorated in the *Annals of Loch Cé*; <sup>3</sup> its name signifies "the church of the O'Scobas (family)." <sup>4</sup>

<sup>1</sup> The surname Scobie would seem to be English, and not at all derived from O'Scoba.

<sup>2</sup> *Fiant of Elizabeth*, No. 5802.

<sup>3</sup> *Annals of Loch Cé*, II. 445.

<sup>4</sup> Joyce, *Irish Names of Places*, III. 416.

From all this we may infer, with much probability, that Bishop O'Scoba was a native of Connacht, possibly a native of the district which still bears the family name. If so, he would naturally have received his Dominican education in the Priory of Athenry, which was only a few miles distant. This Priory had been founded in 1241; it had flourished during a full quarter of a century before O'Scoba was placed on the episcopal throne of Raphoe. His predecessor in Raphoe was the Dominican Patrick O'Scannell, who had been raised to the Primacy of Ireland in 1261.

It may be said, without an iota of exaggeration, that the episcopal succession in Raphoe, down almost to O'Scoba's time, is a rather tangled tale. The renowned St. Adamnan or Eunan, who died in 704, is the reputed founder of the see. In 885 Maelbrihte MacTornain, Bishop of Raphoe, was translated to the primatial diocese, which he ruled until 927. Maelduin MacKinfalaid governed Raphoe until his death about the year 930. His next known successor, Ængus O'Lapain, died in 957. Two centuries later, about the year 1160, Gilbert O'Caran was Bishop of Raphoe, whence he was promoted to Armagh in 1175, and died there in 1180. In 1175 an unnamed Bishop of Raphoe is mentioned in the letters of Innocent III; this nameless prelate is supposed to have resigned in 1198. In this latter year Maelisa O'Dorigh is said to have succeeded, and we meet with him again as ruler of the diocese in 1203. In 1252 and 1253 we find an unnamed Bishop of Raphoe figuring in the letters of Innocent IV; this prelate, being infirm and nearly blind, desired to resign. Towards the close of 1253, Patrick O'Scannell was appointed to Raphoe, whence he was translated to Armagh in 1261. On December 3, 1263, John de Alneto, a Franciscan resident in Ireland, was raised by papal provision to the see of Raphoe; he is described as having resigned on April 28, 1265. The following year witnessed the elevation of Carbry O'Scoba, who passed to a better life in 1275.<sup>1</sup>

Such is an outline of the Raphoe succession as set forth in the works of our leading authorities. There are obvious gaps in this list of prelates; and, in some instances, the dates set down are only approximately correct. Gams and Eubel add little to the details already garnered by Sir James Ware. But it is rather misleading on the part of these eminent authorities to include John de Alneto, the Franciscan, among the Bishops of Raphoe, and to state baldly that he resigned his see in 1265. The truth is that John de Alneto was never consecrated, and

<sup>1</sup> Ware-Harris, *l.* 270, 271; Gams, *Series Episcoporum*, 231; Eubel, *Hierarchia Catholica Medii Ævi*, 2nd edit., I. 412. Eubel wrongly gives 1264 as the year of Alneto's appointment, and we shall presently see that the true date of O'Scoba's demise is April 9, 1274.



that his appointment to Raphoe was cancelled at his own express desire. In appointing him to that see (on December 3, 1263), Urban IV addressed him a mandate, ordering him "to undertake the charge and to rule the diocese, any constitution of his order or papal indult notwithstanding."<sup>1</sup> But on April 28, 1265, Clement IV granted him an absolution "from the provision and mandate of Pope Urban, by whom he was appointed to the see of Raphoe, an incurable infirmity unfitting him for that office."<sup>2</sup> In this document he is addressed simply as "John de Alneto,<sup>3</sup> a Friar Minor, living in Ireland." It is quite obvious that he was never consecrated, and never undertook the task of governing the diocese. When the news of his appointment arrived he was already in the grip of an incurable malady. He begged to be excused from the burden of the episcopate; and his request, after due inquiry, was granted by the Holy See. His nomination to Raphoe was revoked; the see was declared vacant, and Clement IV reserved to himself the right of filling the vacancy. In these circumstances it is rather odd to find the name of John de Alneto inserted, by historians and others, in the list of Bishops of Raphoe.

In the hope of shedding a ray of light on the dark spaces of Raphoe's episcopal history, it may not be amiss to quote the opening paragraphs of an early seventeenth-century list of the Bishops of that diocese. This list was apparently drawn up by an Irishman shortly after the year 1600; despite its glaring omissions and wild inaccuracies, it may still contain some elements of truth. The extract is here reproduced, with all its enormities (for which its author may not be wholly responsible) on its head:

"1. The last Abbott and first Bishop that ever was in Rapho was Sean o Gairedán and Derry together with Inishogan and the side Loghfoile was his without controversie.

"2. Donell o Garvan.

"3. Felemy o Syda.

"4. Patrick O Scarmil [O'Scannell] war translated from Rapho to Ardmagh, and built the Cathedral Church of Armagh, Anno Dñi 1261.

"John de Alneto a minorite resigned A° 1265.

"Kairbry o Sguaba was the first that lost Derry and the side Loghfoyle, for at thie [time] O Karrealin war Bp. of Rathloura, comonly called Machara, & the Natives of Tyreconnell,

<sup>1</sup> *Calendar of Papal Registers*, I. 393, 394; Theiner, *Vetera Monumenta*, 92.

<sup>2</sup> *Cal. Pap. Reg.*, I. 425; Theiner, 96.

<sup>3</sup> Mills, *Cal. of Justiciary Rolls*, Ireland, (1305-1307), pp. 313, 648, gives de Alneto as a Latin equivalent of the French surname de Launey. This, no doubt, is very close to the truth: perhaps a still closer approximation might be reached by saying that de Alneto is a latinised form of De l'Aunoy or De l'Aunay. See Littré, *Dict.*, s.v. "Aunaie."

contrary to all equitie and conscience, did maintain him in the B<sup>k</sup> of Rapho, because he war both their frend and withall he did largely corrupt them with bribes for to assist him against the B<sup>p</sup>. o Sguaba, whereupon the Bp of o Sguaba did both curse, excommunicate, and suspend the people of Tyrconnell; under which excommunication they lay for the space of forty yeares, untill at last the B<sup>p</sup>. O Sguaba being dead, and the controversie undesided, the translation was corruptly and falsely made from Machara to Derry and the side Loghfoile ever since. He died at Rome anno 1274."<sup>1</sup>

It will be observed that three names here given—O'Gairedán, O'Garvan, and O'Syda—are missing from the lists supplied by standard writers. I suspect that these three personages were really, at some time or other, Bishops of Raphoe; and from O'Syda's or Sheedy's position in the catalogue it would seem probable that he was the unnamed prelate, broken in health and feeble of sight, who preceded Bishop O'Scannell in Raphoe. We may also notice that the anonymous compiler of this catalogue falls into the common error of reckoning John de Alneto among the genuine Bishops of Raphoe.<sup>2</sup>

The chief anachronism perpetrated by our anonymous author occurs in the closing portion of the extract cited. There he asserts that O'Scoba was the first prelate from whom Derry and the region near Lough Foyle were wrested by Bishop O'Carolan. He adds that the people of Tyrconnell, members of O'Scoba's flock, actually favoured O'Carolan's encroachments; and he seems to imply that, by their connivance, O'Carolan went so far as to oust O'Scoba from his diocese of Raphoe. Whatever their particular iniquity may have been, we are told that Bishop O'Scoba "did both curse, excommunicate, and suspend [*sic*] the people of Tyrconnell; under which excommunication they lay for the space of forty years." As O'Scoba became Bishop of Raphoe only in 1266, his alleged excommunication could have been fulminated, at the earliest, only in that year, or possibly not until early in 1274; so that the people of Raphoe remained under excommunication, if we may believe this veracious writer, until some time between 1306 and 1314. This story of the forty years' excommunication, to say nothing of the cursing and suspension of a whole people, is plainly incredible. "At last," we are told, "Bishop O'Scoba

<sup>1</sup> *A Catalogue of the Bishops of Rapho to the year 1600*, now in the British Museum, Add. MSS. 4797, fol. 48. There is a transcript by Dr. Reeves in T.C.D., No. 1059 of Dr. Abbott's Catalogue.

<sup>2</sup> About the years 1879-1884 there lived near Kilcorney, in the north of Clare, a schoolmaster of sedate, semi-ecclesiastical appearance—a sort of irregular teacher, combining the functions of private tutor and hedge-schoolmaster—who was known to the juvenile population as Mr. Garden. I never heard the Irish form of his name; possibly it may have been O'Gairedán.



being dead, and the controversy undecided, the translation was corruptly and falsely made from Machara to Derry." This is demonstrably a corrupt and false piece of history. The translation from Maghera (otherwise Rathlure) to Derry was effected between 1247 and 1254; it was done openly and straightforwardly, after due inquiry, and with the express approval of the Holy See. It was already an accomplished fact, more than a dozen years before O'Scoba was appointed to Raphoe.<sup>1</sup>

I am willing to admit—indeed, I am strongly inclined to believe—that there may be some grains of truth in this postposterous narrative; but the truth is mixed up with a farrago of inaccuracies and anachronisms. It may be true that O'Scoba was the prelate from whom the peninsula of Inishowen was wrested by his ambitious and aggressive neighbour. It is not true to say that O'Scoba was the first to lose the city of Derry, for we know that Derry had been restored to its olden glory as the cathedral city of O'Carolan's diocese, more than a dozen years before O'Scoba's consecration for Raphoe. It may be true that the people of Tyrconnell conspired with Bishop O'Carolan to drive O'Scoba into exile from Raphoe. The clan spirit was so strong that it may have impelled them to espouse the unjust cause of an Ulsterman, who was bishop of an adjoining diocese, at the expense of a Connachtman who was bishop of their own. It may be true that bribery and collusion played their respective and unrespected parts in this disedifying drama. Finally, it may be true that Bishop O'Scoba, driven from his see by violence and injustice, had recourse to ecclesiastical censures against the erring members of his flock. Still, it is quite possible and quite within the range of probability, that the story of O'Scoba's cursing, excommunicating, and suspending (!) the people of Tyrconnell may be a vague and distorted reminiscence of the papal powers accorded to Bishop O'Scannell in 1256, for the excommunication of certain murderous and anti-social unbelievers, who were active in his diocese at the time.

Be this as it may, we know that Carbry O'Scoba was chosen by Clement IV as Bishop of Raphoe, most probably on the recommendation of Primate O'Scannell. We know from the *Annals* that O'Scoba was consecrated at Armagh in 1266.<sup>2</sup> Combining the details given by the *Four Masters* and the *Annals of Ulster*, we may infer that he was consecrated at Armagh by Primate O'Scannell, assisted by Robert de Flanders (otherwise

<sup>1</sup> *Cal. Pap. Reg.*, I. 233-234, 307; Theiner, 48, 64.

<sup>2</sup> Bremond, *Bullarium Ord. Praed.*, I. 501, records the appointment of a nameless Dominican to an unnamed Irish see in 1267. O'Scoba is clearly the person meant; but the date is wrong. Continental writers, as we shall see, knew something about O'Scoba; but they knew nothing of Maurice O'Connor, who was raised to the see of Elphin early in 1266.

Robert Fleming), Bishop of Connor, and Thomas de Lydel, Bishop of Down. If my surmise is correct, the newly-consecrated prelate took part, with the Primate and the Bishops of Down and Connor, in the laying of the foundation stone of O'Scannell's new cathedral, and in the blessing of the Franciscan cemetery at Armagh.

Of O'Scoba's subsequent administration in Raphoe we know little or nothing that can be labelled as ascertained fact. Ware assures us that "While he governed this See, some part of the diocese of Raphoe was taken away, and annexed to the See of Derry, by the overbearing Power of German O'Cherballen [O'Carolan], Bishop of Derry, and his Clan of Kennel-Eoghain, as may be seen in the Registry of Clogher." A few pages later Ware informs us—in a less confident tone, as regards Raphoe—that Bishop O'Carolan "took many things away by a high hand from David O'Brogan, Bishop of Clogher, and annexed them to his own See, particularly the Church of Ardsrath, and many other Churches of O'Feachra. He is also said to have taken away some part of the Diocese of Raphoe from Carbrac O'Scoba, Bishop of that See, and to have united them to his own Bishoprick."<sup>1</sup>

Ware is thus in practical agreement with the anonymous author, who alleges that O'Scoba "was the first that lost Derry and the side Loughfoyle." That he was the first to lose Derry is absurd, as we have seen; and the statement that he was the first to lose the region bordering on Lough Foyle is open to serious doubt. Ware's view of the matter is apparently rejected by Dr. Reeves, who seems to ascribe O'Carolan's encroachments to the year 1250 or thereabouts: "The diocese of Derry does not seem to have been permanently defined until the incumbency of German O'Cearbhallain, who filled the see from 1230 to 1279, and who annexed to his diocese the territory about Ardstraw, called Hy-Fiachrach, in the north-west of Tyrone, which he took from the see of Clogher about the year 1250, as also a portion of Tirconnell, which he wrested from the diocese of Raphoe."<sup>2</sup>

If the opinion of Dr. Reeves is correct, O'Carolan's annexations took place long before the episcopate of Carbray O'Scoba, and possibly even before the time of Bishop O'Scannell. They may have occurred during the feeble rule of O'Scannell's infirm predecessor; though this seems improbable, for O'Scannell would assuredly have sought and obtained redress during his visit to Rome in 1256. Perhaps the long interregnum from 1261 to 1266—between O'Scannell's translation to Armagh and O'Scoba's appointment to Raphoe—may have provided Bishop O'Carolan

<sup>1</sup> Ware-Harris, I. 271, 288.

<sup>2</sup> *Primate Colton's Visitation*, ed. Reeves, p. 115.



with the opportunity which he was so eager to seize. He would hardly be obliging enough to await the appointment of a new Bishop of Raphoe before carrying his designs into execution at the expense of that see. Still, we cannot feel very confident that this is the true account of the matter; for if Bishop O'Carolan had invaded the territory of Raphoe in the period 1261-1266, his hierarchial superior, Primate O'Scannell, would have called him to strict account for his uncanonical proceeding. The truth is that, as regards Bishop O'Scoba's fate and fortunes in Raphoe, we are simply groping in the dark. One theory may seem more probable than another; none is absolutely certain.

The next item of interest in the life of Bishop O'Scoba is the strange fact that in 1273 we find him acting as suffragan or assistant to the Archbishop of Canterbury.<sup>1</sup> This looks like a startling confirmation of the view more or less obscurely expressed by the anonymous writer already quoted, namely, that the people of Raphoe, in league with the Bishop of Derry, had kept O'Scoba in exile from his see. If this was really the case it could scarcely have happened between O'Scoba's consecration and the close of 1269; for Primate O'Scannell, a man of vigorous personality, would not have tolerated so flagrant a breach of ecclesiastical order within the borders of his province. He might be trusted to deal drastically with the offending Bishop in person, if he did not choose to secure his condemnation or deposition in Rome. But O'Scannell died in March, 1270; and his successor, Nicholas Mac Mael Isa, did not reach Armagh until late in 1272. This vacancy of nearly three years in the primatial see would have left Bishop O'Scoba at the mercy of his powerful and grasping neighbour, the Bishop of Derry. But O'Carolan of Derry was now growing old; he had been more than forty years a bishop, and he would scarcely be any longer in the mood for violent and disorderly adventures. Still, he may have unconsciously modelled himself upon some of the princes and nobles of his time, as, for instance, upon Walter de Burgo, Earl of Ulster, whose career of turbulence and aggression ended only with his death.

We may regard it as certain that the portion of Raphoe's territory which bordered on Lough Foyle was seized, at some time or other, by Bishop O'Carolan of Derry. It is scarcely probable, as we have seen, that this annexation took place about the period 1250-1253, for O'Scannell would have demanded and secured redress from the Sovereign Pontiff in 1256. Neither does it seem very probable that the aggression took place in 1261-1266; for in that case Primate O'Scannell

<sup>1</sup> Stubbs, *Registrum Sacrum Anglicanum*, 1897, p. 210; Eubel, *Hierarchia Catholica Medii Ævi*, 2nd edit., I. 413.

would have felt bound to intervene with a strong hand.<sup>1</sup> It would seem most probable that the annexation took place in 1270-1272, after the death of Primate O'Scannell.

Thus deprived of his natural protector by the death of the Primate of Armagh, O'Scoba may have gone to England to seek redress from the English king. During his stay there, at all events, we have indubitable evidence of his having acted as suffragan to the Archbishop of Canterbury in 1273. Such suffragans or auxiliaries, as Stubbs remarks, "at different periods have been consecrated for the special relief of aged Bishops and over-grown dioceses." The Irish Church in the Middle Ages had bitter reason to realise the truth of the same writer's observation that "poor Scottish and Irish sees were looked on like titles *in partibus*, merely as qualifications for the office of suffragan."<sup>2</sup> This, however, was not the case with Bishop O'Scoba; he was not consecrated for an Irish see merely that he might assist in an English one. We may regard it as tolerably certain that his presence at Canterbury in 1273 was due to one or other of two causes: either he had come to England to seek protection against the arbitrary violence of Bishop O'Carolan and his associates, or else he was merely on his way to the great Council of Lyons, which was to be held in the following year.

### O'SCOBA'S SAINTLY DEATH

A charming and edifying story is told of Bishop O'Scoba's last days in Lyons, whither he had come to attend the Fourteenth General Council, which began its sittings on May 7, and closed on July 17, 1274. The story is copied by Archdeacon Lynch from Leandro Alberto, and by Mortier from Taegio: "Among the thirty Dominican Bishops who came to the Council of Lyons, by invitation of Pope Gregory X, there was one Irish Dominican prelate—a devout, humble, and light-hearted man—whose name has passed into oblivion through the indolence of historians. This prelate had long ruled his diocese wisely and well, continuing meanwhile to govern the local Dominican Priory. As often as a Provincial or Visitor came

<sup>1</sup> It may be urged that there is no record of Primate Reginald's having intervened on behalf of the Bishop of Clogher, about the year 1250, when a notable portion of the diocese of Clogher was seized by O'Carolan of Derry. A probable explanation may be found in the fact that the Bishops of Clogher had for years been at variance with the Primate of Armagh. Very different from this was the case of O'Scoba, who was Primate O'Scannell's brother-Dominican, elevated to the see of Raphoe, in all probability, through the Primate's personal influence.

<sup>2</sup> Stubbs, *Registrum Sacrum Anglicanum*, 194, 210.



to hold a visitation of the community, the Bishop entered the chapter-room along with the other friars, and (as Holy Writ says of the just man), he was the first to confess his faults and to receive his penance with all reverence. Having come to assist at the Council of Lyons, and staying with the Dominicans of that city, he repeatedly implored permission from the most holy Father John of Vercelli,<sup>1</sup> Master-General of our Order, to accuse himself in chapter like the rest of the brethren. This permission was denied, for Father John of Vercelli would not suffer the holy prelate to humble himself so far, and the prelate was unable to bring pressure as strongly to bear upon the General as he had been wont to do with the Provincials. Shortly before the beginning of the Council he was stricken with what appeared to be a very slight fever, and sweetly gave up his spirit to God, in the monastery of the Friars Preachers at Lyons, on [April 9] the eve of Our Lord's Ascension, A.D. 1274."<sup>2</sup>

Archdeacon Lynch has no hesitation, and we need have none, in identifying Bishop O'Scoba as the Irish Dominican prelate who so deeply edified his brethren at Lyons, and whose saintly death took place in that city, four weeks prior to the opening of the Council. O'Lee of Killala and O'Scoba of Raphoe were the only Irish Dominican Bishops who closed their earthly career in 1274 or 1275. As nobody has ever suggested that O'Lee died abroad, it is clear that O'Scoba was the prelate who ended his days at Lyons, amid circumstances so pathetic and edifying. This shows that there was an element of truth in the inaccurate statement of Ware, that Bishop O'Scoba "died in 1275 at Rome, to which Place he had taken a Journey to solicit the Interests of his Church."<sup>3</sup> The seven-

<sup>1</sup> Beatified by Pius X; his feast is kept on December 2.

<sup>2</sup> "Inter ultra 30 Antistites ordinis praedicatorum, qui fuerunt in Concilio Lugdunensi, à Gregorio 10 convocato, fuit Hibernus unus, cujus nomen non produnt scriptores (porro tanta fuit illorum ignavia, ut tanti viri nomen oblivisceretur), vir devotus et corde levis. Hic multo tempore Ecclesiam suam cum fratribus coenobio optime rexerat. Quippe venientibus pro consuetudine praefectis provinciae (quos dicimus Provinciales) aut visitatoribus dictum coenobium visitaturis, capitulum simul cum caeteris fratribus ingrediebatur, et sicut de justo scribitur, primo se accusabat, ac reverenter castigationem subibat. Cumque Lugduni in Concilio esset, multijugis precibus rogavit illum sanctissimum patrem Joannem Vercellensem, ordinis nostri Generalem Magistrum, ut in capitulo accusationis suae (prout consueverat in propria urbe) ceu aliorum fratrum admitteretur, nec obtinuit; non enim tulit Joannes tantam humilitatem sancti praesulis, verum is praesul non valuerat tantam vim illi, prout praefectis provinciae consueverat inferre. Instante vero Concilio, febribus levissimis captus, in coenobio fratrum Praedicatorum Lugduni, in Vigilia Ascensionis Domini, A.D. 1274, dulcissime spiritum efflavit."—(Lynch, *De Praesulibus Hiberniae*, T.C.D. copy, I, 228, 229.) See a similar narrative from Taegio in Mortier, *Hist. des Maîtres Généraux*, II, 113, 114.

<sup>3</sup> Ware-Harris, I, 271.

teenth-century translator of the *Annals of Ulster*, from whom Ware most probably copied,<sup>1</sup> was nearer the mark; this translator has interlined a statement that O'Scoba "died at the papal court" over the conventional (but in this case, highly appropriate) observation, that he "rested in Christ." The circumstantial account of Bishop O'Scoba's death, as given by Taegio and Leandro Alberto, and reproduced by Archdeacon Lynch and Father Mortier, can leave no doubt that he passed away in the Dominican Priory of Lyons, on April 9, 1274. This agrees, curiously enough, with the corrected date given in the *Annals of Ulster*, as well as with the date assigned by the anonymous author to whom we have so often referred. The year 1275 is wrongly given as the date of O'Scoba's demise by the *Four Masters*, the *Annals of Loch Cé*, Ware, Gams, Eubel, and a crowd of other writers.

But while we may feel comfortably certain as to the time and place of this genial and saintly prelate's death, it by no means follows that we can accept, *au pied de la lettre*, the episodes which Taegio and Leandro Alberto have been pleased to narrate, in illustration of his career. They aver that he not only governed his diocese with much prudence during many years, but that he also, and at the same time, governed the local Dominican community. This in itself would have been a sufficiently remarkable anomaly in Dominican procedure; for a Dominican, when raised to the episcopate, ceases *ipso facto* to be under the jurisdiction of the Order, and equally ceases to be capable of exercising jurisdiction over members of the Order.

But a still greater difficulty remains. The only Dominican Priory in the vicinity of Raphoe was that of Derry, which was not founded until the year 1274, probably after Bishop O'Scoba's death, and certainly after his final departure from Raphoe.

Assuming, as we may well do, that there was a substratum of truth in the story, we may surmise that O'Scoba, after his troubles and disappointments in Raphoe, retired to his former convent, edified his brethren by his humble and unassuming demeanour, and was elected by them, contrary to the usual and regular custom, as Prior of the community. This, of course, lends fresh colour to the story of the anonymous writer, that O'Scoba was exiled from his diocese of Raphoe. Whatever may have been the object of his activities in England in 1273—whether to secure the favour and protection of Edward I, or merely as an interlude in his journey to Lyons, with a view of appealing to the Sovereign Pontiff against the aggressions of Bishop O'Carolan—it is clear that Bishop O'Scoba could not have

<sup>1</sup> So Dr. B. MacCarthy observes in note on *Annals of Ulster*, 1274.



been on intimate terms with the Dominican community at Derry, which did not then exist. Possibly after his unpleasant experiences in Raphoe, he may have retired to the convent of Athenry, and lived as a humble and honoured guest of the brethren, who eventually chose him as their superior. On the whole, it is clear that he was loved and revered by those who knew him best, and, if he suffered persecution for justice' sake, his sufferings were due to the violence and machinations of corrupt and ambitious men.

The silence of the State Papers in regard to O'Scoba's episcopate may be due to the fact that Raphoe and other Ulster sees were not yet properly entangled in the meshes of the feudal system. The English monarch, however, sought to remedy this evil, by the aid of a secret inquisition and other devious devices. His efforts ultimately proved successful about fifteen years after O'Scoba's death. Among petitions and complaints from Ireland presented to the King in Parliament after Christmas, 1289, was an appeal from Nicholas Mac Mael Isa, Archbishop of Armagh. The Irish Primate complained that the "Justices of the Common Pleas, Dublin, had adjudged to the King by writ of *Quo warranto* the temporalities of five sees when vacant, namely, Derry, Dromore, Clogher, Raphoe, and Kilmore, which temporalities the Archbishop and his predecessors were always wont peaceably to take in vacancy. The state of the Archbishop's church is thereby now disparaged, not only in its faculties but in its liberties. Wherefore he supplicates the King for a remedy thereupon, or that he will give compensation in lands or rents in Ireland for those liberties."

Viewed from the standpoint of equity the custom of surrendering the revenues of these suffragan sees to the Archbishop of Armagh, in times of vacancy, was not an ideal arrangement; but it was incomparably juster than the practice which afterwards prevailed, of seizing them for the King's exchequer and misappropriating them for secular uses. If the Primate really hoped to obtain justice in this matter from Edward I he had not yet formed a true estimate of that monarch's character. The reply was calculated to disabuse his mind of any illusions he might have entertained on that score: "The Archbishop had been answered in the Parliament of Westminster that the King had recovered by judgment the custody of vacant sees in Ireland, to hold as those in England."<sup>1</sup> In other words, the King's own judges, his complaisant servants, had decreed that the revenues of the five sees were to be henceforth diverted into the King's coffers. A suit against Lucifer in his own court could hardly have been more hopeless. About

<sup>1</sup> *Calendar of State Papers, Ireland, 1285-1292*, p. 251.

this period the venality of English judges, and their subservience to the Crown, were matters of public notoriety. Popular feeling on the subject had found expression in the "Song of Lewes," written about the year 1265, and probably by a friar. One verse of that poem might be taken as an intelligent anticipation of the Ulster decision :

"Dicitur vulgariter : ut rex vult, lex vadit." <sup>1</sup>

<sup>1</sup> For a general view of judicial venality and subservience at this period, see Davis, *England under the Normans and Angevins*, pp. 493, 494.



## IX

JOHN DARLINGTON, ARCHBISHOP  
OF DUBLIN

(1279-1284)

IN the brilliant group of English Dominicans who played so notable a part in the ecclesiastical life of their nation during the reigns of Henry III and Edward I, John Darlington occupies a foremost place. Whether we regard him as scholar or writer, churchman or courtier, his record is distinctly honourable. His talents and learning extorted the admiration of Matthew Paris, assuredly no lenient critic of the newer Orders; and, in this particular, the monastic chronicler's verdict has been uniformly and heartily endorsed by responsible writers of later ages.

Darlington's name suggests that either he or his family hailed from the town of that name, in the county and diocese of Durham. As a family appellation Darlington is one of those local surnames so extensively borne by Englishmen and their descendants in various climes throughout the globe.<sup>1</sup> The future Archbishop of Dublin may have seen the light in Darlington, as his name seems to imply; indeed, the quaint Fuller, writing four centuries later, confidently affirms that he was born there: "John of Darlington was born in this Bishoprick [of Durham], at a Town so called, needing no other indication than the Rode passing thorow it into Scotland. He was bred a Dominican, and a great Clerk. Matthew Paris giveth him this Testimony, that he was one 'qui literatura pollebat excellenter et consilio.'"<sup>2</sup> Fuller's confidence is somewhat discounted by the fact that he was considerably misinformed on another portion of our prelate's history, as we shall see later.<sup>3</sup> Still, it is highly probable, if not morally certain, that

<sup>1</sup> "*Darlington*.—Local, of Darlington, a well-known town in Co. Durham."—Bardsley, *Dictionary of English and Welsh Surnames*, p. 231.

<sup>2</sup> Fuller's *Worthies of England*, 1811 edit., I, p. 332.

<sup>3</sup> The *Dictionary of National Biography* contains a careful study of Darlington's career by Professor Tout, who styles him "John of Darlington" in the formal heading of the article, but generally refers to him afterwards as "Darlington." John Darlington is clearly the modern form of his name, and I have chosen it as such. Medieval writers call him "Johannes de Derlington" with many variants.

Darlington's birth-place was the town from which he took his name.

Born about the year 1220, Darlington consecrated his youth to God's service by entering the Dominican Order. In the normal course of events he would spend some years as a student in one of the Dominican houses of his native land, ere going abroad to complete his studies in the renowned convent of St. Jacques at Paris. The *studium generale* which then flourished at St. Jacques held pride of place in the Order; thither the Dominican authorities sent their most promising students from all nations of Europe. If Darlington was in Paris, as seems very likely, between 1245 and 1248, he must have enjoyed the privilege of knowing or living with St. Thomas Aquinas, Blessed Albert the Great, and other illustrious members of his Order. He may have sat as a fellow-student side by side with St. Thomas, who studied at Paris for some time prior to 1248; and he may have attended those wonderful lectures of Blessed Albert, to which throngs of students flocked in such numbers that the professor was obliged to leave his class-room, and lecture to his eager hearers in the open air, in one of the public squares of the city.

#### DARLINGTON AND THE *CONCORDANTIAE MAGNAE*

According to the common opinion of Dominican writers, Darlington was one of those English Dominicans who laboured at Paris, between 1250 and 1252, in preparing the Biblical Concordance which afterwards became so famous. Darlington must have been a priest at this time; whence it is natural to infer that he may have known Blessed Albert and St. Thomas at Paris between 1245 and 1248. In any case his prominent share in the authorship of the Concordance is attested by Rishanger, a contemporary English chronicler, who ascribes the compilation of these *Concordantiae Magnae*, otherwise known as *Concordantiae Anglicanae*, to Darlington's diligence and industry.<sup>1</sup>

The history of these early concordances is very interesting. It enables us to realise the vast debt which medieval preachers, theologians, and students of the Bible must have owed to patient Dominican scholars of the type of John Darlington. That history may be summarised in the words of an American professor:

"Verbal concordances of the Bible are the invention of the

<sup>1</sup> "Hujus tamen studio et industria editae sunt Concordantiae Magnae, quae 'Anglicanae' vocantur."—Rishanger's *Chronica Monasterii S. Albani*, ed. in Rolls Series by Henry Thomas Riley, p. 89.



Dominican friars. The text which served as basis of their work was naturally that of the Vulgate, the Bible of the Middle Ages. The first concordance, completed in 1230, was undertaken under the guidance of Hugo, or Hugues, de Saint-Cher (Hugo de Sancto Charo), afterwards a Cardinal, assisted, it is said, by 500 fellow-Dominicans. It contained no quotations, and was purely an index to passages where a word was found. These were indicated by book and chapter (the division into chapters had recently been invented by Stephen Langton, Archbishop of Canterbury) but not by verses, which were only introduced by Robert Estienne in 1545. In lieu of verses, Hugo divided the chapters into seven almost equal parts, indicated by the letters of the alphabet, *a, b, c*, etc. This beginning of concordances was very imperfect, as it merely gave a list of passages and no idea of what the passages contained. It was of little service to preachers, therefore; accordingly, in order to make it valuable for them, three English Dominicans added (1250-1252) the complete quotations of the passages indicated. This completeness of quotation is not aimed at in the present concordances, for lack of space; it is likely, therefore, that the passages indicated were far fewer than those found in a complete concordance of to-day. The work was somewhat abridged, by retaining only the essential words of a quotation, in the concordance of Conrad of Halberstadt, a Dominican (1310), which obtained great success on account of its more convenient form. The first concordance to be printed, it appeared in 1470 at Strasburg, and reached a second edition in 1475. The larger work from which it was abridged was printed at Nuremberg in 1485. Another Dominican, John Stoicowic, or John of Ragusa, finding it necessary in his controversies to show the Biblical usage of *nisi*, *ex*, and *per*, which were omitted from previous concordances, began (c. 1435) the compilation of nearly all the indeclinable words of Scripture; the task was completed and perfected by others and finally added as an appendix to the concordance of Conrad of Halberstadt in the work of Sebastian Brant, published at Basle in 1496." <sup>1</sup>

<sup>1</sup> Dr. John F. Fenlon in *Cath. Encyclop.*, IV. 195. An excellent account of these early concordances is given by Quétif and Echard in *Scriptores Ordinis Praedicatorum*, I. pp. 203-207. Father Chapotin tells the same story, with some additional details, and with the usual French clearness and precision: "Nous ne saurions dire d'une manière certaine à quelle époque furent achevées les Concordances. Ce grand travail n'est pas sorti des mains de Hugues de Saint-Cher tel que nous le possédons aujourd'hui; il a reçu, au XIII<sup>e</sup> siècle même, diverses améliorations qui l'ont augmenté, complété, et rendu par conséquent plus utile: elles sont dues, comme l'oeuvre primitive, au travail des Dominicains. Hugues de Saint-Cher s'était contenté de prendre, par ordre alphabétique, chacun des mots de la Bible isolé de tout contexte, et de désigner successivement tous les endroits où se trouvent ces mots, en nommant d'abord le livre, puis le chapitre du livre; de plus, chaque chapitre était partagé,

The great standard work, which was sometimes styled the "English Concordance" and sometimes the "Concordance of Saint-Jacques," was the fruit of the labours of three English Dominicans—John of Darlington, Richard of Stavensby, and Hugh of Croydon. A specimen of this "Concordance" may not prove uninteresting, so I select a few examples. As the Bible was not then divided into verses, the chapters were sub-divided into sections, severally marked by the first seven letters of the alphabet :

*A, a, a.*

Jerem. i. *b*.—*A, a, a, Domine Deus, ecce nescio loqui, quia puer ego sum.*

*Maceria.*

Cant. ii. *f*.—*Columba mea in foraminibus petrae, in caverna maceriae.*

*Operari.*

Coloss. iii. *g*.—*Quodcumque facitis ex animo operamini sicut Domino.*

*Purgare.*

Proverb. xv. *f*.—*Per misericordiam et fidem purgantur peccata.*<sup>1</sup>

It has been said that Darlington won his laurels as Doctor of Theology (*Magister in Sacra Theologia*) in the University of Paris ; but the assertion, so far as I am aware, is based on no contemporary authority. If he had received the doctorate, his

par une division fictive, en sept parties, répondant aux sept premières lettres de l'alphabet : on arrivait ainsi sans trop de difficulté au mot que l'on cherchait. Telles furent les premières Concordances, imaginées et composées par Hugues de Saint-Cher, et désignées jusqu' à la fin du moyen âge sous le nom de *Concordances de Saint-Jacques*.—Vers 1260, leur fréquent usage en avait fait connaître les défauts. On vint à penser que le travail de Hugues de Saint-Cher rendrait à l'étude de l'Ecriture Sainte de bien plus grands services, si à chaque mot cité isolément, on joignait les mots qui le précèdent et qui le suivent dans les divers passages du texte où il se trouve employé, de manière à présenter un sens, une proposition complète. Les étudiants du convent de Saint-Jacques, et particulièrement les étudiants anglais, entreprirent avec ardeur cette heureuse modification. À cette seconde édition des Concordances sont attachés trois noms, Jean de Darlington, Richard de Stavensby, et Hugues de Coryndon ; on la connaît sous le nom de *Concordances Anglaises* ; on l'appelait aussi, comme le première, *Concordances de Saint-Jacques*. L'exemplaire original se conserva au convent de Saint-Jacques jusqu' au XVI<sup>e</sup> siècle. Au temps d'Echard, on en montrait encore quatre volumes, qui portaient la signature de Richard de Stavensby. La Bibliothèque Nationale de Paris en possède un, fonds latin 17252 ; c'est le premier, contenant les lettres A et B. Il est tout entier de la main de Richard de Stavensby, sur velin et bien conservé."—Chapotin, *Histoire des Dominicains de la Province de France*, I. 304-305.

<sup>1</sup> Cf. Quéatif and Echard, *Script. Ord. Praed.*, I. 203-207. The system followed in the Latin Concordance of Pères de Raze, de Lachaud, and Flandrin (14th edit., Paris, 1896) is rather similar to that adopted by Darlington and his collaborators.



customary title would have been (at least at a later date) Master John Darlington, but that title is seldom or never accorded him. On the contrary, he is constantly referred to in State Papers and Chronicles of the period as plain Brother John Darlington. It is very probable that, at the conclusion of his studies for the priesthood, he received the degree of lector or bachelor; but his activities after ordination were mainly devoted to research work—to the laborious task of compiling the *Concordantie Magnae*—and not to the work of teaching. In accordance with the custom of the Order, he could obtain his doctorate or mastership in Theology only after several years of teaching in the schools. Thus, it was only in 1255, after seven years' teaching, that St. Thomas received his doctorate. Curiously enough, the fullest extant list of foreign students at the University of Paris does not include Darlington's name.<sup>1</sup> Still, we know from Rishanger that he took a leading part in preparing the ponderous volumes of the "Concordance," and we know from other sources that these volumes were compiled at Saint-Jacques about the years 1250-1252; therefore we must conclude that Darlington was one of the Dominicans of Saint-Jacques at that period, and we may reasonably infer that he had been sent, some years earlier, to complete his studies in that celebrated *studium generale*.

On the completion of his toilsome task in Paris, Darlington returned to England. He was now—as Leland, the Protestant antiquarian, attests—a man of most exemplary life and tireless activity in study, a model of good living for many, and for others a stimulus to learning.<sup>2</sup> Before 1255 he was prior of the Dominicans of London, who then resided in their convent of Holborn. This religious house had been founded in 1224 by Hubert de Burgh, Earl of Kent, and Chief Justiciary of England, one of the most powerful nobles in the kingdom, especially during the minority of Henry III. Thus, by a curious coincidence, the Dominican Priors of London and Dublin were both founded in the same year.

### MURDER OF LITTLE HUGH OF LINCOLN

But in 1255 Darlington and the Dominicans, as well as the Franciscans, became involved in a fierce storm of popular indignation which burst upon the Jews, who were believed to

<sup>1</sup> Budinszky, *Die Universität Paris und die Fremden an derselben*, in *Dict. of Nat. Biog.*, art. "John of Darlington."

<sup>2</sup> "Joannes Durolendunus, Dominicanus, vir probatissimae vitae et maxime in literis diligentiae, ita probe se gessit inter socios sui loci et ordinis, ut multis ad bene vivendum, pluribus vero ad discendum incitamento esset."—Leland, *Commentarii de Scriptoribus Britannicis*, ed. Hall (1709), pp. 302, 303.

have crucified a child at Lincoln in hatred of Christianity. The rapacity of Jewish usurers, and the privileged position which they held under the Crown, caused the masses of the people to regard them with aversion, and to lend a willing ear to stories of Semitic fanaticism and cruelty. "Despite constant odium and intermittent persecution," writes Professor Tout, "the Jewish financiers who had settled in England after the Norman Conquest steadily improved their position down to the reign of Henry III. The personal dependants of the Crown, they were able to afford to share their gains from usury with their protectors. They lived in luxury, built stone houses, set up an organisation of their own, and even purchased lands. Henry III's financial embarrassments forced him to rely upon them, and the alliance of the Jews and the Crown stimulated the religious bigotry of the popular party to ill-treat the Jews during the Barons' War. Stories of Jews murdering Christian children were eagerly believed; and the cult of St. Hugh of Lincoln and St. William of Norwich, two pretended victims of Hebrew cruelty, testified to the hatred which Englishmen bore to the race."<sup>1</sup>

The murder of little Hugh of Lincoln cannot be fully discussed in these pages. A vivid and circumstantial narrative of the tragedy may be found in Matthew Paris, who obviously entertained no doubt as to the guilt of the Jews, and was wroth with the Franciscans for their successful endeavours to save several of them from the scaffold. That the boy was foully murdered, and that his body was discovered in circumstances which could not fail to create a strong suspicion against the Jews, is beyond question. That he was tortured to death by fanatical Jews, in hatred of the Christian faith, was firmly believed by the people. The child was regarded as a martyr; miracles were said to have been wrought at his grave; and he became known in course of time as "Little St. Hugh of Lincoln."

An *ex-parte* account of the affair may be cited from a Jewish writer, who describes little Hugh of Lincoln as an "alleged victim of ritual murder by the Jews of Lincoln in 1255. He appears to have been the illegitimate son of a woman named 'Beatrice,' and was born in 1247. He disappeared July 31, 1255, and his body was discovered on August 29 following, in a well belonging to the house of a Jew named 'Jopin' or 'Joscefin.' On promise of having his life spared, he was induced by John of Lexington, a priest who was present at the time of the discovery, to confess that the child had been crucified by a number of the most prominent Jews of England, who had gone to Lincoln on the pretext of a wedding. The

<sup>1</sup> *The Political History of England, 1216-1377*, by T. F. Tout (1905), p. 175.



remains of the lad were taken to the cathedral, and were buried there in great pomp. Henry III, on arriving at Lincoln about a month afterward, revoked the pardon of Jopin, and caused him to be dragged around the city, tied to the tail of a wild horse, and then hanged. The remaining Jews of Lincoln, including some who were there as visitors—probably to attend the marriage of Bellaset, daughter of Berechiah de Nicole—were carried, to the number of ninety-two, to London, where eighteen of them were executed for refusing to plead. Berechiah was released, and the remainder lingered in prison until Richard, Earl of Cornwall, who was in possession of the Jewry at the time, made terms for them.

"The accusation, as usual, rested upon no particle of evidence; all that was known was that the lad had been found dead; and even if it was a murder, it could not have been connected with any ritual observance on the part of any Jew. But the prepossessions of the time, and the 'confession' forced from Jopin, caused the case to be prejudged, and enabled Henry III to confiscate the property of the executed Jews, and to obtain, probably, a ransom for those afterward released from captivity. The case made a great impression on the popular mind, and forms the theme of various French, Scottish, and English ballads, still existing; Chaucer refers to it at the beginning of his 'Prioress' Tale.' A shrine was erected over Hugh's tomb in Lincoln Cathedral; it was known as the shrine of 'Little St. Hugh,' to distinguish it from the shrine of Great St. Hugh of Lincoln, the twelfth-century bishop, whose death was mourned equally by Jew and Christian."<sup>1</sup>

With the utmost desire to be perfectly fair, I cannot help observing that there are numerous differences between this modern Jewish story and the contemporary narrative in Matthew Paris. These differences, naturally, are meant to favour the cause of the incriminated Jews. For instance, Matthew Paris puts forward no theory of ritual murder—if by that term we understand the murder of a Christian by Jews for the purpose of utilizing the victim's blood in certain Jewish ceremonies. The view of Matthew Paris is much more straightforward and simple. He represents the murder of little Hugh as the result of anti-Christian fanaticism on the part of a number of Jews assembled in Lincoln, coupled with a desire to inspect the victim's entrails for purposes of divination, presumably after the fashion of pagan augurs and soothsayers in ancient Rome. The condition in which the child's body was found—disembowelled and bearing incontestable signs of crucifixion, according to common report,—together with the confession of the Jew on whose premises it was found—a confession made in the

<sup>1</sup> *Jewish Encyclopedia*, VI. pp. 487, 488.

hope of obtaining pardon, not extorted by force, as the Jewish writer implies,—the fact that little Hugh had been playing with Jewish children, and had been observed to enter the house of the Jew in whose well his mutilated body was afterwards discovered—these and other facts, or alleged facts, lent verisimilitude to the theory in which Matthew Paris and his contemporaries believed.<sup>1</sup>

In like manner, the contemporary "Annals of Burton" contain a lengthy and detailed account of the tragedy. Their story is less graphic and forcible, because more declamatory, than the narrative of Matthew Paris. The two authors are clearly independent, but the broad outlines of the story are the same in both. Both chroniclers tell of a Christian boy playing with Jewish children and then decoyed into the house of a Jew named Jopin or Copin, where he was held prisoner for some weeks, and whence he was never to emerge alive. Both tell of the search instituted for the missing boy, and of the discovery of his mangled body in a well within the precincts of the Jew's house. Both narrate the arrival of numbers of Jews in Lincoln shortly before the perpetration of the murder, in which many of them were believed to have taken part, either as torturers or witnesses. On the strength of Jopin's confession, made in the hope of securing pardon for the crime, both annalists affirm that the child was cruelly beaten, pricked with knives, crucified in mockery of Christ, and pierced through the body with a sharp instrument. The appearance of the body, bearing the marks of crucifixion and numerous signs of torture and violence, was held to confirm the truth of Jopin's confession. Miracles were ascribed to the youthful martyr's intercession; and these miracles, coupled with the visible signs of martyrdom, led the Canons of Lincoln to inter the boy's body beside the tomb of the illustrious prelate, Robert Grosseteste, who had died two years before.<sup>2</sup>

Such are the main outlines of the story, in which Matthew Paris and the Burton annalist, as well as their contemporaries throughout England, so firmly believed. They believed that the child had been tortured and slain by the Jews, through fanatical hatred of the Christian faith and its professors; apparently they had no idea of regarding the crime as an instance of ritual murder. The "blood accusation," as the charge of ritual murder is sometimes termed, is "now usually understood to denote the accusation that the Jews—if not all of them, at all events certain Jewish sects—require and employ Christian blood for purposes which stand in close relation to the ritual,

<sup>1</sup> M. Paris, *Historia Anglorum*, ed. Wats (1640), pp. 912, 913, 922.

<sup>2</sup> "Annals of Burton" in *Annales Monastici*, I. pp. 340-348, edited in Rolls Series by Rev. H. R. Luard, M.A.



and that, in order to obtain such blood, they commit assault and even murder.”<sup>1</sup> In our time the charge of ritual murder is generally and rightly disbelieved by enlightened people; but Matthew Paris and his brother-annalist afford no warrant for the interested plea that the Jews of Lincoln were victims of a baseless accusation of ritual murder. Rightly or wrongly, the annalists of the thirteenth century credited the Jews of their time with a rabid malevolence towards Catholics, and for this malevolence a later and more atrocious parallel may be found in the misdeeds of Orangemen in Ireland.<sup>2</sup>

A storm of indignation swept over England when the news of the Lincoln tragedy was borne everywhere on the wings of public report. The feelings and imagination of the people were profoundly stirred. The captured Jews were conveyed to London to await their fate. Few pitied them; the voice of public opinion was inexorable in demanding their condemnation and execution. When they had lain for a time in the London prison, some compassionate souls strove to save the wretched people from the scaffold. According to the “Annals of Burton” it was the Dominicans of London who interceded on behalf of these hapless Jews; according to Matthew Paris, it was the Franciscans. The two annalists make no secret of their scandalized surprise and disgust at such misguided benevolence. If we may credit Matthew Paris, the intervention was successful; if we may rely on the Burton annalist, it partially failed. Perhaps the whole truth may be that both the Dominicans and Franciscans busied themselves on this mission of mercy, and that, while their humane efforts failed in part, they were largely rewarded with success. Some of the imprisoned Jews suffered the extreme penalty, for refusing to plead; the majority were saved by the influence of Richard, Earl of Cornwall, brother of Henry III. But the advocates of mercy, whether Dominicans or Franciscans, paid dearly for their charitable endeavours. It was believed throughout the land that they had been heavily bribed by the Jews; and the annalists, while recording the popular impression, are careful to express their own disbelief. As a result, the Dominicans or Franciscans, if not both together, became grievously unpopular. Englishmen were angered by their meddlesome interference—for so it seemed to the general public—on behalf of a handful of miscreants who richly deserved the gallows; and the story of Jewish bribery placed the action of the friars in a most reprehensible light. In consequence, though the Dominicans (according to the Burton annalist), or the Franciscans (according to Matthew Paris), begged their bread as usual from door to door, no man would give them

<sup>1</sup> Dr. Hermann L. Strack in *Jewish Encyclopedia*, III. p. 260.

<sup>2</sup> See *The Orange Society*, by Bishop Cleary of Auckland, *passim*.

alms or assistance. The friars had royal and noble benefactors, yet their maintenance depended on the daily alms of commoners. Their kindly intervention on behalf of the Jews exposed them to popular odium; and they suffered from actual hunger for several days in consequence. That John Darlington, then prior of the London Dominicans, took a foremost part in this unpopular work of charity, we may readily believe; and we know that, in one instance at least, his well-meant efforts were crowned with success. At his intercession, one of the incriminated Jews was pardoned by Henry III, as we learn from a document signed by that monarch at Westminster, on January 10, 1256:

"Pardon, at the instance of John de Derlinton, to John the convert, for the death of a boy crucified at Lincoln, when he was a Jew of that city.—Mandate to Peter le Blund, constable of the Tower of London, to deliver him from the Tower." <sup>1</sup>

The sincerity of this Jew's conversion may well seem doubtful; but there can be no second opinion as to the gratitude which John the Jew owed to his namesake of Darlington, for his release from prison and from peril of death. The pardon granted to this Jewish convert, however, was not wholly unconditional; if he were ever arraigned for the murder of little Hugh, as was rather improbable, he would be obliged to stand his trial. This we learn from the original text of the pardon, which may be quoted:

"Rex omnibus, etc., salutem.—Sciatis quod ad instantiam dilecti nobis in Christo fratris Johannis de Derlinton perdonavimus Johanni Converso sectam pacis nostrae quae ad nos pertinet, pro morte pueri nuper Crucifixi apud Lincoln., dum predictus Johannes fuit Judeus ejusdem civitatis, unde retractatus est et firmam pacem nostram ei inde concedimus. Ita tamen quod stet recto in Curia nostra, si quis versus eum inde loqui voluerit. . . . Et mandatum est Petro le Blund, Constabulario Turris London, quod predictum Johannem captum et in prisiona dictae Turris pro morte predicta detentum a prisiona illa sine dilacione deliberet." <sup>2</sup>

### DARLINGTON IN THE KING'S COUNCIL

At this time Darlington must have been one of the most eminent ecclesiastics in London, if not in the whole of England. As Professor Tout observes, he must have already become famous for his share in the production of the *Concordantie*

<sup>1</sup> *Calendar of Patent Rolls*, 1247-1258, p. 457.

<sup>2</sup> Rot. Pat. 40 Hen. III, m. 18; Palmer, *Anglia Dominicana*, IV. B, 150, in Haverstock Hill Priory.



*Magna*, one of the greatest literary monuments of the age, and possibly for other works, such as sermons and scholastic disputations, on which a word may be said later.<sup>1</sup> Very probably also, his efforts to save the Jewish prisoners may have brought him into greater prominence and enhanced his reputation, in the eyes of Henry III and his court. Whatever the determining factors may have been, Darlington, in 1256, was made a member of the King's Council, and was taken largely into the monarch's confidence. It is also said, not without reason, that he became Henry III's confessor at this period. The precise date of his appointment as royal confessor may be slightly doubtful; certain it is that Henry III chose Darlington for his own familiar confessor, and that afterwards, for one hundred and forty years or more, the royal conscience was, at least ostensibly, under the guidance of a Dominican friar, until the throne was wrested from the Plantagenet race and house of Anjou, and transferred to the house of Lancaster. Even after that political revolution, religious of the same Order were occasionally called to the onerous charge.

It was apparently between the Purification and Easter of the year 1256 that Henry III chose Darlington as a member of his Privy Council, because, as Matthew Paris notes, he needed sound advice and spiritual comfort.<sup>2</sup> If the unhappy King did not always tread the path of prudence and wisdom, the fault was his own; for writers who have treated the King with the unsparing severity which his actions so often deserved, have yet spoken of John Darlington with great eulogy for his rectitude and moderation. He was called on, says Leland, not to act the flatterer's part, but to give sound, straightforward, and honest counsel, especially in affairs of religion, faith, and holy care of the soul; and so far was he, continues this writer, from not fulfilling his office, that he everywhere secured his Sovereign's good opinion.<sup>3</sup>

<sup>1</sup> See Prof. Tout's article on Darlington in *Dict. of Nat. Biography*.

<sup>2</sup> "Dominus Rex eisdem diebus vocavit fratrem Johannem de Derlintonam ad familiare consilium suum, qui de ordine Praedicatorum existens, literatura pollebat excellenter et consilio. Necesse enim habuit rex, sanum consilium et consolationem habere spiritualem."—M. Paris *Hist. Anglorum*, ad an. 1256.

<sup>3</sup> "Quae postea virtutes, fama duce, vel ad ipsius Henrici tertii. Anglorum regis, aures pervenerunt; a quo, jam ad senium vergente, vocatus fuit, non ut adulatoris partes praestaret, sed ut sanum, rectum, honestum consilium daret, et praecipue in illis rebus, quae religionem, quae fidem, quae denique sanctam animae curam spectarent. Tantum abfuit ut suum non faceret officium, ut omnibus numeris principis de se opinioni satisfecit; usque adeo, ut Henricus, qui ejus erat erga hominem affectus, illum etiam ad confessionem auricularem admitteret."—Leland, *Comment. de Scriptoris Britannicis*, ed. Hall. (1709), p. 303. In penning this worthy eulogy of an earlier and nobler man, Leland may have pondered, with a sting of remorse and shame, on the pliant servility of his own attitude towards Henry VIII.

## ROYAL FAVOURS

Darlington must have been a man of remarkable kindness and good nature. As we glance through the recorded incidents of his career, during the sixteen years which followed his elevation to the Privy Council, we are struck by the curious fact that most of the details relate to royal favours which he obtained for others. Sometimes, but rarely, he accepted a personal mark of his Sovereign's favour; as a rule, he was austere and disinterested and independent. Among the few gifts which he consented to accept from Henry III, two were granted shortly after his appointment to a high position in that monarch's court, and were in the nature of necessities for himself and his companion. Thus, on May 1, 1256, a royal order was issued for payment of £11 16s. 4d., spent in purchase of three palfreys with saddles and harness, for the use of Fr. John de Darlington and his companion, besides the £4 3s. 3d. already ordered to be paid for clothes and other necessities, for the use of the same friars.<sup>1</sup> On May 26 following, a royal gift of fifteen marks was made to Father John de Derlington, that he might purchase a certain manuscript—*ad quandam scripturam inde sibi emendam*.<sup>2</sup>

His immediate wants being thus tolerably provided for, Darlington was able to devote himself to the delicate and responsible duties of his new office. From time to time he rendered good service to a friend, or to some one who solicited his aid. His first years at court, however, were marked by prudence and caution in this regard. A born diplomatist, he would not expose himself needlessly to the risk of rebuff; before essaying a forward movement, he liked to make sure of his ground. The favours he gained for other people during these first years were relatively few; but, after he had spent practically ten years at court, he could obtain anything he wished from Henry III.

In his early years as courtier he asked and obtained an occasional favour from the King. Thus, on May 20, 1257—almost a year after the transaction just recorded—Henry III signed at Westminster a "grant, at the instance of Brother John de Derlington and his fellow [i.e., companion], to Thomas Beneyt of St. Albans, to whom the King is bound in many debts, of exemption from all prises, from the feast of St. Augustine, Bishop of the English, 42 Henry III [i.e., from May 26, 1258], for one year."<sup>3</sup>

<sup>1</sup> Liberate Rolls, 40 Hen. III, m. 11; Palmer, *Anglia Dominicana*, IV. B. 357.

<sup>2</sup> Liberate Rolls, 40 Henry III, m. 9; Palmer, *ut supra*, IV. B. 357.

<sup>3</sup> *Calendar of Patent Rolls*, 1247-1258, p. 555.



Almost a year later Darlington obtained pardon for a man who was accused of manslaughter or murder. At Clarendon, on May 27, 1258, the King signed a "pardon at the instance of [Eleanor] the Queen, and Brother John de Derlynton, to Gilbert le Bastard, for the death of Ralph, son of Gocellus."<sup>1</sup> By this time Darlington would seem to have gained the good graces of the Queen; and if he secured her potent intercession on Gilbert's behalf, we cannot well blame him for what was clearly a good stroke of diplomacy, and doubtless an act of charity as well. He would scarcely have exerted himself to save Gilbert from the scaffold, if the latter had been a callous murderer.

### DARLINGTON AS REFORMER OF THE REALM

In 1258 Darlington was one of the twenty-four personages chosen to draft a comprehensive and drastic scheme of reform, "for the honour of God, the service of the King, and the benefit of the people." The nation was in an untoward plight, and reforms were urgently needed. The evils of the time were due to the inherent vices of the feudal system, no less than to the personnel of the executive. The time was ripe for an attempt to destroy the autocratic absolutism of Henry III, and to transfer the royal prerogative to the hands of men who were, in some degree, representative of the nation.

Many causes combined to swell the rising tide of discontent. Bad seasons had brought hunger and pestilence in their train. The English forces had been chased from Wales by Prince Llewelyn. Henry III had led an army to the Welsh frontier, and then retired ignominiously, without daring to give battle to the enemy. The Welsh, in secret relations with the disaffected lords of the marches, menaced the English border, and made confederacy with the Scots. Both Scots and French were hostile to Henry and his kingdom.

Henry's ambitious schemes for the aggrandisement of his family had ended, or were about to end, in disaster. His sister Isabella had married the Emperor Frederick II of Germany, in 1235, and had died in 1241. His brother Richard, Earl of Corn-

<sup>1</sup> *Calendar of Patent Rolls, 1247-1258*, p. 630. Many English surnames originated as nicknames, and of these Bastard is one. A leading authority informs us that Bastard is "a name proudly borne by at least one ancient English county family. 'William the Bastard' occurs in State documents as the Conqueror's surname" (Bardsley, *Dict. of English and Welsh Surnames*, p. 83). To which we may add the remark of another writer: "The name *Bastard* was once considered no disgrace, if the dishonour came from a noble source, and several great medieval warriors bore this sobriquet" (Ernest Weekley, *The Romance of Names*, p. 194). These little facts shed a curious light on English morals.

wall, reputed the most opulent prince in Europe, had allowed himself to be crowned King of the Romans and of Germany at Aix-la-Chapelle in 1257; but the adventure was destined to cost him his fortune. In 1254 Henry had accepted from Innocent IV the kingdom of Sicily and Naples for Edmund Crookback, his second son. That kingdom had been held, under the suzerainty of the Holy See, by Frederick II, whose right thereto had been forfeited by his bitter antagonism to the Church. On Frederick's death in 1250, his illegitimate son Manfred ascended the throne of Sicily; and Manfred had no intention of abdicating in favour of Prince Edmund. The struggle on Edmund's behalf was carried on by Pope Alexander IV, who naturally expected that the expenses of the campaign would be defrayed by Henry III. In 1257 a papal envoy came to England and demanded 135,000 marks—over a million sterling in modern currency—in repayment of the costs incurred by the Pope. As Henry was utterly unable to pay, the Pope's agent threatened, in his master's name, to excommunicate him, and to revoke the grant of Sicily.

Henry III should have been well able to pay. Year after year, from 1251 until 1261, papal agents traversed the land, collecting a tenth part of all ecclesiastical revenues, which were to be paid over to Henry, first as a subsidy for his abortive crusade, and then as an aid towards placing his son on the throne of Sicily.<sup>1</sup> Moreover, the revenues of all vacant sees were mercilessly swept into the royal exchequer. These and such-like exactions were deeply resented by the clergy. In spite of his piety, Henry III, like many another English king, seemed to regard the Church as an institution to be plundered; and discontent smouldered among the numerous victims of his plundering operations. To Henry III, and to many ecclesiastical dignitaries of his time, "the spoils of the Church" represented more than a figure of speech; it was a phrase pregnant with meaning.

Besides all this, the rapacity of escheators and itinerant justices was notorious. Collectors of tolls and prises often doubled or trebled the legal charges, and kept the surplus for themselves. In this way, commerce was grievously hampered, and traders were brought to the verge of ruin. Jewish and Causine usurers preyed upon the people, and dragged many a family down into poverty and misery. Nobles, clergy, and commoners—all alike had their tale of grievances.

Aliens ruled the King and realm, added estate to estate, and defied all attempts to dislodge them. To the barons especially, and even to the people at large, this was an intolerable grievance. Both patriotism and self-interest impelled

<sup>1</sup> *Cal. Pap. Reg.*, I. pp. 267, 279, 284, 314, etc.



them to agitate fiercely for its removal. Yet the same barons and people thought it right and proper that a far worse policy of domination and spoliation should be pursued by the English in Ireland. They looked on with approval while Irish princes and clansmen were driven by brute force from the lands which had been theirs from time immemorial. They thought it just and fair that Irishmen should be abased to the condition of pariahs in their own land; that they should be robbed of their rights and property, and reduced to slavery; that they should be branded collectively as "Irish felons" and "the Irish enemy"; that the remnant of them should be driven to seek refuge in remote mountains, bogs, and forests; that, meanwhile, every desirable position in Ireland, whether in Church or State, —from the archbishopric down to the rectorship of a parish, from the justiciaryship down to the humblest post of bailiff— should be filled by some English adventurer, all Irishmen being rigidly excluded, so far as English power and intrigue availed to ostracise them.

We are often reminded of the pernicious and immoral character of the so-called Bismarckian principle that "might makes right"; yet it was the guiding principle of the English in Ireland during hundreds of years. English barons lent their aid in the work of robbery and oppression that went on in this country. English commoners took part in the enterprise of slaughtering the Irish and occupying their lands. English clerics were always ready to fill captured positions in the Irish Church; and they were seldom unwilling to launch excommunications against Irishmen, when these were so incurably perverse as to return blow for blow, or to defy the laws that were designed for their oppression and enslavement. Thus, while the English barons and people fiercely resented alien domination at home, they were bent on imposing an alien domination of a peculiarly evil type upon the sister island.

The power and insolence of the aliens in England had reached its zenith on the eve of their downfall. In 1258 Henry III "could not control his foreign kinsfolk, and the rivalry of Savoyards and Poitevins added a new element of turmoil to the distracted relations of the magnates. His son had been forced to pawn his best estates to William of Valence, and the royal exchequer was absolutely empty. Money must be had at all risks, and the only way to get it was to assemble the magnates. On April 2, [1258], the chief men of Church and State gathered together at London. For more than a month the stormy debates went on. The King's demands were contemptuously waved aside. His exceptional misdeeds, it was declared, were to be met by exceptional measures. . . . In parliament all that Henry could get was a promise to adjourn the question of supply until a commission had drafted a programme of reform. On

May 2 Henry and his son Edward announced their acceptance of this proposal; parliament was forthwith prorogued, and the barons set to work to mature their scheme."<sup>1</sup>

On June 11, 1258, the magnates assembled at Oxford, attended by their armed followers. The gathering is known in history as the Mad Parliament, yet its proceedings were singularly sane and business-like. The barons presented a petition of twenty-nine articles on the abuses of the administration; it reads like a series of bills presented to an extremely unreformed House of Lords. To maintain the privileges and emoluments of the nobles, and to safeguard their feudal prerogatives, was the principal aim of these articles, though a few were graciously devoted to the grievances of the commoners. The result may be narrated in the words of Prof. Tout:

"A commission of twenty-four was appointed, who were to redress the grievances of the nation, and to draw up a new scheme of government. According to the compact Henry himself selected half this body. It is significant of the falling away of the mass of the ruling families from the monarchy, that six of Henry's twelve commissioners were Churchmen, four were aliens, three were his brothers, one his brother-in-law, one his nephew, one his wife's uncle. The only earls that accepted his nomination were the Poitevin adventurer, John de Plessis, Earl of Warwick, and John of Warenne, who was pledged to a royalist policy by his marriage to Henry's half-sister, Alice of Lusignan. The only bishops were the queen's uncle, Boniface of Canterbury, and Fulk Basset of London, the richest and noblest born of English prelates, who, though well meaning, was too weak in character for continued opposition. Yet these two were the most independent names on Henry's list. The rest included the three Lusignan brothers, Guy, William, and Aymer, still, eight years after his election, only elect of Winchester; Henry of Almaine, the young son of the King of the Romans; the pluralist official, John Mansel; the Chancellor, Henry Wingham; the Dominican friar, John of Darlington, distinguished as a biblical critic, the King's confessor and the Pope's agent;<sup>2</sup> and the Abbot of Westminster, an old man, pledged by long years of dependence to do the will of the second founder of his house.

<sup>1</sup> Prof. T. F. Tout, *The Political History of England*, 1216-1377, pp. 98, 99. On the grievances which led to the Provisions of Oxford see Prof. Tout, *ibid.* pp. 98-101; H. W. C. Davis, *England under the Normans and Angevins*, pp. 449-451; Lingard, *Hist. of England*, ed. 1878, II. pp. 206-217; Rev. W. H. Hutton, M.A., *Simon de Montfort and his Cause*, *passim*.

<sup>2</sup> Here Prof. Tout is in error. It is not certain that Darlington was the King's confessor in 1258; and it is quite certain that he was not the Pope's agent at the time.



"In strong contrast to these creatures of court favour were the twelve nominees of the barons. The only ecclesiastic was Walter of Cantilupe, Bishop of Worcester, and the only alien was Earl Simon of Leicester. With him were three other earls, Richard of Clare, Earl of Gloucester; Roger Bigod, earl marshal and Earl of Norfolk; and Humphrey Bohun, Earl of Hereford. Those of baronial rank were Roger Mortimer, the strongest of the marchers; Hugh Bigod, the brother of the earl marshal; John FitzGeoffrey, Richard Grey, William Bardolf, and Hugh Despenser."<sup>1</sup>

The twenty-four Commissioners, of whom Darlington was one, drew up certain articles of reform, which came to be known as the Provisions of Oxford, and were far from deserving the enthusiastic eulogies lavished upon them by some modern historians. As Mr. Davis observes: "The Provisions of Oxford are, even more obviously than the Great Charter, the work of a feudal party. But they show that in forty years the baronage had learnt one lesson of importance. The Charter contains no organic changes of the constitution; the Provisions contain little else but changes of this character. . . . In effect, the Provisions substitute for an autocracy an oligarchy. They vest all power in the hands of men who are chosen by one section of the community alone, and are left entirely irresponsible. If we exclude from consideration the arrangements of a temporary character, we find the supreme power vested in a Council and a Parliament. The former is composed of fifteen members chosen from both sides. It is in complete control of the ordinary administration. The King's ministers are responsible to it; the King himself is bound by an oath to do nothing of importance without consulting it. The so-called Parliament is a body of even smaller size, containing twelve barons elected by the whole order, who are to meet the Fifteen thrice a year and to discharge the ordinary functions of the Great Council, in order that the baronage at large may be spared the expense and trouble of attendance. It will be noticed that representatives of the shires find no place either in the executive or in the deliberative body; nor is any machinery created by which the commons may exercise a control upon their nominal representatives. A certain regard for popular grievances is apparent in the clauses which provide for the choice of good sheriffs and bailiffs and escheators. But the baronage had no intention of sharing power and the spoils of office with the third estate. It is a significant fact that Montfort, the most public-spirited of their leaders, disliked the new Constitution, and was with difficulty persuaded to endorse it."<sup>2</sup>

<sup>1</sup> Prof. Tout, *The Political History of England, 1216-1377*, pp. 99, 100.

<sup>2</sup> H. W. C. Davis, *England under the Normans and Angevins*, 1905, pp. 450, 451. The exclamation with which Prof. Tout hails the Pro-

The best that can be said of this new Constitution, which Darlington helped to draft, is that, in principle, it broke down the personal absolutism of the King. It was a first step in the evolution of a limited monarchy. Professor Tout can hardly be right in regarding Darlington as a partisan of the royal cause and a creature of court favour. Darlington was not a courtier by choice—we shall presently find him retiring from court of his own accord—and he was too independent and large-minded a man to be a mere partisan. No doubt, like most English ecclesiastics of his own and later times, he worshipped "the divinity that doth hedge a king." He would loyally endeavour to safeguard the King's interests; but he would also strive, so far as lay in his power, to exercise a moderating influence over that misguided monarch. This was clearly Leland's estimate of Darlington's character, and it seems a fair and impartial verdict.

#### *A CURIOUS PARDON—A CONFIDENTIAL MISSION— RETIREMENT FROM COURT*

The gift of versatility was requisite for a man in Darlington's position. Now he was called upon to assist in planning a reform of the realm, again to obtain pardon for a hen-stealer. Thus, on February 7, 1259, the King, who was then at Westminster, granted "Pardon to Laurence le Teynturer of Canterbury, lately arrested at Wengham by the serjeants and ministers of Edward, the King's son, for taking hens by falsely representing himself as a poulterer of the said Edward, as the said Edward, at the instance of Brother John de Derlington, has pardoned him of the said offence."<sup>1</sup>

Early in the following year Darlington was despatched by Prince Edward on a confidential mission to his father, who was then in France. The wording of Henry's reply seems to indicate that the mission was concerned with secret and weighty affairs of State. On his return from France Darlington was doubtless the bearer of Henry's letter to Prince Edward. It was dated St. Ouen, March 1, 1260, and ran thus: "Rex Edwardo filio suo salutem. Veniens ad nos dilectus nobis in Christo frater Johannes de Derlington cum litteris vestris de credencia, ea quae sibi a vobis injuncta fuerunt nobis prudenter exposuit et discrete, super quibus ipsum ter audivimus et benigne, ac de

visions of Oxford seems amusingly premature: "The feudal period was over: the national idea was triumphant!" In point of fact, the feudal system enjoyed a fairly robust existence, nearly four hundred years later; and even at the present day the democracy of these islands is not wholly rid of the shackles of feudalism.

<sup>1</sup> *Calendar of Patent Rolls, 1258-1266, p. 11.*



eisdem leti plurimum fuimus et gavisi, propter quod aliquem de nostris specialibus ad partes Angliae in proximo destinabimus ad videndum si dictis opera correspondeant.—Apud Sanctum Audoen.”<sup>1</sup>

Some time after this, perhaps in 1261, Darlington withdrew from court and retired to his convent in Holborn, of which he again became Prior. In 1262 Ivo de Mortlake, a London draper, granted some lands in that city to Father John de Derlington, Prior, and the Friars Preachers of Holborn. This was not a free grant; it was made in consideration of a sum of 100 marks of silver received by Mortlake from the Countess Ella of Warwick.<sup>2</sup> On May 17, 1263, the Prior and convent of St. Bartholomew (Canons Regular) quitclaimed to Father John de Derlington, Prior, and the Friars Preachers of London, four shillings yearly rent due to them from the tenement granted to the Dominicans by Ivo de Mortlake. This tenement, it is interesting to note, was situated “in suburbio London: in vico qui vocatur Solande, in parochia sancte Brigide.”<sup>3</sup>

Two months earlier—on March 19, 1263—the great Cardinal Hugh de St. Cher had passed to his heavenly reward. He had been the most ardent helper of Blessed Juliana of Cornillon in procuring the establishment of the festival of Corpus Christi.<sup>4</sup> A renowned Biblical scholar and theologian, he had been the first compiler of a Concordance to the Scriptures; and his work as we have seen, was enlarged and re-modelled by Darlington and his English brethren.

### GENERAL CHAPTER OF LONDON

Three days after the Canons Regular of St. Bartholomew had made their kindly concession to Darlington and his brethren, the General Chapter of the Dominican Order began its labours in London (May 20, 1263). It was Darlington's duty, as Prior of the Holborn community, to welcome the Capitular Fathers and afford them hospitality. Among his distinguished guests on this occasion was St. Thomas Aquinas, fresh from writing, or about to write, his sublime Office for the feast of Corpus Christi, which he had undertaken at the special request of Urban IV. He and Darlington had probably known each other in the old days at Paris, fifteen or sixteen years before. The ways of the two men had lain far apart in the intervening years.

<sup>1</sup> Rot. Claus. 44 Hen. III, p. 2, m. 2, dorso; Palmer, *Anglia Dominicana* IV. B. 276, at Haverstock Hill Priory.

<sup>2</sup> *Orig. Charters of the Duchy of Lancaster*, box A, No. 201, P.R.O.; Palmer, *Anglia Dom.*, IV. E. p. 9.

<sup>3</sup> *Orig. Charters*, ut supra, No. 203; Palmer, IV. E. 10.

<sup>4</sup> Mortier, *Histoire des Maîtres Généraux*, I. 651.

One had become a Saint, a world-renowned theologian, idolised in schools and universities, and revered by Popes and Cardinals. The other had become a Biblical scholar of repute, a Privy Councillor of England, a reformer of the State, and a trusted confidant of the King and the Prince Royal.

St. Thomas Aquinas was not the only salient figure in this London Chapter of 1263. Representative men of the Order were present from nearly every nation of Europe; and prominent among them was the venerable Dominican General, Blessed Humbert de Romanis, who presided over the deliberations of the assembly, and tendered his resignation at its close. Nine strenuous years at the helm of affairs had undermined his health; and, on his retirement, his brethren hastened to mark their appreciation of his splendid services by according him more than customary honours.<sup>1</sup> Various other personages were relieved of their functions on this occasion, the only ones specially named being the Provincial of Germany and the Prior of Drogheda. Permission was granted for the foundation of four new Priors in England and two in Ireland;<sup>2</sup> and it is significant that the years 1264 and 1267 witnessed the foundation of the Dominican Priors of Arklow and Rosbercon, respectively. The Priory of Trim had already been founded in 1263 by Geoffrey de Joinville, Lord of Meath and Vaucouleurs, Viceroy of Ireland from 1273 until 1276, and brother of the famous Sire de Joinville, the friend and biographer of St. Louis of France.

### THE BARONS' STRUGGLE—NEGOTIATIONS FOR PEACE

In less than four months after the conclusion of the Chapter, Darlington was again drawn into the vortex of State affairs. On July 4, 1263, the King signed a document at the Tower of London, giving "power to R[ichard Gravesend], Bishop of Lincoln, H[enry Sandwich], Bishop of London, and R[oger Longespée], Bishop of Coventry, Brother John de Derlington, and William de Wylton, to make peace with the barons touching the questions and contentions between the King and them about the constitutions and statutes made at Oxford."<sup>3</sup>

The negotiations resulted in a peace which was destined to be of brief duration. It was sanctioned by Henry III at Westminster on July 16 following: "Whereas the King lately gave power to Richard, Bishop of Lincoln, H. Bishop of London, R. Bishop of Coventry and Lichfield, [Walter Bronscomb], Bishop

<sup>1</sup> Mortier, *Histoire des Maîtres Généraux*, I. 651-663.

<sup>2</sup> Reichert, *Monumenta Ordinis FF. Praedicatorum*, III. 121.

<sup>3</sup> *Calendar of Patent Rolls*, 1258-1266, p. 268.



of Exeter Brother John de Derlington, and William de Wilton, to treat of peace between the King and his barons, touching the questions and contentions about the constitutions and statutes made at Oxford, and they, by authority of the King, granted to the said barons as follows: that the ordinances and statutes made at Oxford, and the oaths of the King and the magnates and all other persons of the realm of England which had been sworn, should be kept inviolably; that the state of the provisions in the original form being reformed as far as may be (*et statu providenciarum in pristina seisinâ prout poterit reformato*), afterwards, if anything in them should, by judgment of good men elected for this purpose by faithful men of the realm, be found prejudicial or harmful to the King and his realm, it should be entirely withdrawn; that any obscurities and things to be corrected should be made clear and corrected, security being provided for the perpetual observance of these and other things, to wit, such as are good and useful to the King and the realm; that the realm should henceforth be governed by natives, faithful and useful, under the King, and aliens should go forth, never to return, except those whom the faithful men of the realm in common will accept; the King grants that these things shall be observed, and renounces all things done or to be done by any courts or persons, whereby the effect of these presents could be impeded or deferred. In witness whereof, the King has procured the seal of his brother R[ichard], King of the Romans, with his own, to be attached to these presents."<sup>1</sup>

The terms of this settlement must have proved highly unpalatable to King Henry, who meant to observe them only so long as he might be forced to do so. He had sworn to observe the Provisions of Oxford; Alexander IV and Urban IV obligingly released him from his oath, and he repudiated the Provisions. On the present occasion, his doubly-sealed promise to abide by the Oxford reforms was a mere "scrap of paper," designed to be torn up at the first favourable opportunity. It is true that the barons, during their five years' nominal tenure of office, had effected little in the way of reform. They had expelled the aliens from the country; made peace with Wales, Scotland, and France; secured the lesser tenants from the oppression of their feudal lords; and dismissed a number of obnoxious placemen from public offices. Greater and more enduring results would have been attained if the barons in power had been willing to follow the leadership of Simon de Montfort, Earl of Leicester, son and namesake of the famous Count Simon de Montfort, who led the crusade against the Albigenses and was the fast friend of St. Dominic. Earl Simon was the most commanding figure among the party of liberal reform in England;

<sup>1</sup> *Calendar of Patent Rolls, 1238-1266*, pp. 269, 270.

but his efforts were largely frustrated by the Earl of Gloucester and his baronial adherents, who thought of little beyond the interests of their caste.

By December, 1263, the conflict between Henry and his barons had again reached an acute stage. On the feast of St. Lucy (December 13) the barons signed a formal document binding themselves to accept the decision of the King of France on all questions arising out of the Provisions of Oxford. On the following Sunday a similar instrument was signed at Westminster by the chiefs of the royalist party. John Darlington appears on this occasion, not as a partisan but simply as a witness. He was one of those who witnessed the drafting and signing of the document whereby Henry III and his party bound themselves to abide by the arbitration of St. Louis.<sup>1</sup>

On January 23, 1264, St. Louis announced his award, known as the Mise of Amiens. He annulled the Provisions of Oxford as derogatory to the Crown, but granted an amnesty to those who had upheld them. He affirmed the King's right to appoint his ministers and employ aliens, but added, that all liberties and privileges secured to the nation by charter or custom should remain intact. In effect, this award was an effort to restore Henry to his autocratic status of five years earlier. St. Louis was the justest of kings, but he could not forget that he was a king. In an age of absolutism there seemed to be something perilously revolutionary in the idea that a king should reign but not govern; that the actual functions of government, or many of them, should be exercised in his name by a council or cabinet composed of the chief men of the realm. No doubt, St. Louis was strongly impressed by the fact that two successive Popes had absolved Henry from his oath to observe the Provisions of Oxford. He may also have hoped that Henry's future administration would show that he had learned wisdom from experience. In any event, the award of Amiens was too one-sided in character to command respect. It was repudiated by the barons; and hostilities blazed forth afresh.

Darlington, meanwhile, pursued the even tenor of his way, aloof from alarms and excursions. He was still at Holborn Priory; and the only acts recorded of him in 1264 are acts of mercy. On February 5, the King issued from Boulogne a "pardon, at the instance of Brother John de Derlington, to Peter de Oulne for the death of Walter Bissop." On the following day Henry granted "pardon, at the instance of Brother John de Derlington, to Hugh Algar of Trowes for the death of Peter de Byskeley, and of his consequent abjuration of the realm."<sup>2</sup> Possibly these murders or manslaughters may have been episodes in the struggle between the royalist and baronial parties.

<sup>1</sup> Rymer, *Foedera*, I. 776-777.

<sup>2</sup> *Cal. of Pat. Rolls*, 1258-66, p. 379.



*THE KING'S TRIBUTE TO DARLINGTON*

Some eighteen months later (September 11, 1265), Henry III addressed an urgent missive to Father Robert de Kilwardby, Provincial of the Dominicans, commanding that Darlington should be directed forthwith to return to court. This letter, written by one who had ample opportunities of knowing Darlington's real worth, contains the finest and most notable tribute ever paid to his excellences of mind and character. The King attests that, during his former stay at court, Darlington had rendered himself amiable to all, and had endeared himself to royalty and nobility alike; that he had proved himself a man of great wisdom, prudent and far-seeing in arduous affairs of State; that he had been the King's principal instructor in sound doctrine, and had proved himself a faithful friend to his sovereign in time of distress and tribulation. His presence at court, the King added, was so necessary at that juncture for the King and realm, that he neither ought nor could be permitted to remain absent. The King, therefore, requests and orders Kilwardby to send Darlington a written command, enjoining him, in virtue of holy obedience, to render assistance to the King, as he was formerly accustomed to do. In this letter, King Henry, for the first time apparently, calls Darlington his "father," that is, his confessor; and the expression recurs frequently in subsequent mandates. The tone of the letter is very friendly, and even affectionate, towards Kilwardby and the Dominicans; but the King was obviously determined on securing Darlington's services at all costs, and with the least possible delay. The original text of the message may be cited here:

"*Henricus Dei gratia Rex Anglorum, Dominus Hiberniae et Dux Aquitaniae, Dilecto sibi in Christo fratri Roberto de Kilwardby, Priori Provinciali ordinis Praedicatorum in Anglia, salutem. Cum inter ceteros ordinis vestri fratres quorum praesentiam et familiaritatem diversis temporibus propter suorum exigenciam meritorum gratam habuimus et acceptam, karissimus nobis in Christo frater Johannes de Derlinton pater noster omnibus amabilem se exhibens, quem tanquam providum et circumspexit in arduis regni nostri negociis, magni consilii virum, et doctrine salutaris precipuum instructorem, et in tempore necessitatis et tribulacionis amicum fidelem invenimus, nobis et eidem regno adeo sit necessarius hiis diebus quod ipsius presentia, qui in oculis nostris, procerum et magnatum nostrorum multiformis gratie favorem optinere dinoscitur, nulla ratione carere possumus nec debemus: vos requirimus et rogamus, affectione qua possumus ampliori, quatinus dicto confratri vestro modis omnibus in virtute obediencie litteratorie*

injungatis, ut nobis assistat sicut prius facere consuevit, propter quod vobis et ordini vestro majoris dilectionis vinculo forcius astringamur. Et quid in hac parte duxeritis faciendum, et ne per defectum vestri ulterius pro his licencia optinenda nuncios nostros oporteat . . . nobis per latorem presencium sine omni dilacione rescribatis. Teste me ipso apud Wherewell. xi die Septembris anno regni nostri XLIX." <sup>1</sup>

Darlington's return to court was followed by some small concessions to his Order. On November 20, 1265, he obtained a royal licence for the erection of a Dominican Priory at Bam-borough; this was followed on November 26 by the King's grant of a message to the Dominicans of Ipswich. Both grants were signed at Westminster, and are thus summarised: "Grant, at the instance of Brother John de Derlington, the King's father (*patris*), to the Friars Preachers of the realm that when they obtain a place in Bam-borough, they may build for themselves suitable houses and dwelling-places (*habitalia*) therein." <sup>2</sup> This was rather an empty favour; the next was less unworthy of a king: "Grant, at the instance of Brother John Derlington, the King's father, to the Friars Preachers of Ipswich, of that mes-suage, late of Hugh son of Gerard de Langeston in Ipswich, which the said Hugh gave to the King by charter; to hold in frank almon in augmentation of their area." <sup>3</sup>

### PARDONS, EXEMPTIONS, *Etc.*

In 1266 quite a number of murderers, or alleged murderers, owed their lives to Darlington. Probably he was convinced of the innocence of these poor people, and merely used his influence to save them from the bloody jurisprudence of the time. The judges of the period paid little heed to the distinction between principals and accessories in crime. As we have seen, nineteen persons were executed (eighteen of them for refusing to plead) on account of the crucifixion of little Hugh of Lincoln, while a great many others were imprisoned for the same offence. Besides saving a number of people from the gallows, Darlington obtained pardons or favours for a number of others as well. The entries, with their respective dates, may be set down in order:

1266. January 6. Northampton.—"Pardon at the instance

<sup>1</sup> *Royal Letters*, etc. (Chancery) No. 429, P.R.O.; Palmer, *Anglia Dom.*, IV. B. p. 1. The sentence beginning "Et quid" is obviously corrupt, but its meaning is tolerably clear. The King's messengers must not be kept waiting for the desired permission through Kilwardby's fault; and the latter must send a written reply by the bearer, stating what he means to do.

<sup>2</sup> *Calendar of Patent Rolls*, 1258-1266, p. 508.

<sup>3</sup> *Ibid.* p. 514.



of Brother John de Derlington, to Benedict Tragaer for [omitted]."<sup>1</sup>

1266. February 18. Westminster.—"The like [pardon] at the instance of Brother John de Derlinton, to Robert son of Philip le Tayllur of Berkhamstede of the King's suit for the death of Richard son of Gilbert de la Chambre.—The like, at the like instance, to Philip le Tayllur of Berkhamstede and Agnes his wife for the same death."<sup>2</sup>

1266. February 20. Westminster.—"The like [remission] at the instance of Brother John de Derlington, to John de Lullington of the King's indignation and rancour of mind because he adhered to Simon de Monteforti, Earl of Leicester, and his favourers; and the King is unwilling that he be molested in his person or possessions."<sup>3</sup>

1266. April 23. Westminster.—"Pardon, at the instance of Brother John de Derlington, to John de Henia, clerk, for breaking the prison of Colecestre and escaping therefrom."<sup>4</sup>

1266. June 10. Northampton.—"Simple protection for one year, at the instance of Brother John de Derlington, for Robert de Novary."<sup>5</sup>

1266. August 6. Kenilworth.—"Exemption for life, at the instance of John de Derlington, of Walter de Barber, from being put on assizes, juries, or recognitions, and from being made sheriff, &c."<sup>6</sup>

1266. September 11. Kenilworth.—"Pardon, at the instance of Brother John de Derlinton, to Geraud Trossin of Ypres for the death of Robert Torold of Len.—Pardon, at the instance of Brother John de Derlinton, to Peter de Faucumberg of St. Omer for the death of Robert Torold of Len."<sup>7</sup>

1266. October 7. Kenilworth.—"Pardon, at the instance of Brother John de Derlington, to Walter atte Cherich for the death of Henry Bossard."<sup>8</sup>

1266. November 9. Kenilworth.—"Pardon, at the instance of Brother John de Derlinton, to William, son of Hugh de Ripon, for the death of Robert de Ripon, clerk."<sup>9</sup>

### PAWNING THE CROWN JEWELS—FURTHER EXEMPTIONS

The year 1267 is marked by only two incidents in which Darlington was concerned, but they are incidents of a curious and exceptional nature. On March 4, King Henry signed a document at Cambridge, giving "power to W[alter] Giffard]

<sup>1</sup> *Calendar of Patent Rolls, 1258-1266*, p. 526.    <sup>2</sup> *Ibid.* p. 557.

<sup>3</sup> *Ibid.* p. 558.    <sup>4</sup> *Ibid.* p. 578.

<sup>6</sup> *Ibid.* p. 623.

<sup>7</sup> *Ibid.* p. 637.

<sup>5</sup> *Ibid.* p. 604.

<sup>8</sup> *Ibid.* p. 645.

<sup>9</sup> *Ibid.* 1266-1272, p. 6.

elect of York, and Brother John de Derlinton to receive the King's jewels, which are in the keeping of Nicholas de Leukenor and Peter de Winton, keepers of the wardrobe, for the purpose of pawning, or, if necessary, selling them, or ordering otherwise with respect to them to the King's advantage, as the King has certain arduous business to do for which he needs money, and he wills that this business shall not go undone for want of money; with mandate to the said keepers to deliver them.—By K[ing] and the whole C[ouncil]."<sup>1</sup>

This episode, of a King and his entire Council giving orders for the pawning or sale of the royal jewels, is sufficiently rare in history. Assuredly, Henry III must have been in dire straits for money ere he consented to adopt this desperate measure. What the nature of his arduous and costly business may have been it were, perhaps, vain to inquire. The barons had been overthrown and the gallant de Montfort slain, at the battle of Evesham in 1265. The Dictum de Kenilworth and the subsequent fall of Kenilworth Castle, had practically restored peace to the nation in 1266. An undaunted garrison still held the Isle of Ely in defiance of the King; and the conquest of this daring and determined remnant may have been the "arduous business" for which Henry—who was then notoriously in want of money—made preparation by the ultimate expedient of pawning or selling his royal jewels. In any case, the fact that Darlington and the new Archbishop of York were the persons specially entrusted with this delicate and highly important transaction shows the extraordinary confidence in which Darlington was held by Henry III and his Council.

Eight months later Darlington secured a life exemption from public duties for a Winchester man; and the formal record of the affair fairly bristles with medieval terminology. At Winchester, on November 8, 1267, Henry III signed an "exemption for life, at the instance of Brother John de Derlinton, of John de Anne, of Winchester, from being put on assizes, juries, or recognitions, and from being made sheriff, coroner, escheator, forester, verderer, agister, regarder, mayor, reeve, keeper of the King's wines, or other bailiff, against his will; and from being distrained for any debt whereof he is not surety or principal debtor, or for any injury except for his own."<sup>2</sup>

We shall presently find Darlington performing a similar service for other Englishmen who were eager for exemption from public duties; whence we may infer that such duties were distinctly unpopular among many Englishmen of the period. In our own time citizens are disposed to grumble when summoned to serve as jurors; and the citizens of nearly seven

<sup>1</sup> *Calendar of Patent Rolls, 1266-1272*, p. 43.

<sup>2</sup> *Ibid.* p. 165.



centuries ago are hardly to be blamed for their dislike of public offices which were sometimes odious or onerous and seldom agreeable. Be this as it may, a word of explanation may be necessary as to the duties from which the Winchester man was excused for life, at Darlington's request.

The nature of *recognitions* may be inferred from the legal definition of "recognitors." These were "the jury impannelled in an assize, so called because they acknowledged a disseisin by their verdict." An *escheator* was "an officer anciently appointed by the lord treasurer, etc., in every county, to make inquests of titles by escheat, which inquests were to be taken by good and lawful men of the county, impannelled by the sheriff." A *verderer* or *verderor* is described as "an officer in the royal forest, whose office is properly to look to the vert, and see it well maintained; and he is sworn to keep the assize of the forest, and view, receive, and enrol the attachments, and presentments of trespasses of vert and venison, etc." *Vert*, otherwise called *greenhue*, means "everything that bears a green leaf within the forest that may cover a deer; but especially great and thick coverts."

The verderors seem to have found plenty of occupation in the *Forest Courts* of the period. The highest of these was the "Court of *justice-seat*, held before the chief itinerant judge, or his deputy, to hear and determine all trespasses within the forest, and claims of franchise, etc., therein arising." Apart from this superior court, three minor tribunals were appointed to deal with offences against the forest laws. "The Court of *attachments*, *wood-mote*, or forty days' court, was held before the verderors of the forest once in every forty days, to inquire into all offences against vert and venison. The Court of *reward*, or survey of dogs, held every third year, for the expeditation of mastiffs. The Court of *sweinnote*, held before the verderor thrice in every year, the sweins or freeholders within the forest composing the jury. It inquired into the oppressions and grievances committed by the officers of the forest, and tried presentments certified from the Court of attachments against offences in vert and venison. . . . Since the Revolution in 1688, the forest laws have fallen into total disuse."

Three other officials remain to be accounted for. The *reeve*, of course, was a steward or bailiff. An *agister*, apparently, was a sort of ranger who took in and fed strangers' cattle in the Royal Forest, and collected the money due for the same. Finally, a *regarder of the forest* was an "ancient officer of the forest, whose duty it was to take a view of the forest hunts, and to inquire concerning trespasses, offences, etc."<sup>1</sup>

In 1268 Darlington figures in a few transactions of minor

<sup>1</sup> See Wharton's *Law Lexicon*, under the various terms here italicised.

importance. The bailiffs of London had purchased something for him by royal precept, and the Barons of the Exchequer were enjoined, on July 22, to allow them the ten marks which they had thus expended.<sup>1</sup> His good-natured services were again requisitioned by people who desired exemptions of one kind or other, with the result that he secured two such favours in the course of the year. These present no special feature of interest or difficulty, and may be cited as they stand :

1268. July 15. Woodstock.—“Exemption for life, at the instance of Brother John de Derlinton, of Henry Berd from being put on assizes, juries, or recognitions, and from being made sheriff, etc., against his will.”<sup>2</sup>

1268. August 18. Lincoln.—“Exemption during pleasure, at the instance of Brother John de Derlinton, of Thomas de Wodehay, King’s servant, and his tenants, from paying murage on goods going for sale to the town of Grimesby ; with mandate to the mayor, bailiffs, and good men not to molest them contrary to this grant.”<sup>3</sup>

On the Sunday after September 6, 1268, Darlington figured among a group of notabilities assembled at York, to witness a covenant between two magnates of the realm, touching a division of lands in Westmoreland : “In 52 Henry III, on Sunday after the Nativity of the Blessed Mary, at York, before Walter [Giffard], Archbishop of York ; Master Godfrey Giffard [Bishop] elect of Worcester ; Roger de Veer, Prior of the Hospital of St. John of Jerusalem in England ; Brother John de Derlyngton, Sir Hamo Lestrangle, Master Richard de Clifford, and many others, it was covenanted between Sirs Roger de Clifford and Roger de Leyburn, guardians of the lands and heirs of Robert de Veteri Ponte, concerning the partition of the lands of the said Robert in Westmoreland, as follows,” etc.<sup>4</sup> Then follows a long agreement, the details of which are of interest only to genealogists.

### A MORTGAGE ON MARRIAGES

Darlington seemed fated for strange commissions. Exactly two years ago, he was authorised to pawn the King’s jewels ; now he was empowered to sell marriages, in order to release the jewels. On March 4, 1269, Henry III gave “power to Robert Walerand, Robert Aguilon, and Brother John de

<sup>1</sup> Palmer, *Anglia Dominicana*, III. pp. 115, 116, in Haverstock Hill Priory.

<sup>2</sup> *Calendar of Patent Rolls*, 1266-1272, p. 245.

<sup>3</sup> *Ibid.* p. 452. According to Wharton, *murage* was “money paid to keep walls in repair.”

<sup>4</sup> *Ibid.* p. 290.



Derlington to sell the marriage of the heir of Henry de Hastings, who held in chief, if it happen that the said heir, because of consanguinity, cannot be married to one of the daughters of William de Valencia, the King's brother; and also that which pertains to the King of the marriage of the sometime wife of the said Henry; and also the wardship of the stewardship of St. Edmund's, which the said Henry held in chief; as shall be most to the King's advantage, for the ransom of the King's jewels pledged beyond seas."<sup>1</sup>

It is clear that Henry III favoured the idea of a union between one of his own nieces and the heir of the house of Hastings. In case that pleasant little scheme should fail, he was determined on extracting as much as he could from the Hastings property. The feudal system, always fertile in expedients for enabling the strong to oppress the weak, supplied the King in the present instance with ample means of extorting money. If the heir should resolve to choose his own bride he would be compelled to pay a heavy fine to the King for permission to marry. In like manner, he would have to pay another large fine for licence to assume the stewardship of St. Edmund's on attaining his majority. His mother, also, or step-mother, would be obliged to pay a considerable fine for licence to marry again. It would seem, however, that while Henry, as usual, was in grievous need of ready money, the heir of Hastings was still young, and would neither marry nor come of age for a number of years. The King, therefore, conceived the idea of farming out the prospective fines which his young vassal and the dowager Lady Hastings would have to pay. Their enormous amount may be gauged from the fact that, by selling them in advance, Henry hoped to realise sufficient money for the ransom of the Crown jewels.

It rather lowers our idea of Darlington to find him mixed up, innocently perhaps, in this sordid and grasping business. In feudal times, especially, it was next to impossible for an ecclesiastic to be at once a courtier and an honourable Christian. Darlington's position at court was assuredly not of his own seeking; and he must have chafed at many things which came under his notice, and at many services which he was required to perform. Still, it must be remembered that the feudal system and its usages must have seemed to medieval minds as natural and inevitable as the customs of the twentieth century seem to ourselves.

<sup>1</sup> *Calendar of Patent Rolls, 1266-1272*, p. 323. In feudal times, *tenants in chief* were "persons who held their lands immediately under the King (*in capite*), in right of his crown and dignity" (Wharton, *Law Lexicon*, s.v. "Tenants in Chief"). Henry de Hastings, a member of the higher nobility of the realm, held his lands immediately under the King, and was technically a "tenant in chief."

## FURTHER FAVOURS—VACANCY IN DUBLIN

In this year also Darlington was successful in obtaining civic or military dispensations for persons who had invoked his aid. The records may be cited as they occur:

1269. May 10. Windsor.—“Exempt on for life, at the instance of Brother John de Derlington, of Robert de Hippleswell from being put on assizes, juries, or recognitions, and from being made sheriff, etc., against his will.”<sup>1</sup>

1269. October 7.—“Grant, at the instance of Brother John de Derlington, to Adam de Sancto Manefedo, that for one year from St. Denys he shall not be distrained to take the arms of a knight against his will.”<sup>2</sup>

Adam was obviously a man for whom militarism held no attractions. Meanwhile, it would seem that Darlington had been introduced to a function which must have been abhorrent to a man of his genial and scholarly character, namely, that of tenth-collector. Under date of July 19, 1269, we find recorded at Westminster an “acknowledgment that Master Walter Scamel, treasurer of Salisbury, rendered account before Brother John de Derlington and Peter de Wyntonia of the following sums of the tenth collected in the following dioceses of the province of Canterbury, to wit, from Worcester, £20; Bath and Wells, £79 15s. 1d.; £10 received from the proctor of Boniface de Foliano; from Winchester, £40 10s.; from Exeter, £69 16s. 8d.; and from Chichester, £12 11s. 4½d.; and that the said money was paid.”<sup>3</sup>

This, apparently, was Darlington's first experience of an office which was to be conferred upon him, five years later, and which was destined to keep him in an earthly purgatory to the end of his days. Before the close of the year, he received two gifts from Henry III. On the Friday after the Assumption, in 1269, King Henry signed at Lincoln an order for a royal gift of £12 to Brother John de Derlington.<sup>4</sup> This was equivalent to about £144 in modern currency—not a princely salary for a trusted Privy Councillor and confessor to royalty. In November following, though the year is somewhat doubtful, we find an “acknowledgment that John le Fauconer, King's clerk, keeper of the hanaper, delivered by order of the King . . . [from] the issues of the said hanaper in the fifty-third year, to wit, on Friday, the feast of St. Clement the Pope, in Winchester, to John de Derlington, £7 6s. 8d., to the use of the Friars Preachers

<sup>1</sup> *Calendar of Patent Rolls, 1266-1272*, p. 339.

<sup>2</sup> *Ibid.* p. 368.

<sup>3</sup> *Ibid.* p. 356.

<sup>4</sup> *Ibid.* p. 320.



of Winchester."<sup>1</sup> Then follows an enumeration of other gifts to various parties.

During the next two years we learn practically nothing of Darlington's activities. Meanwhile, events were happening of which he was probably unaware, but which were destined to secure him a place among Irish Dominican prelates. The year 1270 is an absolute blank, so far as Darlington is concerned; though the blank may possibly be filled up later, when the *Close Rolls of Henry III* are published in their entirety. On May 6, 1271, the see of Dublin became vacant by the death of Fulk de Saunford, one of the inevitable Englishmen to whose spiritual care the colonial capital was entrusted. On June 13 following, Henry III calmly arranged that the revenues of the archdiocese should be applied, not to the upkeep of churches and the support of charitable institutions, but to defraying the expenses of his son's campaign in the Holy Land:

"The see of Dublin being vacant by the death of Fulk de Saunford, late Archbishop thereof, the King had granted to Edward, his eldest son, to defray his expenses in the Holy Land, all the issues of that see, saving the King knights' fees, wards, reliefs, and escheats, advowsons of abbeys, priories, dignities, and churches. Mandate to William de Bakepuz, the King's escheator of Ireland, not to meddle with the custody of the see, but to allow Edward's substitutes to have the issues, provided that fees, wards, reliefs, escheats, advowsons of abbeys, priories, dignities, and prebends, be safely kept for the use of the King."<sup>2</sup>

Six weeks later (July 29, 1271), an abortive election was held in Dublin. The Prior and Convent of Holy Trinity (Christ Church), and the Dean and Chapter of St. Patrick's, disputed the right of appointing an archbishop in Saunford's place; each party ended by electing a candidate of its own. This brought on a wearisome controversy, which lasted for eight years between the two elective bodies, and ultimately led to Darlington's appointment by papal provision.

### MORE PARDONS AND EXEMPTIONS

Meanwhile, in the records of 1271 and 1272, Darlington figures chiefly as a kind-hearted mediator, eager to obtain pardons and exemptions for those who sought his assistance. The entries may be quoted in order:

1271. September 3. Merton.—"Exemption for life of Roger de Tingewik from being put on assizes, juries, or recognitions,

<sup>1</sup> *Calendar of Patent Rolls, 1266-1272*, pp. 403, 404. Friday, the Feast of St. Clement, in 53 Hen. III. would be Friday, Nov. 23, 1268.

<sup>2</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 154.

and from being made sheriff, etc., against his will. At the instance of Brother John de Derlington."<sup>1</sup>

1272. January 28. Tower of London.—"Exemption for life, at the instance of friar John de Derlington, to Laurence de Anne of Winchester from being put on assizes, juries, or recognitions, and from being made, etc., against his will. Grant also that he shall not be distrained for any debt whereof he is not surety or principal debtor, or for any injury except for his own."<sup>2</sup>

1272. April 12. Westminster.—"Pardon, at the instance of Brother John de Derlington, to Richard Graffard, of the King's suit for the death of William Pidde."<sup>3</sup>

1272. August 28. Havering atte Bower.—"Quittance for five years, at the instance of Brother John de Derlington, of Hamo Box, citizen of London, in consideration of his losses as well in the time of the disturbance in the realm as afterwards, from all the King's tallages and prises in that city and elsewhere, except the right prises, and on condition that he do the other due and right customs in respect of his merchandise; and protection for him."<sup>4</sup>

Tallages and prises were feudal devices for exacting money from the people, ostensibly for the King's use, or by his permission. *Tallage* or *talliage* was "a term used to denote subsidies, taxes, or customs, and, indeed, any imposition whatever by the government for the purpose of raising a revenue." The term was also applied to "a tax upon cities, townships, and boroughs, granted to the King as a part of the royal revenue. . . . The King could permit his boroughs to tallage themselves. The great men of London purchased charters exempting them from tallages, and the whole weight of the burden was thrown on the small folk. 'Not just once, twice, thrice, or four times have the mayor and aldermen set tallages upon us without special command of the King, or the assent and consent of the whole community; they have spared the rich and distrained the poor, to the disherison of the King and the destruction of the city.' Tallages were "arbitrarily exacted, without the consent of parliament, until the right was surrendered by Edward I."<sup>5</sup>

A *prise* or *prize* was "a tax or tariff formerly levied on merchandise in English cities and towns for the benefit of the crown."<sup>6</sup> *Prisage* is defined as "an ancient duty or right of the crown of one-tenth of the amount of wine carried by the

<sup>1</sup> *Calendar of Patent Rolls, 1266-1272*, p. 573.

<sup>2</sup> *Ibid.* p. 620. A similar grant, as we have seen, was made to John de Anne of Winchester, doubtless a relative of the present beneficiary, on November 28, 1267.

<sup>3</sup> *Calendar of Patent Rolls, 1266-1272*, p. 643.

<sup>4</sup> *Ibid.* p. 674.

<sup>5</sup> Bouvier, *Law Dictionary*, 1914 edit., p. 3219.

<sup>6</sup> *Standard Dictionary*, s.v. "Prize."



ships of merchants, aliens, or denizens.”<sup>1</sup> The prisage of wines in Ireland was one of the privileges of the Butlers, whose ancestor, Theobald Walter, had accompanied Henry II on his Irish expedition and received from that monarch large grants of other people’s lands in Leinster and Munster. He was also appointed to the hereditary office of king’s butler, whose duty it was to assist at the coronation, present the first cup of wine to the king, and receive in return certain pieces of royal plate. To this butler or “Botiller” and his descendants, Henry II appropriately granted the prisage of wines, whereby they became entitled to demand two tuns of wine from every vessel, laden with eighteen tuns, which broke bulk in any port of Ireland subject to the English; and they were allowed a proportionate quantity from smaller shipments. But the king was not wholly oblivious of his own interests,—the Butlers were obliged to pay £2 (or about £24 in modern money) for every two tuns which they exacted from the shippers.<sup>2</sup> It is merely one instance of the manner in which kings and nobles plundered the democracy, and shared the spoils among themselves. The small folk fared ill in feudal times; they were fleeced and oppressed by the privileged classes. It was no wonder that a plain citizen, like Hamo Box of London, should desire exemption from the oppressive prises and tallages of the time. He was fortunate in securing the influential aid of Darlington.

On October 25, 1272, Darlington witnessed a grant which he may have helped to obtain, and which was meant to save a certain abbey from the rapacity of the King’s officials:

“Grant for this turn to the Prior and Convent of Bec Hellouin, for a fine of 300 marks, of the keeping of their abbey whenever it shall fall void by cession or decease of John their Abbot, so that they shall receive all the issues, as well in tallages of their men as in lands and other things which could belong to the King if the abbey remained in his hands. No bailiff or other person on behalf of the King shall intermeddle in the said keeping, so as to impede their free administration of its goods; saving to the King knights’ fees, advowsons of churches, wards, reliefs, and escheats.—And be it known that although the last saving clause is contained in the writ according to the custom of the court, the King of his special grace has nevertheless granted to the Prior and Convent the said fees, advowsons, wards, reliefs, and escheats falling in during the said voidance, so that he will take nothing thereof.

“By K[ing]; R . . . ; R. Burnel, Thedisius de Camilla, Brother J. de Derlington, Ellis de Rabain, and P. de Champvent.”<sup>3</sup>

<sup>1</sup> Bouvier, *Law Dictionary*, p. 2707.

<sup>2</sup> Gilbert, *Viceroy of Ireland*, pp. 169, 170, 538.

<sup>3</sup> *Calendar of Patent Rolls, 1266-1272*, p. 684.

This concession gives us a startling glimpse of the manner in which the Church was plundered in feudal times. Here we find these monks paying a sum equivalent to about £2,400 in modern currency, for the privilege of saving their property from seizure, and their revenues from confiscation, during the approaching vacancy. If the monastic lands and other sources of income were "taken into the King's hand," in the ordinary feudal fashion, after the demise or demission of the Abbot, it is only natural to infer that the community would have lost much more than £2,400. In those days the death of an abbot or a bishop was a heavy financial misfortune for the monastery or the diocese.

This was the last grant with which Darlington was identified in the reign of Henry III. It was also, apparently, the last concession which Darlington helped to obtain from an English king. On November 16, 1272, Henry III passed to his account at the age of sixty-five, after spending fifty-six memorable years on the throne of England; and from November 20 following, Edward I, surnamed Longshanks, reigned in his stead. Especially in the later years of Henry's reign, Darlington could gain any favours he pleased from the old King. To his credit it must be said that the grants which he asked or accepted, for himself or for his Order, were singularly few. On the other hand, many hapless persons whose lives were in jeopardy, or who desired exemption from odious imposts or duties scarcely less odious, owed a lasting debt of gratitude to John Darlington, in whom they had found a sterling friend.

His affectionate loyalty and friendship had been given to the old King; and Henry III, with all his faults, had placed implicit confidence in Darlington's loyalty, and cordially reciprocated his friendship. Towards the new King, by whom he was respected and trusted, Darlington's attitude was to be notably different. He would serve Edward I faithfully and loyally, as a good subject should, but would seek no favours at his hands. During the remaining twelve years of his life, his relations with the new monarch were to be strictly official. There is no record of his having requested or accepted a solitary favour from Edward I during those twelve years.

#### ACCESSION OF EDWARD I—PROTEST REGARDING KILWARDBY

Father Palmer affirms that, after the accession of Edward I, Darlington continued in office as King's confessor.<sup>1</sup> I have not chanced to meet with any confirmation of this statement; but

<sup>1</sup> Palmer, *Anglia Dom.*, III. pp. 115, 116, at Haverstock Hill Priory.



if Darlington retained his office under the new monarch, I suspect that his duties must have been mainly of a nominal and honorary character. It is significant that we no longer find him styled *pater regis* in the State Papers. In any case, his new and onerous duties as collector of papal money would leave him little time for the direction of the royal conscience.

Be this as it may, Darlington was one of the "discreet men," in whose presence a formal protest was made on behalf of the King, against the papal provision of Father Robert de Kilwardby, O.P., to the primatial see of Canterbury. To Kilwardby in person the King had no objection; his grievance was that the Pope had ignored what the King chose to regard as his rights in the matter. The King had given his *congé d'élire*, and a valid election had been held in due canonical form; but the Sovereign Pontiff set aside the candidate thus regularly elected, and appointed Kilwardby in his stead. Edward I was at this time absent from the kingdom, but he had done his utmost to secure the elevation of his nominee, Robert Burnell, to the premier diocese of England; Burnell's election had been disregarded by the Holy See, to the disappointment and chagrin of his royal patron. On King Edward's behalf a public protest was entered against Kilwardby's promotion, in presence of Kilwardby himself, at St. Stephen's Chapel, Westminster, on December 12, 1272. The formal record of this proceeding is as follows:

"Whereas the cathedral churches in England that are void (*viduatis*) ought to be provided for of right, and are wont to be provided for, by canonical election, to be made principally by the colleges, chapters, and persons to whom the right of election pertains, after they have sought and obtained the king's licence therefor; and after the election have been celebrated, the person elected has to be presented to the king, so that the king may propound against him anything reasonable that he may have to propound; it seems to the king and his council that prejudice would be done to him and to the church of Canterbury, whereof he is patron and defender, in this behalf, especially if the matter were drawn into an example in other churches of England, if the pope should assume to himself the power of providing for that church, these things being omitted in this case, when no wrong (*peccatum*) has been found either in the matter or form of the election, and none is expressed in his letters; wherefore, in order that the Roman church shall not proceed to such provisions henceforth, and so that if it do proceed to them, no prejudice shall arise to the king thereby, so that he shall be bound to render the temporalities of any cathedral church thus provided, the king at present grants to you, the elect of Canterbury, the temporalities of Canterbury

by special favour; and I, Itherius Bochari, the king's clerk, protest in the king's name, that the grant of temporalities made in like case to Nicholas [of Ely], bishop of Winchester, but with a protest, which is now repeated in your person, shall not be drawn into a custom or example in future times.

"This protest was made and read at Westminster, in the chapel of St. Stephen, on Monday, the eve of St. Lucy, in the presence of Brother Robert de Kilwardby, elect of Canterbury; there being also present and specially summoned for the purpose W[alter Bronscomb], bishop of Exeter; Sir W. de Merton, the chancellor; Master John de Chishull, dean of St. Paul's, London; R. Burnell, archdeacon of York; Hervey de Borham; Brother John de Derlington; Master William de Cornera; John de Kirkeby; William de Sahan; John de Shamelesford, monk of Canterbury; and many others, in the year 1272."<sup>1</sup>

Kilwardby's consecration took place on February 26, 1273; and he officiated at the coronation of Edward I some eighteen months later. "Received with open arms by his subjects, he [Edward I] was crowned at Westminster on August 19 [1274], by the new Archbishop of Canterbury, Robert Kilwardby, philosopher, theologian, and Dominican friar, whom Gregory X had placed over the church of Canterbury, despite the vigorous efforts which Edward made to secure the primacy for Robert Burnell.<sup>2</sup> . . . In the earlier years of his reign Edward was luckier in his relations to the popes than to his own archbishops. But he found that his power at Rome broke down just where he wanted to exercise it most. He was disgusted to find how little influence he had in the selection of the Archbishops of Canterbury. Gregory X sent to Canterbury the Dominican Robert Kilwardby, the first mendicant to hold high place in the English Church. Kilwardby was translated in 1278 to the cardinal bishopric of Porto, a post of greater dignity, but less emolument and power, than the English archbishopric. A cardinal bishop was bound to reside at Rome, and the real motive for this doubtful promotion was the desire to remove Kilwardby from England and to send a more active man in his place."<sup>3</sup>

<sup>1</sup> *Calendar of Close Rolls, 1272-1279*, p. 39.

<sup>2</sup> Burnell became Bishop of Bath in 1275 and died in 1292. In 1278 the King made another fruitless effort to place him in the see of Canterbury. Curiously enough, Burnell was one of the persons convened in 1272 to witness the King's protest against the Pope's action. Face to face with his successful rival, the rejected Burnell must have listened with mingled feelings to the royal protest.

<sup>3</sup> Prof. Tout, *Political History of England, 1216-1377*, pp. 143, 150.



## WALTHAM ABBEY—COUNCIL OF LYONS

Towards the close of 1273 Darlington's services were requisitioned by Gregory X on behalf of Waltham Abbey. On December 3 of that year the Pope addressed a mandate from Lyons to "Master Raymund de Nogerii, papal chaplain and nuncio in England. The Pope hears that Waltham Abbey is oppressed by debt since the election of Richard de Heregens, one of the canons, three years ago, who died at Bologna, on his way to the Holy See for benediction, and fears that the monastery may suffer on account of the voidance. If the prior and convent have elected an abbot before this letter reaches him, he is to confirm the election; if not, he is to fix a time for it, and then confirm it. If the election is not canonical, or an unfit person is elected, he is to annul it, and with the counsel and assent of the archbishop of Canterbury, the guardian of the Friars Minors, and John de Derlinton, a Friar Preacher, of London, or any two of them, to appoint a member of the monastery, if any be fit; if not, some one of the order, receiving from him the oath of fealty to the Roman Church."<sup>1</sup>

While this mandate sped on its way to England, information reached the Pope that a contested election had taken place at Waltham Abbey. On December 21, therefore, Gregory X issued a fresh "mandate to the archbishop of Canterbury, the bishop of Winchester, and Master Raymund de Nogerii, papal chaplain and nuncio in England. On the statement of the prior and convent of the Holy Cross, Waltham, that on the election of Richard de Heregens certain canons making opposition, put the monastery to great expense, it was agreed by thirty-six of their number to nominate two of the canons, and to pray the Pope to appoint one of them. When the votes were taken, the prior and thirty canons chose Reginald de Maydenethe, the cellarer, and seventeen others Richard, the sub-prior. The Pope, knowing nothing of either of them, desires the above, or two of them, to choose one of those named, or if neither be fit, to appoint another of the convent or order."<sup>2</sup>

From Orvieto, under date of April 13, 1273, Gregory X issued an "intimation of the council to be held at Lyons, and mandate to the archbishops of York, Canterbury, Dublin, Cashel, Tuam, Armagh, their suffragans, and other prelates to attend it."<sup>3</sup> He likewise addressed "letters to the Kings of

<sup>1</sup> *Calendar of Papal Registers*, I. 445. Darlington little dreamt, at this time, that he was to receive consecration in Waltham Abbey, six years later.

<sup>2</sup> *Ibid.* pp. 445, 446.

<sup>3</sup> The Irish Dominican prelates at this date were O'Lee of Killala, O'Connor of Elphin, and O'Scoba of Raphoe. The latter died at Lyons shortly before the opening of the Council.

England, Scotland, and other countries, announcing the council, and inviting them to attend it." In a letter from Lyons, on the first of December following, the Pope expresses his surprise on hearing that the English monarch "has fixed his coronation at the same time as the general council, where his presence would be desirable on account of his knowledge of the Holy Land, and also that of the English prelates. He solicits him, therefore, to hasten or postpone his coronation."<sup>1</sup>

Edward I did not attend the Council—indeed, the only royal personage present was the old King of Aragon—but the English Church was duly represented. In this Council it was ordained that one-tenth of the annual revenues of all ecclesiastical benefices and foundations, except orphanages and hospitals, should be set aside for six consecutive years, towards the expenses of a new crusade for the recovery of the Holy Land from the Moslems.<sup>2</sup> This measure was destined to have a far-reaching effect upon Darlington's career.

#### *CRUSADE COLLECTIONS—DARLINGTON AS COLLECTOR*

Some months after the close of the Council, Gregory X issued (September 17, 1274) a "commission to the archbishop of York and the bishops of his province, in furtherance of the crusade, to apply indulgences and protect those who take the cross, ordering usurers to desist from exacting further interest, and in all cases to proceed with zeal and prudence. Where it can be done, a fifth part of tithes is to be remitted, and the remainder applied to the Holy Land subsidy. The hundredth of church revenues for the Holy Land, which in certain cases was remitted, is to be collected, and also legacies and obventions are to be deposited with those who have charge of the Holy Land subsidy. Vows may be commuted and redeemed. Those who within three years labour for this business are to enjoy the immunity and privileges granted to those who join the crusade."<sup>3</sup>

Similar commissions were addressed on this occasion to the Archbishops of Canterbury, Cashel, Tuam, Dublin, Armagh, and the bishops of their respective provinces, as well as to other prelates in all parts of Europe. Three days later (September 20), the collectors were appointed. Master Raymund de Nogeris and John Darlington were named Apostolic Collectors for England; the Italian, Bishop John

<sup>1</sup> *Calendar of Papal Registers*, I. 446.

<sup>2</sup> Hefele-Leclercq, *Histoire des Conciles*, tome VI, première partie, pp. 168, 169.

<sup>3</sup> *Calendar of Papal Registers*, I. 449.



of Clonfert, filled a like office in Ireland; while another Italian, in the person of Master Baiamund de Vitia, Canon of Asti, was authorised to collect in Scotland. It would henceforth be the duty of these ecclesiastics to collect "the Holy Land tenth granted by the Council of Lyons, for six years from the late feast of the Nativity of St. John Baptist, employing deputy collectors, who shall take an oath to receive and pay over what is due." A sum of 3s. per day was allowed for Master Baiamund's expenses, and other collectors were doubtless remunerated on a similar scale.<sup>1</sup>

Three months after his appointment to the uncongenial office of collector, Darlington was empowered, in conjunction with Archbishop Kilwardby and the provincial of the English Dominicans,<sup>2</sup> to found two convents at Sandford or Newtown, in Berkshire. This new commission was signed by Gregory X, at Lyons, on December 21, 1274:

"Mandate to the archbishop of Canterbury, the prior provincial of England, and John de Derlinton, of the order of Friars Preachers, to carry out the intentions of Matilda de Clara [de Clare], countess of Gloucester and Hertford, who wishes to found a convent for forty enclosed nuns, under the rule of St. Augustine, and, in a place apart, for ten priests, of the order of Fontevraud, at Sandford, in the diocese of Salisbury, where three canons of St. Augustine live without abbot or prior, and while imperfectly observing their rule have £100 a year. The countess is prepared to augment the endowment to £200 a year. One of the priests, with the assent of the abbots and nuns, is to preside over the others, the diocesan's rights being preserved, a fitting portion being assigned for the maintenance of the three existing canons, either there or in some place of their order."<sup>3</sup>

In virtue of his official position as collector of the new impost on church revenues, Darlington was now, *bon gré mal*

<sup>1</sup> *Calendar of Papal Registers*, I. 449. Father Raymund Palmer gives 1276 as the date of Darlington's appointment as collector in England. The entries above quoted show that the true date is 1274; and Darlington's first appearance in the English State Papers, in his capacity of collector, occurs in 1275.

<sup>2</sup> Possibly Father Hugh of Manchester, whose dubious provincialate is dated 1272-1282. "I have found no really trustworthy evidence for the statement in Quétif-Echard, I. 498, that Hugh was provincial at this time, or indeed at all. He was alive in 1305; see record quoted in Quétif-Echard, I. 498, dated 2 Aug. 33 Edw. I."—Mr. A. G. Little, "English Dominican Provincials," in *English Historical Review*, 1893, VIII. 519-525.

<sup>3</sup> *Calendar of Papal Registers*, I. 448. The priests of the order of Fontevault ranked as Augustinian Canons Regular; the nuns followed the rule of St. Benedict (see *Catholic Encyclop.*, art. "Fontevault"). The Countess of Gloucester here mentioned was, apparently, the mother of that savage and perfidious personage, Thomas de Clare, who in 1277 murdered his friend, King Brian Roe O'Brien, amid circumstances of peculiar atrocity.—Frost, *History of Clare*, 212-214.

*gré*, a somewhat formidable personage. In truth, to a man of his scholarly tastes, the duties of his new sphere of labour must have proved intensely distasteful. Still, the work had been assigned him by an authority which he was bound to revere and obey; and Darlington, in presence of a hard and disagreeable duty, was not the man to repine. His official status was formally recognised in a document signed by Edward I at Windsor, on March 1, 1275: "Safe conduct for Master Raymund de Nogeris, Pope's chaplain, and Brother John de Derlington, collectors of the tenth in aid of the Holy Land, granted for six years."<sup>1</sup>

During the next fifteen months we learn nothing of Darlington's activities, but a document signed by Edward I at Westminster, on June 9, 1276, shows that the collectors had allowed the King to borrow from the crusade money a sum equal to £16,000 in modern currency, "for the expediting his own affairs":

"Grant to Joseph de Cauncy, prior of the Hospital of St. John of Jerusalem in England, that whereas he acknowledged the receipt on deposit in his house of Clerkenwell, London, of 2,000 marks which Master Raymond de Nogeris, papal chaplain and nuncio of the Apostolic See, and Friar John de Derlington, of the Order of Preachers, caused to be delivered to him by the hands of the collectors of the tenth in the dioceses of Chichester and Winchester, under a stipulation to restore it on demand at the New Temple, London; and whereas the King has received the said sum from the said master and friar for the expediting his own affairs, he and the fraternity shall receive 2,000 marks out of the first moneys taken to the Exchequer, whether it come from the fifteenth, the Treasury, or any other source, before the quinzaine of Michaelmas next."<sup>2</sup>

### PAPAL INSTRUCTIONS TO COLLECTORS

By the beginning of 1277 the collectors-in-chief had organised their staff of deputy-collectors, and the work of providing the sinews of war for the approaching campaign against the Saracens went briskly on, to the accompaniment of inevitable grumblings and protestations from many quarters. In January

<sup>1</sup> *Calendar of Patent Rolls, 1272-1281*, p. 82.

<sup>2</sup> *Ibid.* p. 147. This might be styled an I.O.U. from the King to the Prior of the Knights Hospitallers. Rishanger, p. 89, and Trivet, p. 296, erroneously date Darlington's appointment to the collectorship in 1276. Professor Tout, still more mistakenly, suggests that he was not appointed until after his visit to Rome in 1278. The papal documents already quoted prove that he became collector in 1274.



and February, 1277, the Portuguese Pope John XX, usually styled John XXI, issued a series of detailed instructions to Darlington and other collectors, regarding the proper discharge of their duties. These instructions may be cited here, under their proper dates, and in the order assigned to them in the *Calendar of Papal Registers*, which differs from the strict chronological order :

February 7, 1277. Viterbo.—“Mandate to the collectors of the Holy Land tenth in England, not to exact it from the prior and convent of Bardenay [Bardney] for the fruits of the monastery, which the King has received during the voidance created by the bishop of Lincoln, removing abbot Peter de Barton for his offences.”

January 18, 1277. Viterbo.—“Mandate to the bishop of Clonfert to proceed with diligence in the collection of the Holy Land tenth in Ireland, and to report to the Pope.”

February 15, 1277. Viterbo.—“Mandate to Master Arditio, superior of the Church of Milan, papal chaplain, and John de Derlinton, a Friar Preacher, collectors of the tenth in England, to collect it as directed in each diocese, with counsel of the bishop, or in his absence, of two trustworthy dignitaries of the cathedral. As to exempts, two persons, faithful and able, are to be appointed to undertake the collection. The deputies are to take an oath, which is inserted, to the collectors ; and accounts are to be carefully kept, and the money transmitted or deposited. Collectors are free from payment themselves, and are granted the same indult as crusaders. Expenses are allowed out of the sums collected, to Arditio 8s. a day, to Friar John 3s. 6d.”

February 13, 1277. Viterbo.—“To Master Arditio, collector of the tenth in England. Complaint has been laid before the Pope by Master John de Pontissara, archdeacon of Exeter, Henry de Hauecle, and Walter de Lechelade, envoys of the clergy of the realm, against Master Raymund de Nogeris, papal chaplain, and Friar John de Derlinton, collectors of the tenth, who summoned to London three or more persons from each college or convent, to take oath as to the amount of their possessions, and compelled them to pay it then and there, and exacted the tenth from lazar houses, hospitals, and poor houses, and from benefices whose annual value was not more than six marks ; they also exacted it from what chapters and canons pay to vicars, priests, and clerks, and from the salaries paid by rectors to parish chaplains and others, and made no allowance for expenses incurred by the clergy in cultivating and collecting their income ; their clerks also taxed benefices at their will, and reckoned benefices at their maximum value, and cited, suspended, excommunicated, interdicted, sequestrated, and inflicted other penalties as they pleased. The Pope, therefore,

gives faculty to the above to absolve those concerned, a penance being enjoined, and to grant such dispensations as may be necessary, taking care that the tenth is paid, and that satisfaction is made to those who have suffered unjust extortion by the person who has committed it."

February 13, 1277. Viterbo.—"Notification to the prelates and clergy of England, that the collectors are to go to London and take oath that they will exercise their office honestly, and exact nothing beyond the true value of benefices. The collectors have orders to collect the tenth, either at the rate of the annual average during the period for which the tenth is granted, or according to the common estimate, as the payer shall choose, and in making the estimate no regard is to be had to the taxation made by the late Bishop of Norwich or any other, but the estimate is to be made according to the taxation of the above Master and Friar, and the clerks deputed by them, or according to the method of true taxation, so that there may be no ground for complaint. The collectors are to exact nothing under pretext of procuration, but are to be content with their fixed salary. The Pope hopes that they will now behave so that the Holy Land tenth will be collected, and not make frivolous excuses, but act as they are bound by the Council of Lyons."

February 12, 1277. Viterbo.—"To Master Arditio and Friar John de Derlington, collectors of the tenth, as in the above letters, and ordering them to go and hear the prelates as to the grievances they have laid before the Pope, and to carry out the instructions given in regard to them."<sup>1</sup>

These instructions reveal the sturdy rectitude of Pope John's character. A lover of justice, he would permit no wrong, so far as he was concerned, to be wrought to any man. At the same time, he was not disposed to take the alleged grievances of the English clergy too seriously. He openly hinted that a good many of their complaints were frivolous. Probably the English clergy regarded these crusade collections with as much horror as the English aristocracy was wont to regard the taxation schemes of Mr. Lloyd George in the days before the Great War. As Professor Tout has unfeelingly noted, "the wealthiest churches were unwilling to pay"<sup>2</sup> their proper contributions towards the expenses of the great crusade.

In any case, the list of grievances presented by the English clergy, through their envoys, was obviously an *ex-parte* statement. We have no means of ascertaining the evidence which might have been brought forward in disproof of their charges. To the modern mind, some of these charges appear sufficiently

<sup>1</sup> *Calendar of Papal Registers*, I. 452, 453.

<sup>2</sup> *Dictionary of National Biography*, s.v. "John of Darlington."



grave, especially the abuse by deputy-collectors of the power of inflicting ecclesiastical censures. These functionaries, however, could plead that their action was warranted by the example of their betters. Indeed, one of the most regrettable abuses of the Middle Ages was the frequency with which excommunications were launched, by prelates of high degree, against those who opposed them, even in political affairs. The accusations brought against Darlington and his fellow-collector were, as a rule, charges of undue severity towards the patients on whom their unwelcome operations were performed. They failed, as it would seem, to temper the wind in a proper manner to the lambs about to be shorn. To this complaint Pope John bluntly replied that the lambs should submit to be shorn; but that, if any injustice should be proved, it should be repaired at the expense of the responsible party.

A few months later Darlington again figures in the State Papers, in company with his brother-collector, Master Arditio, whose name appears in various disguises. On May 27, 1277, King Edward signed letters at Windsor, granting "protection and safe-conduct for Master Hardician de Santo Laurencio, *primicerius* of Milan, papal chaplain, and Friar John de Derlington, and their households, and the deputy collectors appointed by them in various dioceses, deputed by the Pope as collectors of the tenth in aid of the Holy Land."<sup>1</sup>

The next entry represents a fresh and extensive loan to Edward I; it affords an illustration of the shifts and devices to which English monarchs had recourse in their efforts to obtain ready money. The entry is dated Brill, June 18, 1277: "Advice to Master Hardicio, *primicerius* of Milan, papal chaplain, and Brother John de Derlington, collectors of the tenth in aid of the Holy Land, deputed by the Pope into England, to commit to Luke, Reyner, and Orlandinus (or Rolandinus), merchants of Lucca, the money arising from the tenth on the realm, collected and to be collected, and the King binds himself and his possessions for the said merchants that the latter shall restore what they receive, when required by the Pope or the said collectors."<sup>2</sup>

#### PENSION TO A CARDINAL—DARLINGTON AS AMBASSADOR

The years 1278-1279 were among the busiest and most memorable of Darlington's lifetime. Early in 1278 his name figures incidentally in one of those repulsive transactions which

<sup>1</sup> *Calendar of Patent Rolls, 1272-1281*, p. 210.

<sup>2</sup> *Ibid.* p. 214.

wrought so much mischief to religion in the Middle Ages. For some time previously one of the Cardinals of the Roman Curia had been in receipt of "a yearly fee of 20 marks"—equivalent to a pension of £160 in modern money—from the English Crown. By order of Edward I this allowance was now trebled. The Cardinal was to receive an annual stipend of £480, until some richer prize should be placed in his hands. No doubt, this royal grant, which some might call by a harsher name, was intended as remuneration for services rendered and to be rendered. As a pensioner of the English king, the Cardinal might be trusted to use his influence at the papal court in his patron's favour, and to press the claims of English candidates to Irish sees. Be this as it may, the royal grant was signed at Westminster on January 18, 1278: "Grant to [Matthew], cardinal deacon of St. Mary's in Porticu, of 60 marks yearly at the exchequer, until he is better provided for. . . . *Memorandum*, that John de Derlington, Friar Preacher, at that time surrendered a letter of the chancery touching a yearly fee of 20 marks, granted to the said Sir (*sic*) Matthew, which was then cancelled and annulled." <sup>1</sup>

It is unpleasant to find the name of an austere and upright man like Darlington, however remotely and innocently, mingled with a transaction of this kind. Nearly a month later Darlington was commissioned to set out for Rome, as head of a special embassy from Edward I to the Holy See. The objects of this mission, and its results, will be gleaned from documents to be presently cited. In preparation for the journey of his chief envoy, King Edward issued from Dover (February 11, 1278) letters of "safe-conduct for one year for Brother John de Derlington, one of the household, whom the King is sending on his affairs to the court of Rome." <sup>2</sup>

Five days afterwards the King intervened in Darlington's favour, in an affair which may have some relation to the expenses of the envoys. The royal letter, dated Northbourne, February 16, 1278, is thus summarised: "The King asks Aldebrandinus Guidicionis and Adjutus Rotiompil, citizens of Lucca, and their fellows, merchants of Lucca, to give credence to Brother John de Derlinton and Master William de Luda, in the matters that touch Orlandinus de Podio, their fellow." <sup>3</sup>

The King's ambassadors, with Darlington at their head, set forth on their laborious journey to the papal court at Rome,

<sup>1</sup> *Calendar of Patent Rolls*, 1272-1281, p. 259.

<sup>2</sup> *Ibid.* p. 259.

<sup>3</sup> *Calendar of Close Rolls*, 1272-1279, p. 492. The operations of these Italian bankers of the Middle Ages; the amount of interest they charged; the manner in which they contrived to evade the stringent laws of the Church against usury; the dexterity with which they managed to retain the good graces of successive Pontiffs—all these matters might furnish materials for a fascinating study.



which they probably reached in the following May. Thence they migrated with the Curia to Viterbo, doubtless to avoid the summer heats in the capital of Christendom. Whatever their adventures may have been, the first answer to their pleadings was given by Nicholas III at Viterbo, on August 1, 1278:

"Letters of Pope Nicholas [III] directed to the King. Brother John de Derlenton, of the order of Dominicans, and Masters Henry and William, the King's messengers, had laid before the Pope, that the King was desirous that the annual tribute of 1000 marks, in which the latter was bound on account of the kingdom of England and Ireland, should henceforth be paid by the hands of certain abbots and priors of that kingdom, *out of whose monasteries the King was prepared to assign sufficient possessions for the purpose*; if the abbots and priors failed to pay, the King, in conjunction with the Pope, would compel them to do so.

"In reply, the Pope assures the King that he is desirous of complying with his wishes, but having conferred with his brethren, he plainly tells the King that this proposal would tend neither to the honour of the Apostolic See nor the King's advantage. The Pope therefore proposes to make no change in what had been so long and so solemnly done in regard to the tribute, by the predecessors both of the Pope and of the King.—Viterbo, Calends of August, in the first year of the Pope's pontificate."<sup>1</sup>

This reply is summarised more briefly, but more correctly, in the *Calendar of Papal Registers*: "To Edward I. The Pope can make no change in regard to the yearly cess of 1000 marks due to the Roman Church from the realm of England and Ireland, and can therefore not accede to the King's request, made by his envoys, John de Derlinton and Masters Henry and William, that the said cess should be paid by the hands of some abbots and priors of the realm, *to whose monasteries the King is prepared to assign sufficient possessions and rents.*"<sup>2</sup>

It is difficult to resist the conclusion that this embassy from Edward I to Nicholas III was an astute manœuvre to profit by the inexperience of the newly-elected Pontiff. The King's first proposal was an endeavour to transfer the burden of the annual tribute from his own shoulders to those of certain abbots and priors, possibly with the ulterior design of repudiating the liability altogether. If Edward seriously meant to endow the

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, pp. 280, 281.

<sup>2</sup> *Calendar of Papal Registers*, I. 455. The italicised clause runs thus in the original: "*Quorum Monasteriis paratus es ad id sufficientes possessiones et redditus assignare*" (Palmer, *Anglia Dominicana*, IV. C. 547). In a word, the King professed his willingness to grant the monasteries sufficient revenues for the payment of the yearly tribute; he did not propose—at least not ostensibly—to set aside a portion of their existing possessions for that purpose.

monasteries with sufficient additional property for payment of the tribute, where was the property to come from? Who was to be despoiled of lands and goods, in order that the King might evade his financial liabilities? And if the King already possessed, in his own right, an adequate amount of property for the purpose, why did he not choose to pay the tribute directly to the Holy See, instead of seeking to have it paid by the Abbots and Priors? Once these had been securely saddled with the obligation of paying the tribute-money, the King could find pretexts in plenty for leaving them to pay it, for the most part, out of their own funds. *Prima facie*, the scheme wore a tortuous and suspicious appearance; it suggested that the King intended to outwit both the Pope and the monks, and it was deservedly rejected by the Holy See.

In view of the extraordinary favour, not to say favouritism, which had been shown to English kings by a long succession of Popes, it seems strange that Edward I should have striven to rid himself of the duty of paying a paltry annual cess to the Holy See—a cess which amounted to only £8,000 a year in modern money. As a national contribution, it was insignificant; it was a poor return for the numberless political advantages—advantages of incalculable value—which England owed to the constant patronage and support which she received from the Holy See. Yet even this national tribute, trivial as it was, was very irregularly paid; at one period, it remained unpaid for twenty years. In the present instance Edward I had no scruple in attempting to shift the burden of its payment to other shoulders. In this he was merely following the traditional policy of English kings. Their policy was, to wring as many concessions as possible from the Popes, and to give as little as possible in return.

In another respect, also, Edward I was a faithful follower of the policy of his father. Henry III had successfully hoodwinked Innocent IV by large promises, smooth excuses, and elaborate professions of crusading zeal. Edward I now sought to overreach Nicholas III by similar devices; he instructed his envoys to dilate on his readiness to make a second expedition to Jerusalem with a powerful army, to re-establish the affairs of the Christians in Palestine. One thing alone was necessary; he should have the crusade money which had already been collected in England, as well as that which still remained to be collected. This was the second proposal laid before the Pope by Edward's envoys. It is scarcely necessary to add that the projected expedition proved abortive: Edward was too busily engaged in carrying the blessings of English Kultur, accompanied by fire and sword, into Wales and Scotland; he had neither time nor inclination for the work of rescuing the Holy Land from Moslem tyranny.



Nicholas III appears to have been partially deceived by the specious professions and promises which the English monarch had made through his envoys. Under certain conditions he granted the King a sum of 25,000 marks, equivalent to £200,000 in modern currency; and it will be remembered that the King had already borrowed considerable sums from the crusade funds collected by Darlington and others. This grant is mentioned in the papal documents which are summarised, in the usual unchronological order, in the *Calendar of Papal Registers*.

August 12, 1278. Viterbo.—“Mandate to the Bishops of London and Hereford, and to Master Arditio, papal chaplain and nuncio in England, and to Friar John de Derlinton, to present to the King a form for taking the cross, and binding himself and his successors to restore the 25,000 marks assigned to him from the tenth of church revenues in England, in case of his not setting out, and stating what prelates and firms of merchants in Italy he offers as security; John de Derlinton, Masters Henry and William, clerks and envoys of the King, having in the King's name asked the Pope to grant a tenth of the church revenues of the realm to be assigned on his setting out for the Holy Land.”

August 1, 1278. Viterbo.—“Assignment to Edward I of 25,000 marks, that he may prepare himself to set out for the Holy Land, on condition that he binds himself and his successors under oath to restore the said sum at the Pope's order, if he does not set out (as above).”<sup>1</sup>

It were better for Darlington's reputation if he had declined to take part in this disingenuous mission. No doubt, he honestly hoped that the King would redeem his royal promises and embark with a strong army for the relief of the Holy Land. It was not Darlington's fault if such promises proved delusive. Besides, as the King's envoy, his duty was merely to lay certain official proposals before the Pope, just as a modern ambassador presents the demands of his government to a foreign Power, without regard to his private opinion as to the wisdom or justice of such demands. Edward I had already taken part in one expedition to the Holy Land, and Darlington might be

<sup>1</sup> *Calendar of Papal Registers*, I. 455. The “assignment” is given at full length by Bremond, *Bullarium Ord. Praed.*, I. 557. It shows that Edward I had asked, through his envoys, for all the crusade funds that had been collected, and for those about to be collected, in England: “Ex parte tuae celsitudinis petierunt, decimam ecclesiasticorum reddituum Regni Angliae ac aliarum terrarum tuarum, prout extitit in Lugdunensi Concilio ipsius Terrae subsidio deputata . . . Apostolica tibi auctoritate concedi. Petierunt insuper, collectam jam et colligendam ex decima ipsa pecuniam, cum paratus sis vivificae Crucis signum assumere . . . tibi ex nunc, praemissis tamen cruce signatione ac cautione praesentibus, assignari.”

excused for believing that he sincerely meant to take part in a second and more successful campaign against the Saracens. Large funds would be imperatively needed for such a campaign, and the only source from which funds could come was the crusade collection; the English Exchequer was notoriously in a chronic state of depletion. In these circumstances it was only natural that Darlington and his fellow-envoys should plead, as diplomatically as possible, for the acceptance of the King's suggestions regarding the crusade. Indeed, Nicholas III paid a special compliment to the probity of the envoys, and to their prudent and diligent advocacy of their patron's proposals. Darlington, in particular, seems to have made a highly favourable impression on the Pontiff; and Nicholas III appointed him, a few months later, to the archbishopric of Dublin.

Ere the envoys had time to reach England, Pope Nicholas issued fresh instructions to the chief collectors of crusade money. These instructions, dated Viterbo, September 9, 1278, were in the nature of exemptions for certain English hospitals:

"Mandate to Master Arditio, superior of the church of Milan, papal chaplain, and John de Derlinton, a Friar Preacher, collectors of the Holy Land tenth in England, not to suffer the master and brethren of the hospital for the poor of St. John Brakeley, in the diocese of Lincoln, to be molested in regard to the exemption from payment of such tenth, granted by Pope Gregory X to lazar-houses, houses of God, and poor hospitals.

"The like to the same, for the master and brethren of the hospital of St. John, Northampton.

"To the same, for the master and brethren of the hospital of St. Mary, Hosprenges (Ospring), in the diocese of Canterbury."<sup>1</sup>

#### DARLINGTON AS ARCHBISHOP OF DUBLIN

On January 28, 1279, Nicholas III appointed the famous Franciscan, John Peckham, to the primatial see of Canterbury.<sup>2</sup> Eleven days later the Pope followed up this appointment by nominating John Darlington to the vacant see of Dublin, on February 8, 1279. The diocese had been vacant since May 6, 1271—that is, for a period of nearly eight years. This prolonged voidance was the outcome of one of the usual quarrels

<sup>1</sup> *Calendar of Papal Registers*, I. 456.

<sup>2</sup> It is significant that King Edward's pensioner, Cardinal Matthew Orsini, was one of the three Cardinals consulted by the Pope on this occasion. In obedience to the King's wishes, the pliant monks of Canterbury had again elected Robert Burnell, and again the Pope passed him over. Darlington's appointment to Dublin may possibly have been intended as a *solatium* to the King for this second discomfiture, though Darlington's personal merit was beyond question.



between the English ecclesiastics of St. Patrick's Cathedral and those of Holy Trinity, now Christ Church. A sufficient synopsis of the controversy is given in the brief of Darlington's nomination :

"Appointment of John de Derlinton, a Friar Preacher, to the archbishopric of Dublin. On the death of Fulk, late Archbishop, the prior and convent of Holy Trinity elected Fremund, called 'Lebrun,' papal chaplain,<sup>1</sup> and the dean and chapter of St. Patrick's elected Master William de Corneria, papal chaplain ;<sup>2</sup> and on the matter being brought before Pope Gregory, S. . . ., Cardinal of St. Martin's, was deputed to hear the proctors of the parties ; and on his death, Matthew, Cardinal of St. Mary's in Porticu, was deputed by Pope John XXI, when it appeared that William had resigned all right in this election, and that Fremund, at the time of his election, held the archdeaconry of Waterford and the churches of Cranbye, Lavinton, and Arclo, in the dioceses of Winchester, Salisbury, and Dublin, the adverse party denying that he was lawfully dispensed, on which a letter of the Bishop of Dromore was produced, stating that he had seen letters of Innocent IV, containing a dispensation to Fremund, then rector of Carle, to hold an additional benefice ; and on further letters of Popes Innocent and Urban being presented, in which Fremund was licensed to hold other benefices besides the said archdeaconry, to the value of 70 marks, it was clear that, though the letters of Pope Innocent may have dispensed for three benefices, a fourth was not included, and the value of the benefices being beyond the limit stated, the dispensations were invalidated. The Pope, therefore, cancels the election of Fremund, and makes the above appointment, although John is absent.

<sup>1</sup> Fremund Lebrun became a papal chaplain in 1259, when he was rector of Graule (Crawley) in the diocese of Winchester. At that time, and even four years later, he was still unordained. He was a greedy pluralist and a bastard. Among the numerous benefices which he succeeded in annexing was the archdeaconry of Waterford. His offences were condoned by Urban IV, who allowed him to retain his ill-gotten benefices.—*Calendar of Papal Registers*, I. 367, 389. In addition to these emoluments he also drew a salary as Chancellor of Ireland for twenty-four years, namely, from 1259 to 1283.

<sup>2</sup> In 1256 Master William de Corneria was a Canon of Dublin and a fat pluralist. He was allowed by Alexander IV to hold "two benefices with cure of souls, besides the churches of Adboy and Galecrum [Athboy and Galtrim], in the diocese of Meath, which he has by papal dispensation, and a canonry and prebend of Dublin."—*Calendar of Papal Registers*, I. 333. Master William was a courtier-cleric, often mentioned in the State Papers. In 1264 we find him figuring as Canon of York and papal chaplain. In that year he was further enriched by Urban IV with a canonry and prebend in Salisbury, together with reservation of a prebend.—*Ibid.* p. 418. His surname, besides his connexion with Meath and Dublin, suggests that he was a relative, possibly a nephew, of Richard de Corneria, Bishop of Meath, who had been a Canon of Dublin, and died in 1250. Master William eventually secured promotion to the see of Salisbury.

"Concurrent letters to the prior and convent of Holy Trinity and the dean and chapter of St. Patrick's, to the people of the diocese, to the suffragans, and to the King, requiring him to assign the *regalia* to the Archbishop." <sup>1</sup>

Lebrun's grasping ambition proved his undoing. His immoderate appetite for wealth and honours caused him to lose the richest prize of all, and left him without a canonical title to most of the benefices he had gained. In truth, neither Lebrun nor Corneria was a worthy candidate for the archbishopric of Dublin; both were distinctly unworthy to sit in the chair of St. Laurence O'Toole. To Darlington's merits, on the other hand, Nicholas III bore the most flattering testimony. The Pontiff's thoughts have turned—so he writes to Darlington—"ad personam tuam, quam odor fame nobis reddit acceptam, cum habearis vir vite laudabilis, litterarum scientia preditus, discretionis maturitate conspicuus, preclarus meritis, et alias in spiritualibus et temporalibus circumspetus." <sup>2</sup>

Within a month after Darlington's appointment, Nicholas III issued a provisional decree regulating the manner in which episcopal elections were to be held in Dublin, without prejudice to any rights which the Canons of Christ Church or those of St. Patrick's might be able to prove, at a later stage, to the satisfaction of the higher tribunals in Rome. It was simply an interim measure, which was to hold good so long as the clear and exclusive right of either party was not canonically proven. The decree was dated March 7, 1279; and a synopsis of it may be given here:

"Ordinance for the election of the archbishop of Dublin, to be made between the chapters of Holy Trinity and St. Patrick's, who each assert their church to be the cathedral. In the time of Innocent III, the two chapters, on the death

<sup>1</sup> *Calendar of Papal Registers*, I. 457.

<sup>2</sup> Theiner, *Vetera Monumenta*, p. 119. Leland remarks that Darlington's brilliant career continued undimmed after the accession of Edward I: "Nusquam tamen Durolenduni splendor obscuratus, immo illustratus potius, nam id temporis quaestor Romani Pontificis in Anglia factus est. . . . Post haec, laborem honesta statim proemia secuta sunt. Nam a Pontifice Romano archiepiscopus Dubliniae, primae civitati Hiberniae, designatus est."—Leland, *Commentarii de Scriptoribus Britannicis*, ed. Hall (1709), p. 303. Bale gained a reputation for learning by plagiarising from this work of Leland's, and defiling what he borrowed. In his comments on Darlington, Bale gave free rein to his usual blundering mendacity; and Harris had the ill taste to reproduce his slanders, which Sir James Ware had disdained to notice. Hall, the editor of Leland's work above quoted, does not mince his words in characterising Bale's performances. In the preface, he says: "Hoc opus, post mortem Auctoris deplorandam, in manus Joannis Balaei, Sudovolgii, pervenit; qui id foede commaculatum atque interpolatum in suas *Centurias* traduxit." Again, in his *Life of Leland*, Hall says: "Plura videre est apud Joan. Balaeum, hominem sublestae fidei." Therefore, according to Hall, Bale was "a man of no trustworthiness"; he was guilty of "foully defiling and interpolating" the work of Leland.



of Archbishop J[ohn Comyn], elected H[enry de Loundres], archdeacon of Stafford, which election was confirmed by the Pope; but there afterwards arose a question between the prior and convent of Holy Trinity and the dean and chapter of St. Patrick's, when the late Archbishop Luke ordained that, on the voidance of the see, the prior, convent, dean, and chapter should meet at Holy Trinity and elect; but, on the election of Ralph of Norwich, canon of St. Patrick's, Pope Alexander, on being petitioned to confirm the election, annulled it as uncanonical, for certain reasons, and appointed Fulk de Sanford, treasurer of St. Paul's, London; but, at the same time, in his letter to the prior and convent, and to the dean and chapter, Pope Alexander acknowledged that the election of an archbishop belonged to them. On the last voidance of the see, the King's licence to elect, according to custom, was obtained, and the election was proceeded with, but the Pope was not sufficiently informed of the process to be able to end the dissension by a [juridical] sentence. Now he, after full consideration, ordains that the prior and convent should call the dean and chapter to Holy Trinity for the election, giving them a limit of time, and then jointly proceed to elect, without prejudice to the right of either party *in possessorio vel petitorio*." <sup>1</sup>

Five days after the issue of this decree Edward I borrowed another huge slice of the crusade money, the loan amounting this time to some £60,000 in modern currency. On March 12, 1279, the King addressed a "mandate to Joseph de Cauncy, prior of the hospital of St. John of Jerusalem in England, the treasurer, to deliver the £5,000 sterling, received or to be received by him from Brother John de Derlyngton and Master Ardicio, pope's chaplain, to Orlandinus de Podio and his fellows, merchants of Lucca, as Anthony Bek will instruct him by word of mouth, with promise to restore it within a month at London without further delay and in good faith, and to hold him and his house harmless against all persons." <sup>2</sup>

A little earlier—on February 18, 1279—the Pope had granted relief to the Augustinian nuns of San Sisto in Rome, who were supported by a yearly donation of £400, reckoned in

<sup>1</sup> *Calendar of Papal Registers*, I. 458, where, by misprint or otherwise, nonsense is made of Pope Alexander's letter. Some necessary corrections have been made in the synopsis given above. Still, it must be noted that the contention of the Dean and Chapter of St. Patrick's was, that both Christ Church and St. Patrick's were cathedrals, and, therefore, presumably that both bodies should jointly elect the archbishop. This view had been adopted on both sides, prior to the election of Henri de Londres; it had been adopted later by Archbishop Luke and by Pope Alexander IV; it was now adopted, as a provisional measure of administration, by Pope Nicholas III, while giving the Christ Church authorities a fair opportunity of proving their exclusive claim.—Cf. Theiner, *Vetere Monumenta*, 119, 120.

<sup>2</sup> *Calendar of Patent Rolls*, 1272-1281, p. 305.

modern money, from some English Canons Regular: "Mandate to the collectors of the Holy Land tenth in England, not to exact it from the annual pension of 50 marks paid by the prior and canons of St. Oswald's, Nostell [Nostle, in Yorkshire], to the prioress and convent of Austin nuns of St. Xistus, Rome, their order being exempt from Holy Land subsidies by letters of Gregory X. Their sequestration is to be relaxed, and the pension paid in full, as usual."<sup>1</sup>

Some time after March 12, 1279, the news of Darlington's promotion reached England. On April 23, the King signed letters of protection, with clause *volumus*, "for Brother John de Derlington, Archbishop-elect of Dublin, for two years."<sup>2</sup> On April 27 following Darlington took the customary oath of fealty to the King. As the form of this oath is interesting, the record may be quoted here:—

"On Thursday next after the feast of St. Mark the Evangelist, a. r. 7, Brother John de Derlington of the Dominican order, elect of Dublin, in presence of Master Ardicon [Ardicio], Papal Legate, rendered fealty to the King and his heirs, for the temporalities of the archbishopric, in these words:

"I, Brother John of Derlington, of the Dominican Order, whom the Pope has appointed to the church of Dublin, swear on the Holy Gospels that I will bear good fealty to Edward, King of England, and his heirs, of life, limb, and earthly honour against all people, and that I will faithfully render due and customary service for the temporalities of the said archbishopric."

"And the King, because the Archbishop had personally come and rendered fealty as above, restored the temporalities to him as is customary, and ordered that he should have this writ."<sup>3</sup>

Irish Bishops in the Middle Ages were commonly obliged to swear fealty to the English king, thereby ranging themselves, however unwillingly, on the side of the oppressor of their country. By this oath of fealty, and especially by the clause regarding "due and customary service," they found themselves irretrievably entangled in the meshes of the feudal system. The oath must have been a grievous burden, and a source of agony, to the conscience of many a patriotic Irish prelate. As the oath taken by Darlington was presumably

<sup>1</sup> *Calendar of Papal Registers*, I. 459. It is curious to find Augustinian nuns installed at San Sisto at this period. Dominican nuns now occupy the convent of San Sisto Vecchio, as well as that of SS. Domenico e Sisto.

<sup>2</sup> *Calendar of Patent Rolls*, 1272-1281, p. 307; *Calendar of State Papers, Ireland*, 1252-1284, p. 305.

<sup>3</sup> *Calendar of State Papers, Ireland*, 1252-1284, p. 306. A somewhat similar version is given in the *Calendar of Close Rolls*, 1272-1279, p. 563, under the erroneous date of April 28. The Thursday after the feast of St. Mark in that year was April 27.



couched in the ordinary form, the original text may be cited here:

"Die Jovis proxima post festum Sancti Marci Evangeliste, anno etc. vii, frater Johannes de Derlington, de ordine predicatorum, Electus Dublinensis, in presencia Magistri Ardicionis, nuncii sedis apostolice, fecit fidelitatem Regi Edwardo et heredibus suis Regibus Anglie pro temporalibus Dublin. Archiepiscopatus in hec verba: Ego frater Johannes de Derlington, ordinis predicatorum, quem dominus Papa providit ecclesie Dublin., juro inspectis sacrosanctis Evangeliiis quod ego domino Edwardo Regi Anglie et heredibus suis Regibus Anglie portabo bonam fidem de vita et membris et terreno honore contra omnes gentes, et quod fideliter faciam servitium debitum et consuetum de temporalibus dicti Archiepiscopatus.—Et dictus Rex, quia personaliter venit et fecit fidelitatem, ut predictum est, reddidit ei temporalia dicti Archiepiscopatus prout moris est et fieri consuevit, et precepit quod haberet super hoc breviam."<sup>1</sup>

On April 28, the day following Darlington's profession of allegiance, royal writs were issued for the restoration of his temporalities and for the appointment of his attorneys:

"The King to knights, free and other tenants of the archbishopric of Dublin. The Pope having promoted Brother John de Derlington, of the Order of Dominicans, to be Archbishop of Dublin, as appears by letters patent of the former directed to the King, the King gives his royal assent to the promotion, takes the oath of fealty as is the custom, and restores the temporalities to John the Archbishop. Mandate to knights, etc., to be intensive and respondent to John as their Archbishop and lord.

"Mandate to Robert de Ufford, Justiciary of Ireland, Thomas de Cheddesworth, custodian of the Archbishopric of Dublin, and John de Saunford, escheator of Ireland, to restore to John the temporalities of the Archbishopric.

"The King notifies that John de Derlington, elect of Dublin, had attorned before the King, Philip Cradok, his official, and Brother Robert, Master of the Templars in Ireland, in all pleas and complaints in Irish courts. The King grants that Philip and Robert, or either of them, may make attorneys for the Archbishop in the Irish Chancery. To endure for 2 years."<sup>2</sup>

Two observations arising out of these writs may be in place here. One regards the medieval personage known as the diocesan "official," so often mentioned in these pages; the other relates to the temporalities of the archdiocese of Dublin. The Church dignitaries called "officials" were in-

<sup>1</sup> Rot. Claus. 7 Edw. I, m. 7 dorso, P.R.O.; Palmer, *Anglia Dom.*, IV. B. 297, 298.

<sup>2</sup> *Calendar of State Papers, Ireland*, 1252-1284, pp. 306, 307.

stituted about the twelfth century for the purpose of assisting the bishops in the discharge of their duties. The rôle allotted to these dignitaries is a standing disproof of the ludicrous notions, popular in some quarters, regarding the tyranny and absolute power of medieval prelates. "In the first place, the archdeacons could not be removed at pleasure by the bishop, and enjoyed, as a matter of course, almost absolute independence. In the next, most of the cathedral chapters, having obtained exemption from episcopal jurisdiction, were, so far as internal organisation was concerned, under the direct authority of the Holy See; at the same time they had a necessary share in the legislative power of the diocese, so that the bishop, whilst unable to touch their privileges, or even to exercise his rights as visitor, was compelled, in a great number of cases, to consult them and take their advice; hence a constant state of animosity and of bickerings, rights usurped, privileges contested, the most objectionable features of feudalism introduced into the government of the Church.

"The appointment of the dignitaries to which the name 'official' has been given, is due to the deplorable state of things we have just been attempting to describe; it is also the result of the ever-growing study of Roman law. If we read, says M. Fournier, the sentences passed by a Church court during the first half of the twelfth century, we easily perceive that there is no regular mode or form of procedure, the terminology has no precision, and the judge does not feel shut up, so to say, within a narrow circle of necessary forms. On the other hand, at the close of that century, and towards the beginning of the thirteenth, especially, the decrees of ecclesiastical courts mention, in a strictly invariable order, the forms prescribed by the code of Justinian, which has returned to life again; and several of these forms are required under penalty of nullity. Obligated to conduct his cases through all the intricacies of a learned procedure, subtle, complicated, full of difficulties, the bishop who was not necessarily a lawyer, often gave way under the pressure. Would not his natural course, therefore, be to delegate the management of a contentious jurisdiction to a clerk skilled in the study of canon law? This would be absolutely indispensable when the rules of Justinian's code were rendered obligatory, as these rules extended the administrative power of the Church."<sup>1</sup>

<sup>1</sup> *Dublin Review*, April, 1881, pp. 502, 503; cf. *Les Officialités au Moyen Age*, par Paul Fournier, Paris, 1880.



## DUBLIN'S CHURCH REVENUES PLUNDERED

It will be remembered that the see of Dublin became vacant on May 6, 1271, and remained without a chief pastor until February 8, 1279, that is, for a period of nearly eight years. A glance at the manner in which the Church revenues of Dublin were plundered by the King's agents during that interval will prove instructive. Master John de Sampford, or de Saunford, was escheator at the beginning of Edward I's reign. In his account of escheats and wardships in the King's hand during the first year of the new reign (November 20, 1272, to November 20, 1273), Master John accounts for £200 received from Walter de la Haye and Master Thomas de Chaddesworthe, of the issues of the archbishopric of Dublin. In other words, a sum equivalent to £2,400 in modern currency was confiscated from the archdiocese of Dublin to the King's exchequer.

The temporalities of the archdiocese were in the King's hand, Master Thomas de Chaddesworth being *custos* thereof, from the feast of St. James the Apostle, 55 Henry III, until Michaelmas, 5 Edward I, that is, from May 25, 1271, to September 29, 1276. The total revenues extracted from the see during those five years amounted to £8,048 9s. 6½d., equivalent to about £96,000 of our modern money. After this, of course, the temporal possessions of the see still lay at the mercy of the royal officials. We have Master Chaddesworth's account of the sums swept into the King's treasury from the see of Dublin between Michaelmas, 5 Edward I, and the Sunday after the feast of St. Hilary, 7 Edward I, that is, between September 29, 1277, and January 15, 1279. During that period of less than sixteen months, the secular officials extorted a total sum of £1,669 2s. 5½d., or over £20,000 in modern currency, from the see of Dublin. Even after January 15, 1279, though the temporalities were granted to Darlington on April 28 following, the King's officials managed to annex another sum of nearly £5,000 in modern money, ere the revenues were finally restored to the new Archbishop. This last account may be quoted as an instance of the merciless exactions to which an Irish diocese was subject in feudal times:

"DUBLIN ARCHBISHOPRIC. He [John de Saunford, escheator] accounts for the period from Sunday after feast of St. Hilary *a. r. vii* to 28 . . . , when the temporalities were delivered to Brother John de Derlintoun, Archbishop. Receipts from lordship of Colonia, &c.; land at Tahnchy, &c.; tenements within the walls of Dublin city; burgages in New St., St. Patrick St., &c.; Wood mill held by prior of Holy Trinity; a mill held by Andrew de Spersolte in St. Patrick St., tollbolls of ale, Alewyte, &c. (followed by a long list of the lands and other sources of

revenue of the archbishopric), amount to £405 9s. 3½d. (Very important and interesting.)

"Memorandum.—He answers nothing for the manors of Castlekeyvyn, Kylmacbern, and Kylmesantan, which were waste, and nobody cared to take them during the time on account of the war of the Irish."<sup>1</sup>

Thus the Church's revenues, which should have been devoted to the upkeep of cathedrals and other religious edifices, as well as to the relief of the poor and other works of charity, were seized upon and confiscated by grasping secular officials. The long vacancies in the sees must necessarily have proved highly detrimental to the interests of religion. Abuses must have been of frequent occurrence: the system itself was conducive, and could not be otherwise than conducive, to negligence and slackness. Such prolonged vacancies were often caused by English intrigue and by English interference with the rights of the Church. Worse still, the bishops appointed to sees in the furthest regions of Ireland were often Englishmen, entirely out of sympathy with the people to whom they were supposed to minister, and profoundly ignorant of their language and traditions. Often, besides, these prelates were court favourites or state functionaries, whose zeal for the spiritual welfare of their people was anything but a notable characteristic of their lives. In a word, it is not too much to say that English interference and English aggressiveness must be set down as a calamity and a curse to the Irish Church in the Middle Ages.

If Darlington had been allowed to come to Ireland, and if he had been spared to rule the Church of Dublin for a dozen years, he would, doubtless, have proved himself one of the most zealous and enlightened rulers that Dublin had known for many a generation. This was not to be, though circumstances seemed to indicate that he would be able to assume the government of his diocese without delay. Thus, on May 9, 1279, the King ordered all the corn sown in the episcopal lands of Dublin, and all the rents and other issues of the see, from the date of the original warrant, to be restored to Darlington:

"Having granted to Brother John de Derlington, elect of Dublin, all corn sown in the lands of the archbishopric of Dublin, whether at the expense of the King, in champerty, or otherwise, the King commands Robert de Ufford, Justiciary of Ireland, to deliver the corn to the elect.

"The King having on April 28, *a. r.* 7, restored to John de Derlington, elect of Dublin, the temporalities of his see, commands Robert de Ufford, Justiciary of Ireland, to deliver to

<sup>1</sup> *Thirty-sixth Report of Deputy-Keeper of Public Records in Ireland*, p. 60; see also detailed accounts on pp. 23, 36, 37, 41, 42.



the elect the rents and other issues of that see from the above date."<sup>1</sup>

Darlington was not yet consecrated; indeed, his consecration did not take place until nearly seven months after the date of his appointment. John Peckham, the Franciscan Archbishop of Canterbury, whose nomination had preceded Darlington's by only eleven days, had lost no time in receiving the fullness of the priesthood. On May 25, 1279, after his return from the Curia, Peckham wrote to Cardinal Ordonio, Bishop of Tusculum (Frascati), complaining that the Pope's letter contained no request for the restoration of his temporalities, while the Pope had acted differently in Darlington's case. Both letters had been drafted by Master Benedict, a Roman official, whose omission of the customary request for the temporalities might have had serious consequences for Peckham. As it was, the King had assured Peckham in open council that the temporalities of Canterbury had been granted to him as a personal compliment, and that they would not have been given to anyone else, until proper letters had been presented.<sup>2</sup>

### EXCOMMUNICATION OF CANTERBURY MONKS

On June 6, 1279, Peckham wrote to Nicholas III stating that, on his arrival in England, the Archbishop-elect of Dublin had come at once to inform him that the prior and other leading monks of the Benedictine community attached to Canterbury Cathedral lay under sentence of excommunication. On hearing this Peckham forbade the monks to approach him, much to their confusion, as they believed themselves free from any sen-

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 308; *Calendar of Close Rolls, 1272-1279*, p. 528. The missing month in the escheator's account last cited, therefore, is obviously April. The original text of the royal mandates above quoted is given in Palmer, *Anglia Dom.*, IV. B. 298. *Champerty* was "originally the right of a feudal lord to take part of the produce of land cultivated by his tenants." In present-day jurisprudence it bears a very different meaning: it signifies "the act of assisting the plaintiff in a legal proceeding in which the person giving the assistance has no valuable interest, on an agreement that if the proceeding is successful, the proceeds shall be divided between the plaintiff and the assisting person. It is a misdemeanour."—Sweet, *Law Dictionary*, 136.

<sup>2</sup> "Littera pro restituendis mihi temporalibus destinata, nescio quo dictantis animo, erat plurimum defectiva, nec continebat petitionem aliquam de restituendis mihi temporalibus, sicut fieri consuevit. Et etiam in littera Dublinensis electi expressissime ponebatur, cum tamen littera sua et nostra ab eodem Benedicto, sed benedictione multum dissimili, processissent. Unde et coram consilio suo mihi rex piissimus affirmavit quod si papa providisset de alio, non restituisset ei temporalia donec elucidatum mandatum apostolicum denuo recepisset."—*Peckham's Register*, Rolls Series, I. 6, 7.

tence of the kind. Peckham expressed his intention of striving to induce the papal nuncios or collectors-in-chief—that is, Archbishop Darlington and Master Ardicio—to grant the monks a formal absolution *ad cautelam*. Should his efforts in this direction fail, he would at once lay the affair before the Sovereign Pontiff, and implore him to redress the grievance.<sup>1</sup> A few months later, as we shall presently see, the dispute was amicably settled, thanks to the fatherly counsels and the kindly mediation of Archbishop Peckham.

Some short time after writing this letter to the Pope, Peckham addressed a remarkably kind, thoughtful, and well-reasoned note to Thomas de Ryngemere, prior of the monks of Christ Church, Canterbury. In this epistle Peckham stated that he had had an interview with Master Ardicio, concerning the excommunication. After much pleading he had at length persuaded Ardicio to remove the excommunication privately, and a form of procedure had been agreed upon. The monks were to present themselves before Archbishops Peckham and Darlington, Master Ardicio, and a single cleric of Peckham's household; on that occasion they were to ask for absolution from the censure; their request would be granted at once by the collectors, and Peckham would be given the privilege of imposing a light penance. It is clear that Peckham employed the resources of his fatherly kindness and tact in the thorny task of affecting a reconciliation; the collectors were bent on keeping the monks under censure, and the monks were determined on appealing to Rome. In his letter to the prior of Christ Church, the Archbishop very frankly and forcibly explained the undesirability of such a course. He reminded the prior that several prelates of high standing had vainly besought the Pope to annul the excommunication; and that, where these prelates had failed, the monks could not hope to succeed. In any event, an appeal from the monks to Rome would involve a great deal of costly and tedious litigation, which would result in conditions far less favourable than those which were now offered them.<sup>2</sup>

The monks very sensibly agreed to follow the friendly advice of Archbishop Peckham. They were duly released from ecclesiastical censures; and on August 30, 1279, Peckham issued letters

<sup>1</sup> "Statim enim postquam applicueram in Anglia, nunciavit mihi Dublinensis electus, non literis sed sermone, quod prior ecclesiae nostrae Cantuariensis, et alii majores domus illius, erant excommunicationis sententia innodati. Quod audito, ego ad memoriam revocans illa quae circa hoc in curia existens audieram, vitavi eos etiam cum quadam eorum verecundia ad nutum meum humiliter meam praesentiam declinantes, cum tamen se non fateantur aliqua sententia innodatos. Laborabo igitur apud sanctitatis vestrae nuncios, si forte ad cautelam absolutionem eorum valeam impetrare. Quod si fieri nequeat, statim hoc vestrae excellentiae intimabo."—*Peckham's Register*, I. 10.

<sup>2</sup> *Peckham's Register*, I. 28, 29.



patent, giving a succinct account of the affair, and bearing witness to the upright intentions of the prior and precentor, the persons primarily concerned. The document is interesting, from a theological point of view, and may be freely translated here:

"Such is the misery of our present exile," wrote the good-natured Primate, "that through ignorance or otherwise, the sons of men are continually being enmeshed in the snares of sin. In this, however, the elect of God are distinguished from others, that as soon as they realise their fault, they fly to the remedy of penance, whereby they may be saved. The just man falls seven times and rises again. This we have seen fulfilled in our beloved sons, Brother Thomas, prior of Christ Church, Canterbury, and Brother Geoffrey, precentor of our cathedral aforesaid. In our presence they were accused by the venerable Fathers, John, by the grace of God, then Elect, now Archbishop of Dublin, and Master Ardicio, *primicerius* of Milan, of having incurred excommunication by failing to pay their tenth at the proper time. This they admitted, though they had incurred the censure innocently and through misinformation (*sed deceptos pariter et ignaros*). Not having the money in hands on the appointed date, they had begged an extension of time from some of the deputy collectors. This is said to have been granted; and the deputy collectors, relying with confidence on the promise of the said prior and his monks, gave them receipts which purported to show that payment had been made on the day appointed. As soon as the prior and precentor learned that the deputy collectors had no power to grant an extension of time, they acknowledged their error and hastened back to the bosom of the Church, receiving, at their own request, absolution, dispensation and penance, and admitting that they had fallen under sentence of excommunication solely through the error aforesaid. As the circumstances which led to this confession and absolution are not fully stated in the official documents relating thereto, we have deemed it right to declare them here, as a witness in favour of deceived innocence."<sup>1</sup>

<sup>1</sup> *Peckham's Register*, I. 60, 61. Master Ardicio's title of *primicerius* has been mentioned sufficiently often in these pages to deserve a word of explanation. In general, a *primicerius* meant the first in some order or rank. St. Augustine calls St. Stephen *Primicerius Martyrum*; St. Bernard styles Our Lady *Primiceria Virginitatis*, and Bernard, Prior of Pontigny, honours her with the title of *Primiceria Puritatis*. The *primicerii* of a realm were the noblemen. In military circles, the *primicerius* was an officer who ranked next to the tribune. In the Church, as might have been expected, there were nearly as many different kinds of *primicerii* as there were different ranks or orders in the ecclesiastical hierarchy. Thus, the *Primicerius Cardinalium* was the Dean of the College of Cardinals. In Milan there were *primicerii presbyterorum, sub-diaconorum, notariorum, lectorum*—each rank having a prefect or *primicerius* of its own. In other places and times there were *primicerii augustinum, judicum*, etc. In

## DARLINGTON'S CONSECRATION

Thus was a painful incident brought to a happy ending by the tact and kindness of John Peckham. Several weeks prior to the settlement of this Canterbury affair, the Pope had granted an indult for Darlington's consecration and had sent him the pallium. On July 1, 1279, Nicholas III granted an "Indult to J. de Derlinton, Archbishop-elect of Dublin, to be consecrated by the Archbishop of Canterbury or any other Catholic bishop, with two or three others."<sup>1</sup> On July 21, the Pope addressed a "mandate to the Bishops of London, Norwich, and Worcester, on receiving the *pallium* sent by the hands of Masters Stephen de Ceudenore, rector of Takele [Tackley in Oxfordshire], and Adam de Newburg, clerk, of the dioceses of Lincoln and Coventry to bestow the *pallium* on the Archbishop of Dublin after his consecration, and to receive his oath of fealty.—Concurrent mandate to Masters Stephen de Cedonore and Adam de Newburg, with form of delivering the *pallium*."<sup>2</sup>

It seems strange that the Pope allowed an interval of nearly five months (February 8—July 1, 1279) to elapse between his appointment of Darlington to Dublin and his indult for Darlington's consecration. This delay was probably the result of an oversight; and it was doubtless the cause of Darlington's tardiness in preparing for consecration. The indult once granted, Darlington was urged by the Cardinals to defer his consecration no longer. He hastened to comply with their wishes; indeed, there is a distinct note of hurriedness in the manner of his preparation for the crowning event of his career. About the middle of August, 1279, in a letter to his friend, John Kirkby,<sup>3</sup>

many places, during the Middle Ages, the *primicerius* was the ecclesiastic entrusted with the charge of the *schola cantorum*; he is found acting variously as choir-master, cantor, master of ceremonies, and marshal of processions. Very often he held a place in the Chapter as Canon of the cathedral; he and the archpriest came next in order of dignity after the archdeacon.—Du Cange, s.v. "Primicerius." The *Primicerius* of Saint-Denys was Grand-Almoner of France.—Bouix, *Tract. de Episcopo*, I. 530, 531.

<sup>1</sup> *Calendar of Papal Registers*, I. 459.

<sup>2</sup> *Ibid.* I. 459; Theiner, *Vetere Monumenta*, 122. The form of words used in conferring the pallium on Darlington is substantially identical with the form used in our own time: "Forma tradendi palleum.—Ad honorem Dei omnipotentis, et beate Marie Virginis, et beatorum Apostolorum Petri et Pauli, et domini pape Nicolai et Romane ecclesie, nec non ecclesie tibi commisse, tradimus tibi palleum de corpore beati Petri sumptum, plenitudinis videlicet officii pontificalis insigne, ut utaris eo infra ecclesiam tuam certis diebus qui exprimentur in privilegiis ab apostolica ei sede concessis."—Theiner, p. 123; cf. Bouix, *Tractatus de Episcopo*, I. 485.

<sup>3</sup> This John Kirkby was not only King's clerk but also Archdeacon of Coventry and Canon of Wells and York.—Le Neve-Hardy, *Fasti*



King's clerk, he relates the favour shown him by the Pope and Cardinals, concerning his pallium and the circumstances of his consecration, at which he prays that Kirkby and the King may be present. The peculiar interest of Darlington's letter to Kirkby lies in the fact that it belongs to a rather uncommon species of extant correspondence. It may be taken as a specimen of a hurried letter addressed by one friend to another in the later half of the thirteenth century. As such it deserves to be cited in full:

"Suo de Kyrkeby suus de Derlynton quod sibi. Noveritis quod mandata Apostolica ac Cardinalium nuper recepi, set super hiis quae pertinent ad consecrationem meam meae reliquerunt electioni, quantum ad personas et locum. Quantum vero ad Pallii missionem facit michi insuper gratiam ultra statuta Canonum admirendam, et quam hactenus facere sedes Apostolica minime consuevit, maxime tempore translationis de loco ad locum. Verum quia non possum omnia vobis intimanda scripto transmittere, supplico devotissime, ut nostrae consecrationi personaliter adesse velitis, ac Domino nostro Regi super ejus praesentia exhibenda, efficaciter persuadere dignemini. Locum et diem vobis exprimet lator praesentium, sicut et Domino Regi, qui utinam literae sibi directae vestram interpretem merear habere benevolentiam, de qua multiplici exprimendo prae habito, quamvis immeritus, omnino confido. Valete hic et in aeternum, sicut opto valere meipsum.—[Dorso] Domino J. de Kyrkeby." <sup>1</sup>

A few days after August 6 Archbishop Peckham wrote to Nicholas of Ely, Bishop of Winchester, requesting his presence at Darlington's consecration. Peckham offers many apologies for the inconvenience thus caused to the Winchester prelate, and for the shortness of the notice. Darlington had come to Peckham on Sunday evening before the feast of St. Laurence (August 10), and showed him a papal letter authorising his consecration at the hands of Peckham and other Catholic bishops. Darlington was anxious that the Bishop of Winchester should take part in the approaching function. In conveying these wishes to his correspondent, Peckham added that Darlington had "laboured long and faithfully in this country for the common good—*pro utilitate communi in hiis diu partibus fideliter laboravit.*" The consecration was fixed for [August 27] the Sunday after St. Bartholomew, i.e., vi Kal. Sept., at Waltham Abbey. The time was very brief; but the Cardinals were insistent, and the consecration could be no longer postponed: "Breve quidem tempus est, fatemur plane; sed necessitas in-

*Ecclesiae Anglicanae*, I. 330. Kirkby was consecrated Bishop of Ely on Sept. 22, 1286, and died March 26, 1290.—Stubbs, *Registrum Sacrum Anglicanum* [1897], p. 67.

<sup>1</sup> *Brevia Regis*, 7 Edw. I; Prynne's *Records*, p. 227; Palmer, *Anglia Dom.*, IV. B. 633.

opinata et stimulatio cardinalium cogit dilationem praescindere et temporis spatium breviare." <sup>1</sup>

The consecration was duly solemnised at Waltham Abbey by Archbishop Peckham, with the assistance of Nicholas of Ely, Bishop of Winchester; Robert Burnell, the Chancellor, Bishop of Bath and Wells; and William, Bishop of Norwich. It took place, as we have shown, on Sunday, August 27, 1279. Many notable men of the realm were doubtless in attendance; but we possess no detailed account of that red-letter day in Darlington's life, or of the distinguished personages whose presence lent lustre to his consecration.

### TROUBLES OF COLLECTORS—DUBLIN AFFAIRS

Even after his consecration, the new Archbishop of Dublin was detained in England by his onerous and unpleasant duties as collector for the forthcoming crusade. "The collection of the tenth, a long and difficult business, kept Darlington from his see," writes Professor Tout, who adds: "The wealthiest churches were unwilling to pay. The monks complained bitterly of the exactions of the friar. Before he was made Archbishop he had to coerce the rich Abbey of St. Alban's into regularity of payment by excommunicating the Abbot and some of the monks, and prohibiting the performance of divine service within its walls." <sup>2</sup> The monastic chronicler, Thomas Walsingham, gives a rather diplomatic version of this episode. In his account of Roger, the 24th Abbot of St. Alban's, whose rule extended from 1260 until 1290, he devotes a discreet paragraph to the affair:

"De Obedientiariis Sancti Albani non Solutionem pro Decima

<sup>1</sup> *Peckham's Register*, I. 37. Probably through a scribal error, *Peckham's Register* makes the consecration take place on Sunday, vii Kal. Sept. (Aug. 26), which is certainly wrong. The Sunday after St. Bartholomew, 1279, fell on Aug. 27; the true reading, therefore, is Sunday, vi Kal. Sept. Professor Tout, in his valuable notice of Darlington in the *Dictionary of National Biography*, has the erroneous date of Sunday, Aug. 26. The correct date (Aug. 27, 1279) is given by the Continuator of *Flor. Wig.* II. 222, and adopted by Stubbs in *Registrum Sacrum Anglicanum*, p. 65; it is also given by Echard, *Script. Ord. Praed.*, I. 396, and by Chevallier, *Repert. Bio-Bibl.*, 1186. Consecrations of bishops, in accordance with Canon Law, should take place on Sundays; and we know from *Peckham's Register* that Darlington's consecration was appointed to take place on a Sunday. Among the fanciful errors concerning the time and place of Darlington's consecration, two or three may be mentioned. The *Osney Annals*, *Annales Monastici*, IV. 282, place the consecration at St. Alban's. The *Worcester Annals*, *ibid.* IV. 476, date it on 6 Ides Sept. (Friday, Sept. 8, 1279), while *Oxenedes*, p. 255, assigns it to 6 Ides Dec.

<sup>2</sup> *Dict. of Nat. Biog.*, s.v. "John of Darlington."



in Subsidium Terrae Sanctae concessa [facientibus] suspensis, et exposit absolutis.—Cum statutum et concessum esset in Consilio Lugdunensi, a Gregorio Papa Decimo celebrato, ad quod dictus Abbas personaliter accessit, quod de omnibus bonis, temporalibus et spiritualibus, secundum verum valorem, decimae essent dandae in subsidium Terrae Sanctae, ut evitaret juramenti periculum, communem aestimationem superando, singulis annis pro bonis Monasterii Sancti Albani ducentas marcas argenti persolvit. Et quia termini solutionis minime observabantur, Dominus Abbas et omnes alii obedientiarii a celebratione divinatorum cessarunt ad tempus; quousque absolutionis beneficium a quodam Fratre Praedicatorum, Johanne de Darlington, ad hoc per summum Pontificem deputato, meruissent."<sup>1</sup>

Even in the month of his consecration Darlington was not free from troubles arising out of the crusade collection. To the month of August, 1279, we may very reasonably assign his absolution of the Canterbury monks; and in the same month we learn that Darlington had been compelled to excommunicate Stephen Berksted, Bishop of Chichester, together with a number of his clergy, for the usual cause—*pro sua decima non soluta*. In a letter addressed to Darlington in the early days of August, Peckham asks particulars regarding the date of the Bishop's excommunication, and the names of the beneficed clerks of his household who have also incurred ecclesiastical censures. Peckham has heard that, since his excommunication, the Bishop has conferred benefices on various parties. This, if true, would be an infringement of the Archbishop's right; so long as his suffragan remained under sentence of excommunication, Peckham as Metropolitan was entitled to fill the existing vacancies in the diocese of Chichester. For this reason, Peckham desired Darlington to assist him with the required information, which, no doubt, was readily furnished.<sup>2</sup>

Again, on August 16, 1279, eleven days prior to Darlington's consecration, Peckham wrote him a very touching letter, in favour of some monks who had signed a certain "confession." What the nature of their offence was, or who the monks were, we have no means of ascertaining. But Peckham's letter in their favour is a veritable human document. He first excuses himself by stating that he had honestly disbelieved in the charges made against them, and that an enemy of theirs had

<sup>1</sup> Walsingham, *Gesta Abbatum Monasterii S. Albani*, Rolls Series, I. 468. No precise date is assigned to this incident, which obviously occurred before Darlington's elevation to the episcopate. *Obedientiarii* are those "qui vel aliqua in Monasterio officia exercebant, . . . vel qui in Cellas et Prioratus seu *Obedientias* mittebantur, easque procurabant; qui *regebant Obedientiam*."—Du Cange, s.v. "*Obedientia*," I.

<sup>2</sup> *Peckham's Register*, I. 32. We may take it as certain that the Abbey of St. Alban's was not the place of Darlington's consecration, and that the Bishop of Chichester was not present at the ceremony.

been striving to lay hold of a copy of their "confession" for the purpose of doing them harm. As soon as Peckham learned that the collectors-in-chief demanded a copy of the document, he directed a certain personage to forward a copy immediately. As this personage delayed over the affair, the Archbishop himself now sends the document, praying earnestly that it may not be communicated to a living soul, for fear any harm might befall the monks. Should any evil happen to them, as a result of this confession, they would at once impute the blame to Peckham, and regard him as the root of the entire mischief; for they had signed the document out of personal respect for the Archbishop—though this was quite undeserved, adds Peckham humbly—and would not have signed it for any other reason. The noble-hearted Archbishop concludes by begging the collectors to forgive him, if, while recognising the faults of the monks, he cannot help loving the monks themselves.<sup>1</sup>

What the outcome of this affair may have been, we cannot tell; let us hope that it corresponded fully with the kindly wishes of Archbishop Peckham, who appears in all these transactions as a man of very lovable and considerate character. Shortly afterwards, the electoral claimants of Darlington's archdiocese were summoned to Rome, to plead their cause before the highest tribunal in Christendom, so that a final judgment might be passed upon their respective claims.

On October 6, 1279, Nicholas III issued a "mandate to John, Bishop of Clonfert, to cite the Dean and Chapter of St. Patrick's, Dublin, to appear in person, or by proctor, before the Pope in four months, with all documents relating to the cause between them and the Prior and Convent of Holy Trinity, who, on the death of Archbishop Fulk, elected Fremund called 'Lebrun,' and the Dean and Chapter elected William de Lacornere, both papal chaplains, to be archbishop. The cause was heard by Cardinals appointed successively by Gregory X and John XXI, and to save further waste of time and money

<sup>1</sup> "Domino electo Dublinensi, et magistro Ardicioni, frater J., etc. Dilationis instrumenti petiti causam me ex parte fateor extitisse, pro eo quod quidam adversarius eorum ipsius instrumenti copiam in ipsorum praejudicium acquirere nitebatur, quod ego horruī, existimans bona fide quod ipsius processus non solido nitatur penitus fundamento. Verumtamen, quancito didici a vobis fuisse instrumenti copiam requisitam, dixi Johanni Bonon' ut hoc ipse vestris manibus exhiberet, quod quia distulit, ecce ego mitto eum vestris beneplacitis servitutum, supplicans quantum possum quatenus instrumentum factae confessionis in eorum praejudicium nulli mortalium publicetur. Scio enim quod si per ipsum aliquid eis sinistrum evenit, mihi hoc funditus imputabunt, quia ob reverentiam personae meae, quamvis immeritae, ad confessionem illam, se, quam non fecissent aliter, inclinarunt. Parcatis autem mihi quia licet defectus immineant monachorum, monachum tamen ipsum nequeo non amare. Datum ut supra proximo [Mortlake, 17 kal. Sept. 1279]."—*Peckham's Register*, I. 45, 46.



the Pope made an ordinance that the Prior and Convent should summon the Dean and Chapter to assist at an election; but the proctor of the Prior and Convent attesting that the church of Holy Trinity is a cathedral, and that the right of election belongs to the Prior and Convent, who have exercised it from time immemorial, and that the said Dean and Chapter presume unlawfully to hinder the election by the Prior and Convent, the Pope has appointed M[atthew Orsini], Cardinal of St. Mary's in Porticu, to hear the cause, and issues the above mandate." <sup>1</sup>

In the mid-November of 1279 a royal writ declared that Archbishop Darlington was entitled to have and enjoy all such rights and privileges as his predecessors in the see of Dublin were wont to have in times past. This grant, dated Westminster, November 15, 1279, may be cited here:

"The King, of special grace, grants to John de Derlington, Archbishop of Dublin, that during his life he use and enjoy all liberties and acquittances which he and his predecessors, Archbishops of Dublin, had by charters of the King's progenitors, Kings of England, and of the King, hitherto enjoyed; and that he have all ordinary jurisdiction in that archbishopric which he and his predecessors, Archbishops of Dublin, were wont to have in times past. Mandate to justices, escheators, sheriffs, ministers, and all the King's bailiffs and subjects, not to harass the Archbishop, or allow him to be harassed, contrary to this grant." <sup>2</sup>

### THE ROYAL CHAPEL OF PENKRIDGE

During the whole of 1280 Darlington's name is conspicuous by its absence from royal and papal records. This, apparently, had led Father Palmer to conjecture that he was absent from England during that interval, on a visit *ad limina Apostolorum*.<sup>3</sup> It is quite possible that he may have paid a visit to the Holy See about the middle of that year; but is it quite certain that he was in England on April 7, 1280, on which date Archbishop

<sup>1</sup> *Calendar of Papal Registers*, I. 460; Theiner, 123. The Prior and Canons of Christ Church (Holy Trinity) do not appear to have succeeded in establishing their exclusive claim; on May 20, 1285, after Archbishop Darlington's death, they and their rivals came together and elected John de Saunford, Dean of St. Patrick's.—*Cal. Pap. Reg.*, I. 480; Theiner, 132.

<sup>2</sup> *Calendar of State Papers, Ireland*, 1252-1284, p. 323; cf. *Calendar of Patent Rolls*, 1272-1281, p. 334. The original is in the English Record Office, Rot. Pat. 7 Edw. I, m. 3; there is a copy in Palmer, *Anglia Dom.*, IV. B. 633. The rights and liberties of an Archbishop of Dublin must have been in a parlous condition when they needed to be safeguarded by a special writ from the King, and when the King's officers and subjects needed to be restrained from harassing the Archbishop.

<sup>3</sup> Palmer, *Anglia Dom.*, III. p. 116.

Peckham addressed him a letter, touching the exemption of the royal chapel of Penkridge, in Staffordshire, whereof the Archbishop of Dublin was *ex-officio* Dean.<sup>1</sup> It seems that Peckham was then engaged on his visitation tour as Metropolitan of the Southern Province; and he saw no sufficient reason for regarding the chapel of Penkridge as exempt from visitation. Darlington had dispatched the discreet gentleman William, his chaplain, to explain the status of Penkridge from the Archbishop of Dublin's point of view, and Peckham had given the envoy a patient hearing. The affair of Penkridge had been laid before the Court of Arches, but Peckham has given orders for a stay of proceedings until he can have an interview with Darlington in reference to the case.

Meanwhile, he begs Darlington to inquire carefully and see if he can discover any solid basis for the alleged exemption; because it seems to Peckham that royal diplomas were insufficient to create a canonical privilege of the kind, or to enable it to be maintained *bona fide*. Peckham has seen a letter in which Henry III, "of holy memory," commemorates an exemption granted by the Pope to the royal chapels in general; and in which the monarch, on his own account, draws from this general privilege a particular conclusion in favour of Penkridge, and indulges in dire threats against all prelates who dare to differ from his opinion. Peckham was astonished to have such a letter shown him by Darlington's messenger, since Oza may not touch the ark of God nor Ozias offer incense with impunity. He ends by asking Darlington to devise some plan or compromise which may satisfy both their consciences.<sup>2</sup>

This Penkridge affair caused Peckham to become involved in grievous broils with the King. Several of his letters in answer to the threats and remonstrances of Edward I are still preserved; they are couched in the Norman-French dialect then in vogue among the upper classes in England. To Darlington, however, Peckham always wrote in Latin; at least, all his extant letters to the Archbishop of Dublin are written in that language. Plain English was a little regarded by those Englishmen of the thirteenth century as Gaelic is by the average educated Irishman of our own time; with this essential difference, that while a rude form of English was then the common speech of the common people, the ordinary language of the Irish people has, unfortunately, ceased to be Irish.

Almost a year after his former epistle to Darlington, in reference to the Penkridge dispute, Peckham again addressed him on the same topic. From the tone of this letter, it is

<sup>1</sup> The deanery had been united with the archbishopric of Dublin by Alexander IV in 1259.—*Cal. Pap. Reg.*, I. 368. For a vast amount of information concerning the royal chapel of Penkridge, see Dugdale's *Monasticon*.

<sup>2</sup> *Peckham's Register*, I. 112, 113.



obvious that the two prelates had not ceased to be friends in spite of their difference of opinion on this subject. In this further letter to Darlington (February 23, 1281), Peckham states that, during his recent visitation in the diocese of Coventry and Lichfield, in presence of the respective chapters of these cities, he had published an excommunication against all who should unjustly hinder the progress of his visitation. Later on, he encountered opposition from the Canons of Penkridge and other chapels, who denied his jurisdiction while they could bring forward only frivolous reasons in favour of their alleged exemption, though abundance of time had been repeatedly given them for the presentation of a proper case. In these circumstances, Archbishop Peckham announced that all who unjustly hindered his visitation had incurred the excommunication already fulminated; and he caused this sentence to be judicially promulgated by his cleric, Master Philip of Cornwall. Nevertheless, so far as the Canons of Penkridge are concerned, Peckham now ordains that the sentence shall be suspended until such time as he can have an opportunity of conferring with Darlington, which he hopes to have in the course of next Parliament.<sup>1</sup>

The dispute dragged its weary length along; and Archbishop Peckham, still sceptical of the Penkridge claims, kept the clergy of the royal chapel under sentence of excommunication. On February 16, 1282, about a year after date of the letter just cited, he issued a notification to the effect that "John, Archbishop of Dublin, Dean of St. Michael's, Pencriz, is not included in the excommunication of the clerks of that chapel."<sup>2</sup> It was deplorable, though perhaps inevitable, that a sharp divergence of opinion should arise between two such worthy men, each one striving, to the best of his knowledge and ability, to uphold the rights and prerogatives of his own see. The arguments on Darlington's side of the question are very imperfectly known to us, but Peckham's attitude, as revealed in his letters, can hardly fail to command our respect.

#### DOMINICANS AS CANONS REGULAR—REMOVAL TO LUDGATE

Meanwhile, early in 1281, we find Darlington manifesting a kindly interest in the welfare of his Dominican brethren of

<sup>1</sup> *Peckham's Register*, I. 179, 180. For an account of the various kinds of royal chapels in England, the occasionally immoral conduct of the King's clerks attached to them, the constant endeavours of those clerics to escape from episcopal jurisdiction, and the acrimonious bickerings to which their doings gave rise, see Charles Dawson, F.S.A., *History of Hastings Castle* (1909), vol. I. pp. 107-110.

<sup>2</sup> *Peckham's Register*, III. 1068.

London. Their Priory in Holborn had been founded, as we have seen, by Hubert de Burgh, Earl of Kent, Grand Justiciary of England, and one of the most powerful magnates of the realm. From John Bokointe, citizen of London, the Earl purchased a plot of land, with buildings thereon, in the parish of St. Andrew-juxta-Holborn, and bestowed it on the Friars. In 1224 this John Bokointe confirmed to God and the *Canons of the Order of Preachers*, in perpetual almoign (save the service of the lords of the fief), the land and buildings which the Earl of Kent had bought for them. In one sense, this transfer was really not an "almoign," as the good man was paid for his share in the transaction. About 1228 William le Veill granted to the *Canons of the Order of Preachers* all the land which he held of Richard Golafre in the parish of St. Andrew-ultra-Holborn. After this the title changes; the next gift is that of Alice la Brune, widow, who, early in 1232, gave her land "to God, and the Blessed Mary, and to the church of St. John the Evangelist of Holeburne, and to the *Friars-Preachers* serving God there."<sup>1</sup> After this date, at all events in England, the term "*Friars-Preachers*" becomes the current designation. In the fourteenth and fifteenth centuries, the members of the order were styled "*Dominicans*," and popularly known as Black Friars, though the same name was sometimes given to the black-robed Friars of St. Augustine.

Two General Chapters, the first in 1250, the second in 1263, were held in the convent of Holborn. Some of the annual provincial Chapters, for affairs of the order in England, Scotland, and Ireland, met likewise in Holborn Priory. This Priory soon proved insufficient for the growing requirements of the English Dominicans, who were yearly becoming more numerous, as well as more influential in Church and State. A more commodious establishment was founded in another part of the city (near Ludgate) by Edward I, Queen Eleanor of Castile, and Archbishop Kilwardby of Canterbury, lately Provincial of the Dominicans and afterwards Cardinal. This fresh site was obtained in 1275; and under the charge of Father William de

<sup>1</sup> Palmer, *Anglia Dom.*, III. 3, 4. That the Dominican Order is a branch of the Canons Regular—in other words, that the Dominicans are in the same category with the Premonstratensians and the Canons Regular of Lateran—is convincingly shown by Père Mortier, who writes an able and exhaustive dissertation on this subject in his *Histoire des Maîtres Généraux* [1903], I. pp. 31-57. The same thesis was emphatically maintained by De Burgo, *Hib. Dom.*, 35, 36, as it had been maintained before him by the illustrious Mabillon, by Graveson, Jacob, and other writers. In his *Histoire des Dominicains de la Province de France* [1898], pp. 420, 421, Père Chapotin proves that the early Dominicans regarded themselves, and were regarded, as Canons Regular; but he considers that the Order formally and finally discarded this character in 1251. His arguments on this latter head have been answered by Père Mortier in the work above cited.



Hotham, then Provincial and afterwards Archbishop of Dublin, Father John de Sevenak, and Father Nicholas, successively Priors, the erection of the new pile of conventual buildings was brought to a successful issue.<sup>1</sup>

At this juncture, Archbishop Darlington secured a valuable concession for his London brethren. From a charter of April 13, 1281, we learn that Stephen de Cornhill (Cornhill), a draper and citizen of London, granted to the Dominicans of Blackfriars, at the instance of Archbishop Darlington, a certain property consisting of a "solarium et tres shopas," situated in what was then known as Folkemereslane. The pious donor expressly states that his gift was bestowed "for the weal of my own soul, for the souls of my father and mother, likewise for the souls of my brothers and sisters."<sup>2</sup>

The old Priory of Holborn was still in the hands of the Friars Preachers of London; but on March 3, 1286, "the Provincial and Prior sold all their place, buildings, and habitation near Holeburn to Henry de Lacy, Earl of Lincoln, for 550 marks. . . . On the site of the Convent" the Earl of Lincoln "built his town-house or Inn. In time, Lincoln's Inn became the resort of students of the law and continues to be a Law Inn to the present day. And now, after the lapse of six hundred years, amidst all the roar of the mighty city, the site of the Friars' house still keeps some air of monastic tranquillity in the fair gardens of Lincoln's Inn."<sup>3</sup>

Two months after his successful intervention with Stephen of Cornhill, Darlington received letters of protection from the King. Under date of June 8, 1281, we read: "Letters of protection for 2 years for John, Archbishop of Dublin."<sup>4</sup> This privilege was meant, no doubt, to shield Darlington from legal vexations at the hands of the Crown officials and others of the King's loyal subjects in Ireland. The Archbishop was not yet absolved from his irksome task as collector of crusade money; for that reason his presence would be required in England for another year or two. Hence the entry of two days later (June 10, 1281): "Letters of attorney, under the names of Ralph of Staines and Robert Heyrun, for J[ohn], Archbishop of Dublin, remaining in England by licence of the King."<sup>5</sup>

<sup>1</sup> Palmer, *Anglia Dom.*, III. 15, 16.

<sup>2</sup> *Register of Grants, Charters, etc., of the Duchy of Lancaster*, No. II, fol. 23, P.R.O.; cf. Palmer, *Anglia Dom.*, IV. D. 535.

<sup>3</sup> Palmer, *Anglia Dom.*, III. 15, 16.

<sup>4</sup> *Calendar of State Papers, Ireland*, 1252-1284, p. 390.

<sup>5</sup> *Ibid.* p. 390.

## TRUE AND FALSE PAPAL LETTERS

Not alone was Darlington retained in his office as collector, but Pope Martin IV, in October, 1281, issued a sheaf of mandates from Orvieto to the two principal collectors, in which he gave detailed instructions for the effective prosecution of their campaign. The first four of these mandates were signed on October 15; the fifth and sixth were dated October 13 and October 14, respectively. They are here quoted from the *Calendar of Papal Registers*:

"To the Archbishop of Dublin and Master Arditio, superior of Milan, papal chaplain, collectors of the Holy Land tenth in the realm of England, in answer to their query how they were to proceed in the case of entire or partial refusal to pay the same by prelates and clergy; those who thus refuse incurring sentences of excommunication according to the Council of Lyons. The Pope directs them to warn the said prelates and clergy to pay within a fixed time; and on their paying and making satisfaction for the delay, to absolve them. If they do not obey this warning they are to be cited to appear before the Pope within three months.

"Licence to the same to commission fit persons to absolve or dispense those in remote parts who, having incurred sentence as above, cannot conveniently come to the collectors.

"Notification to the same that the immunity from paying the Holy Land tenth enjoyed by the deputy collectors is all the remuneration they have to look for, there being nothing else given in other countries.

"Mandate to the same to observe, as to the collection of the tenth, the declarations made in regard to those nuns who are so poor that they would have to beg, did their kinsmen not give them alms.

"Mandate to the same to observe the article of declaration, according to which the prelates of the realm have chosen the way of paying the tenth; the prelates, having chosen it, do not keep to it.

"Mandate to the same to leave the money of the Holy Land tenth, which they have already deposited with certain Italian merchants, unless there is danger of its being lost; and to deposit the rest in some safe place or places, as they shall see fit."<sup>1</sup>

One of these ordinances prescribed that the deputy-collectors were to receive no remuneration, beyond their exemption from the Crusade tax—which was an asset of no inconsiderable value.

<sup>1</sup> *Calendar of Papal Registers*, I. 464. The first of these mandates is given in full by Theiner, *Vetera Monumenta*, 125.



It is not improbable that Darlington and his colleague may have had some trouble with these gentry; and they were destined to have more.

On Thursday, February 5, 1282, Archbishop Peckham, the Bishops of London and Rochester, together with representatives of the other Bishops of the province, assembled in conference at the New Temple in London, in fulfilment of the Pope's command to use their best efforts in procuring the liberation of Amauri de Montfort, son of the renowned Simon de Montfort, Earl of Leicester. This was the primary object of the meeting; but other affairs were also brought up for discussion. In these affairs Archbishop Darlington, the Bishop of Hereford, and Master Ardicio were concerned; all three were among the assembled dignitaries. In the course of these proceedings, certain alleged papal letters were submitted to the conference by Darlington and Ardicio. These letters were dated Orvieto, November 1, 1281, in the first year of Martin IV's pontificate. They purported to be addressed by the Pope to the English collectors-in-chief, commanding the said collectors to pay Simon de Micham, Chancellor of Salisbury, and Robert, perpetual vicar of Stourminster, in Salisbury diocese, the sum of three shillings per day for their labours in collecting the tenth during the past five years—which would amount to over £3,000 in modern currency for each of the gentlemen concerned. The Chancellor of Salisbury, who was present on this occasion, declared that he had handed these letters to the collectors-in-chief, with the express declaration that he did not mean to use them, unless they should prove to be lawful and authentic.

While these *soi-disant* papal letters were being read before the assembled prelates and dignitaries, the thread became separated from the seal, whereupon they were promptly repudiated by the Chancellor of Salisbury. He had received them, he said, from a certain Richard Burton. Immediately Burton was called; he alleged that he had received the letters in the Roman court from his master, who was none other than Robert, the perpetual vicar of Stourminster. Burton, moreover, handed to the Archbishop of Canterbury and his brother-prelates certain other papal letters, or what purported to be such, which he had received from the same source. These bore date of Non. Novemb. 1 Martin IV—that is, November 5, 1281—and were addressed to the Archdeacons of Canterbury and Dublin, ordering them to compel the collectors-in-chief to pay the money aforesaid.

Archbishop Darlington and Master Ardicio were asked to give an opinion as to the authenticity of the three letters. Darlington regarded them as suspicious, while Ardicio stoutly maintained that they were utterly false and forged. Richard Burton was taken into custody on suspicion of forgery, and

committed for safe-keeping to the Bishop of London, in whose diocese the inquiry had taken place. Archbishop Peckham forwarded the supposedly forged letters (on February 14, 1282), under his own seal, to Pope Martin IV for examination, adding that Burton had acknowledged bringing twelve similar letters from Rome, addressed to the Bishop of Hereford, but he had handed them over to a citizen of London for delivery to the Bishop. The Bishop of Hereford, who was present at the conference, declared he had received no such letters. In a private letter of February 25, 1282, to his proctor in Rome, Peckham again refers to this affair; here he openly speaks of the letters as forged, and refers to Richard Burton as the forger. That they were really forged is the opinion of Professor Tout, who says: 'Darlington had still other difficulties. The sub-collectors in the diocese of Salisbury produced forged letters, purporting to come from Martin IV, ordering the chief collectors to pay them large sums for their expenses; but the latter denied the claim, and the letters were forwarded to Rome to complete the detection.'<sup>1</sup>

#### NEW BISHOP OF FERNS—AN INTRIGUE AND AN OUTRAGE

Six months after this affair Darlington was called upon to exercise his powers as Metropolitan of the province of Dublin. On August 23, 1282, the King was at Rhuddlan in Wales, engaged in an attempt to crush the independence of the gallant little Welsh nation. Thence he granted his "royal assent to the election lately made, in the cathedral church of Ferns, of Richard of Northampton as Bishop of Ferns. Intimation to J[ohn], Archbishop of Dublin, to do what depends on him in this matter."<sup>2</sup> Archbishop Darlington having duly granted confirmation, the King issued a writ for restoration of the temporalities, all the more willingly as the new prelate was an

<sup>1</sup> *Dictionary of National Biography*, art. "John of Darlington"; cf. *Peckham's Register*, I. 293-297, 307, 308. Needless to say, these forgeries find no place among the authentic letters which figure in the *Calendar of Papal Registers*. Whoever the forger was, he had a good knowledge of the movements of the papal Curia; Martin IV was really at Orvieto in the first week of November, 1281. Robert, the perpetual vicar of Stourminster, one of the two men who stood to gain heavily by the forged letters, was then confessedly at the papal court; while Richard Burton was admittedly nothing more than his servant. To me it seems very probable that Robert, the vicar, was the real forger; and that his more or less guilty accomplices were Richard Burton and Simon of Mitcham, the Chancellor of Salisbury. The latter had sufficient *finesse* to extricate himself from the meshes of the law; while a less culpable criminal, the clumsy and candid Burton, was thrown into prison.

<sup>2</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 446.



Englishman. This writ bore date of Rhuddlan, October 13, 1282: "J[ohn], Archbishop of Dublin, having lately confirmed the election of Richard of Northampton as Bishop of Ferns, to which election the royal assent had previously been given, the King, accepting that confirmation, takes fealty from the elect and restores the temporalities. Mandate to John de Saunford, escheator of Ireland, to deliver the temporalities."<sup>1</sup>

Shortly afterwards Darlington received a fresh papal mandate, dated Montefiascone, October 1, 1282, containing further instructions on the perennial subject of the crusade collection: "Mandate to the Archbishop of Dublin, collector of the Holy Land tenth in England, in answer to his letter, to assign to members of the Florentine firm of Thomas Spillati and Hugh Spina the arrears of half the tenth of the first year collected by him and Master Arditio, Bishop-elect of Modena, papal chaplain."<sup>2</sup> From this we learn that Master Arditio, no less than Darlington himself, was to be rewarded with a bishopric for his arduous and ungrateful labour as collector of crusade money.

Early in the following year Edward I was still in Wales. On February 17, 1283, he issued a "writ commanding W. de Odiham to cause to be given by the King's writ to H. le Waleys, Mayor of London, or Gregory de Rokerley, power to receive the general attorneys of the Archbishop of Dublin, to prosecute and defend his complaints and pleas in Ireland.—Rhuddlan, the 12th of the calends of March."<sup>3</sup> It seems that, unhappily, no record has survived of the complaints and pleas which Darlington desired to prosecute in Ireland; if his diocesan interests had not suffered in some way, he would scarcely have sought a writ of this kind.

Predatory schemes of conquest were now uppermost in the mind of Edward I, who was bent on crushing the independence of Wales and Scotland. His professions of crusading ardour were long since forgotten, or were occasionally recalled as convenient pretexts for appropriating slice after slice of the crusade funds. Towards the end of 1282 he sent a fresh embassy to the Holy See, calmly requesting that the crusade money, or what was left of it, should be given to his brother, Edmund Crookback, for whom the crown of Sicily had been intended in days gone by. To this modest proposal the Pope returned a reproachful refusal (January 9, 1283):

"To Edward I, praying him not to take it ill if the Pope puts off granting his petition, sent by Master Robert, Dean of York, and John Clarel, papal chaplain, for the grant of the Holy Land tenth to his brother Edmund, Count of Champagne

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, pp. 453, 454.

<sup>2</sup> *Calendar of Papal Registers, I.* 466.

<sup>3</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 474.

and Brie, as the King does not intend to set out, which the Pope is sorry to hear, inasmuch as the miracle, by which the King's life was saved from attempts against it, points out that the King should not suffer the tenth to be used by another in the service of Christ. If the King does not become willing to set out in due time, the Pope will make such disposition of the tenth in regard to the said Count and to the magnates and nobles of the realm as shall add to the glory of God, the good of the Holy Land, and the honour of the King."<sup>1</sup>

The sincerity of the King's suggestion that the crusade money should be granted to his brother for the relief of the Holy Land may be gauged from the significant fact that, shortly after receiving the Pope's reply, Edward I sent his agents to seize the crusade money, and carry it off by main force. They broke open the locks and seals, took possession of the entire deposit and bore it away, regardless of the protests of the official custodians.<sup>2</sup> This we learn from a letter of Pope Martin IV to Archbishop Peckham, and the facts are not disputed. The Pope ordered the Archbishop of Canterbury to seek an interview with Edward I and to let him know that, if the crusade funds were not restored in full to their proper custodians within one month from the date of the interview, the Holy See would take just and adequate measures against Edward I and his kingdom. It was a tolerably plain hint that the English monarch stood in peril of excommunication, and his kingdom in peril of interdict, if he failed to restore the Holy Land funds which he had arbitrarily and unrighteously seized.

Peckham hied him to the borders of Wales and had his interview with King Edward. The colloquy left that ambitious and unscrupulous potentate as mild as a suckling dove. The crusade money was restored; at least, some specious pretence was made of returning it to its proper guardians. These, however, having their own opinion of the honesty of King Edward and his officials, declined to accept any further responsibility

<sup>1</sup> *Calendar of Papal Registers*, I. 467.

<sup>2</sup> Pope Martin IV describes this outrage as follows: "Intellecto nuper quod carissimus in Christo filius noster, rex Angliae illustris, pecuniam decimae in regno Angliae per Lugdunense concilium Terrae Sanctae concessae subsidio, quae per collectores a sede apostolica deputatos, in sacris ac tutis locis deposita sub fide jugique custodia servabatur, de locis ipsis, sigillis serisque violenter efractis, quibus loca eadem firmabantur, motu proprio, pecuniae praefatae custodibus renitentibus et invitis, totaliter amoveri et ad certum locum pro suae voluntatis libito, non absque magna divinae Majestatis offensa, multoque apostolicae sedis contemptu, ac ejusdem Terrae gravi dispendio, fecerat asportari, mirati fuimus non modicum et turbati; cum sine nostra et ipsius sedis licentia speciali, attemptare talia minime debuisset."—*Peckham's Register*, II. 635. This letter from Martin IV was dated Orvieto, July 5; it was received in London by Peckham on October 21, and answered by him on November 29, 1283.



in regard to the treasure. They knew not, they said, whether the amount restored was equal to the amount abstracted. The sacks and seals were similar, and the size of them was about the same. Still, the keepers had no means of knowing whether restitution had been properly made or not; hence they declined to become responsible for the deposit. Peckham suggested that the Pope should lose no time in commanding them to keep the money carefully, as before.<sup>1</sup> Darlington's name is not connected expressly with this transaction; still, it is natural to suppose that he and Master Ardicio, or one of the two, must have informed the Pope as to the fate which had befallen the fruit of their joint labours. In any case, it is satisfactory to find that Edward I was compelled to disgorge.<sup>2</sup>

Archbishop Darlington was now commissioned to bless the new Abbot of Canterbury, though he was one of the two collectors who had lately excommunicated the principal monks of the neighbouring community. On May 14, 1283, the following letters were despatched by Martin IV from Orvieto:

"Appointment of Thomas de Fyndona, third Prior of St. Augustine's, Canterbury, as Abbot, on the resignation of Nicholas, in the Pope's presence, who accepted it on 4 Id. May [May 4].

"Concurrent letters to the Prior and convent, to all vassals of the monastery, and to the King.

"Commission to the Archbishop of Dublin and the Bishop of London, for one of them to give benediction to the said Abbot, and receive his oath of fealty."<sup>3</sup>

### DARLINGTON RESIGNS THE COLLECTORSHIP

About this time Darlington probably felt that he done a man's part manfully, in providing the sinews of war for the long-expected crusade. He had shrunk from neither toil nor unpopularity in the arduous and unwelcome duty which had been imposed upon him by the Holy See. Nearly nine years had elapsed since his appointment to the collectorship; and now, for the most part, his task was accomplished: his accounts had been set in order and forwarded to the Pope. He now

<sup>1</sup> *Peckham's Register*, II. 635-638, 638, 639.

<sup>2</sup> In the following year (1284), Edward I, *rex impudens facie*, was not ashamed to ask Pope Martin to grant him all the crusade money collected throughout his entire dominions in England, Ireland, Wales, France, and even in Scotland. Seven or eight petitions were put forward on behalf of the English king; and the Pope's reply to each, as a rule, was an emphatic negative. Pope Martin IV saw clearly through the selfish, grasping, domineering character of Edward I.

<sup>3</sup> *Calendar of Papal Registers*, I. 468.

desired the Sovereign Pontiff's permission to resign his office of collector, and retire to the government of his see.

The great cause, for which he had laboured so faithfully and so long, had failed. Nine years had come and gone since the Council of Lyons, yet no crusade had been undertaken. The prospect of a successful crusade for the relief of the Holy Land seemed to grow more hopeless as time went on. Edward I and the monarchs of his time were so engrossed with personal rivalries and selfish schemes of aggrandisement that they had no concern for the Holy Land. The barbaric violence with which King Edward had seized upon the crusade funds, and sought to misapply them to his own purposes, must have come as a rude shock to Darlington; though he was doubtless only too well aware of the King's unwillingness to take part in a crusade, and of the intrigues by which he continually sought to divert the crusade money into his own coffers.

Facts such as these must have influenced Darlington's decision to seek release from the hopeless task on which he was engaged, and to devote his declining years to the more profitable as well as more suitable duty of governing his archdiocese. Besides, the see of Dublin had now been twelve years without a resident bishop; and its interests, both spiritual and temporal, had grievously suffered in consequence. Special stress was laid on this point by Darlington in his petition to Martin IV, who thereupon, by a rescript of October 11, 1283, accepted his resignation of the collectorship, and paid a handsome tribute to his prudence and fidelity. He had held the office under six Pontiffs—Gregory X, Innocent V, Adrian V, John XXI, Nicholas III, and Martin IV—and had filled it creditably and conscientiously.

At this time Darlington was not alone in seeking release from the labours of the collectorship. In 1282 Canon Baiamund de Vitia, the Italian collector for Scotland, had asked to be recalled, "as there was nothing further to be done in the business of the Holy Land tenth."<sup>1</sup> The work in England was not wholly finished; wherefore, on October 7, 1283, Pope Martin appointed Master Geoffrey, Canon of Cambray, to the collectorship, in place of Archbishop Darlington, who had asked permission to retire. Four days later (October 11, 1283), the Pope issued a rescript "to John, Archbishop of Dublin, on his petition, stating that for nine years and more the see has been void, and now suffers by his absence when engaged in his duties as collector of the Holy Land tenth; the Pope therefore relieves him of this office which he has discharged with prudence and fidelity."<sup>2</sup>

<sup>1</sup> *Calendar of Papal Registers*, I. 465.

<sup>2</sup> *Calendar of Papal Registers*, I. 469. Twice over, in the course of this document, the Pope eulogises the faithful service rendered by Darlington—



## DARLINGTON'S DEATH—HIS EXECUTORS

Darlington, at this time, seems to have been oppressed with a premonition of his approaching end, while he bravely struggled to prepare for the troubles which awaited him in Dublin. These opposing currents are reflected in his petitions to the Holy See; he asked the Pope's permission to make his last will and testament, while requesting various faculties and privileges which might prove useful in the government of his diocese. These various permissions were granted by Martin IV on March 1, 1284:

"Faculty to John, Archbishop of Dublin, to make disposition of his personal goods by testament, and of ecclesiastical moveable goods, those excepted which come from altar service or assigned for any divine worship, for his funeral expenses and rewards to his servants, debts being first provided,

"Indult for three years to the same, that no papal delegate or subdelegate shall issue against him sentences of excommunication, suspension, or interdict, unless special mention of this indult be made in the papal letters; any sentences so issued are declared null.

"Faculty to the same to absolve those clerks and laymen of his diocese who, to a great number, have, during the Archbishop's absence on the business of collecting the Holy Land tenth, incurred excommunication for burning churches, satisfaction to the said churches being enjoined.

"Faculty to the same to grant dispensations to two clerks of his diocese of illegitimate birth to be ordained and hold a benefice apiece with cure of souls.

"Faculty to the same to create two or three notaries public."<sup>1</sup>

Before these faculties reached him Darlington was dead. On his way to Dublin he was stricken with a mortal malady, and was brought back to London to die. He expired on March 29, 1284, and his remains were laid to rest in the choir of the

"Diligentis sollicitudinis studium, quod circa ea, quae tibi a sede apostolica committuntur, fideliter adhibere dinosceris, promeretur, ut in petitionibus tuis, quae eidem sedi pro tempore porrigis, eam et favorem sentias et invenias gratiosam." This, despite its moderation of phrase, is one of the handsomest things ever written by a Pope to a Bishop; and the conclusion conveys another compliment: "Tuis itaque supplicationibus inclinati, et attendentes benignius, quod in eiusdem collectionis officio, prout a fide dignis asseritur, prudenter et fideliter te gessisti, ac volentes ecclesie prefate profectibus utiliter providere, te auctoritate presentium ab onere predictae collectionis absolvimus, fraternitati tue postulatam licentiam concedentes."—Theiner, *Vetere Monumenta*, p. 126. ‡

<sup>1</sup> *Calendar of Papal Registers*, I. 470. The first and last of these faculties are given in full by Theiner, *Vetere Monumenta*, p. 127.

Dominican church at Blackfriars.<sup>1</sup> The same year witnessed the death at Windsor of Prince Alfonso, a young man of excellent parts and very devout disposition. His body was interred at Westminster, but his heart was buried with the Dominicans of London, by order of his royal mother. In this year also, the Princess Mary, daughter of the King, overcame the opposition of her parents and became a nun, thanks to the good offices of the Queen-dowager, her grandmother.<sup>2</sup>

Shortly after Darlington's death, the King issued various orders regarding his goods and chattels and the temporal possessions of his see. His executors are twice mentioned in these official documents, which is hardly consistent with the Dunstable annalist's rumour that he died "quasi-intestate," whatever that may mean. The first of these orders was issued soon after March 29, the date of Darlington's demise: "Fiat directed to J. de Kirkeby to write to N. de Clare, custodian of the archbishopric of Dublin, that when required by the executors of J[ohn], formerly Archbishop of Dublin, he be present with them at the taking of the accounts of the Archbishop's seneschals and bailiffs.—Item, that the Justiciary be written to, to compel, if necessary, the seneschals and bailiffs of J[ohn], formerly Archbishop of Dublin, to render an account and to pay arrears."<sup>3</sup>

Obviously the King was determined to brook no delay in exacting what he could from the widowed see. In 1284 Easter Sunday fell on April 9, about which date Edward I addressed a "mandate to the Barons of the Exchequer that, having taken security from the *executors of the will of John*, late Archbishop

<sup>1</sup> The annalists agree in stating that he died in 1284. "Frater Johannes, Dublinensis Archiepiscopus, per tempus istud, cum versus ecclesiam iter arripuisset, correptus infirmitate gravi, ultimam diem clausit. Cujus corpus in choro Fratrum Praedicatorum Londoniis est humatum."—Rishanger, *Chronica*, p. 108, Rolls series. The Annals of Dunstable record an unreliable rumour that he died suddenly, and without making his will: "Eodem anno obiit frater Johannes de Derlington, archiepiscopus de Duvelyn; qui totius pecuniae, in subsidium Terrae Sanctae concessae in concilio Lugdunensi, collector fuerat deputatus. Et dicitur quod subito obiit, et quasi intestatus."—*Annales Monastici*, III. 313. The exact date of his demise is given in the Annals of Osney and in the Chronicle of Wykes: "Quarto kal. Aprilis obiit frater Johannes de Derlington, archiepiscopus Dubliniensis."—*Annales Monastici*, IV. 296, 297, Rolls series. For some unexplained reason, Leland (*Comment. de Scriptor. Brit.*, 303) gives "quinto kal. Aprilis," or March 28, as the date of his death.

<sup>2</sup> "Eodem anno [1284] obiit Wyndeleshores Alfonsus, filius Regis, juvenis optimae indolis et admodum Deo devotus; cujus corpus apud Westmonasterium, cor vero apud Fratres Praedicatores Londoniis, ordinante sic Regina Matre, traditur sepulturae. . . . Eo tempore, Maria, filia Regis Angliae, Ambresbiriae sanctimonialis efficitur, parentibus, licet cum difficultate, assentientibus, ad instantiam matris Regis."—Rishanger, *Chronica*, 108.

<sup>3</sup> *Calendar of State Papers, Ireland*, 1252-1284, p. 506.



of Dublin, for the debts in which he was bound to the King at his death, they cause the Archbishop's chattels to be delivered to the executors, and permit them to have free administration. The Barons shall also certify to the King the security they have taken."<sup>1</sup>

In accordance with the feudal custom of the time, Darlington had granted the custody of certain lands and heirs under his jurisdiction to certain Englishmen. These grants were confirmed by the King at Caernarvon on May 2, 1284: "The King confirms the gift and grant which Brother John, late Archbishop of Dublin, deceased, made to Robert de Manfeld, of the custody of the land and heir of William of Finglas." On the same day we find a similar royal confirmation of Darlington's grant "to Robert de Derlinton, of the custody of the land and heir of Thomas Dodding."<sup>2</sup>

On May 5, 1284, the Prior and Convent of Holy Trinity (Christ Church) received royal licence, through Brother Richard de Staunford, their brother Canon, to elect a new Archbishop. On May 11 (six days later) the Dean and Chapter of St. Patrick's Cathedral received a similar licence, through John de Saunford, their brother Canon,<sup>3</sup> who was eventually elected to the vacant dignity.

Two years later still we find a Lincolnshire rector pleading for a reduction of the assessment made in his regard by Darlington and Arditio, in days gone by. On February 12, 1286, Honorius IV ordered the new collector to look into the matter: "Mandate to Master Geoffrey de Veçano, Canon of Cambray, clerk of the papal *camera*, living in England, to ascertain the value of the church of Wyvelsforde [Wilsford] in the diocese of Lincoln, and, if he finds that Robert de Flam-mavilla, rector of the same, has paid the Holy Land tenth according to its true value, not to suffer him to be molested in regard of the same; John, Archbishop of Dublin, then a Friar Preacher, and Arditio, Bishop of Modena, then superior of Milan, having ordered him to pay an additional sum."<sup>4</sup>

It will be remembered that the King's custodian of the archbishopric of Dublin, immediately after Darlington's decease, was a man named Nicholas de Clare or de Clere. This man, though an ecclesiastic, was discovered to be a thoroughly dishonest and unscrupulous official. Possibly he may have been no more corrupt than many another of the Crown officials in Ireland,<sup>5</sup> but he was less skilful in escaping detection. From

<sup>1</sup> *Calendar of State Papers, Ireland, 1252-1284*, p. 506.

<sup>2</sup> *Ibid.* p. 312.

<sup>3</sup> *Ibid.* pp. 512, 514.

<sup>4</sup> *Calendar of Papal Registers*, I. 484, 485.

<sup>5</sup> See an appalling indictment of their dishonesty and peculation about the year 1285, in *Calendar of State Papers, Ireland, 1285-1292*, pp. 1-15.

a royal mandate of July 8, 1292, we learn that Darlington's executors had complained to the English Treasury that de Clere had misappropriated goods and chattels from Darlington's diocese, to the value of over £5,000 in modern money: "Whereas William de Menes, one of the executors of J[ohn], formerly Archbishop of Dublin, deceased, had complained for himself and his co-executors before the Treasurer and Barons of the Exchequer, Westminster, that Nicholas de Clere, while he had custody of the archbishopric during its vacancy after the death of this Archbishop, took of his goods and chattels to the value of £431 17s. 10½d.; the King commands the Treasurer and Barons of the Exchequer, Dublin, to summon before them Nicholas and the executors aforesaid, hear the reasons of the parties, and do what is just. Any debt which the Archbishop owed at his death to the King shall be immediately levied out of the goods and chattels."<sup>1</sup>

As we shall have occasion to see in the chapter on Archbishop Hotham, the unprincipled Nicholas was found guilty of these and many other defalcations. He was committed to prison; his ecclesiastical goods and the fruits of his benefices were ordered to be put up for sale. After spending nearly six years in durance vile, he was released on promise of finding security for payment of a fine of 500 marks and of £717 arrears; in other words, he was compelled to give security for payment to the Crown of a total sum equivalent to over £12,000 in modern currency.<sup>2</sup>

<sup>1</sup> *Calendar of State Papers, Ireland*, 1285-1292, pp. 494, 495.

<sup>2</sup> *Calendar of State Papers, Ireland*, 1293-1301, pp. 221, 222. In an account for Dublin county (June 24, 1281, to Sept. 29, 1282) by Henry Gorham, sheriff, we find Archbishop Darlington answering for various debts incurred by a certain Thomas of London, amounting to £95 5s. 4d., or nearly £1,200 in modern money. Thus: "Thomas de Lond' (John the Archbishop for him) owes £41 17s. 8d., various debts noted in roll a. r. viii." I have not been able to identify these debts. A further entry in the same roll sets forth that "Thomas de Lond' (J. Archbishop of Dublin for him) accounts for various debts amounting to £53 7s. 8d. Paid into treasury £23 7s. 8d., and he owes £30." A similar account for the period Sept. 29, 1282, to June 24, 1284, shows that "Thomas de London (J. Archbishop of Dublin for him) accounts for various sums noted in estreats, &c., amounting to £73 6s. 4d. Paid £20 6s. into the treasury, and he owes £53 os. 4d."—*Thirty-sixth Report of Deputy-Keeper*, pp. 67, 69. This Report shows that, between 1272 and 1276 the dioceses of Waterford, Emly, Cloyne, Kildare, Leighlin, Connor, and Ross were vacant for more or less lengthy periods. Their revenues were confiscated to the treasury. These revenues amounted altogether to £1,026 1s. 11½d., or well over £12,000 in modern money. Another account, ending Nov. 20, 1282, shows that the following sees were vacant for a time: Kildare, Cork, Lismore, Dublin, Meath, Killala, Killaloe, Clonmacnois, Tuam, Emly, and Ferns. The total revenues swept into the King's treasury from the ecclesiastical property of these sees was £2,595 1s. 9½d., or more than £30,000 in modern currency.—*Thirty-sixth Report of Deputy-Keeper*, pp. 30, 60-61. In our day such high-handed exactions would be stigmatised as plain robbery.



A word remains to be said on Darlington's writings. We have seen that he was one of the leading compilers of the famous *English Concordances*, which enjoyed such vogue among Biblical students and preachers in the Middle Ages. Besides his share in this great work, Darlington is usually credited with the authorship of a volume of sermons, *Ad Clerum et Populum* (the title of which suggests that it was written after his elevation to the episcopate), and of a scholastic treatise, *Disceptationes Scholasticae*, besides other compositions. Some of these writings may still be extant, but all efforts to trace them have hitherto proved fruitless.<sup>1</sup>

<sup>1</sup> Quétif-Echard, *Scriptores Ord. Praed.*, I. 396 ; De Burgo, *Hib. Dom.*, 537. These works are also ascribed to him by Leland, Bale, Pits, Tanner, Ware, etc.

## WILLIAM HOTHAM, ARCHBISHOP OF DUBLIN

(1296-1298)

A SCHOLARLY English Dominican once informed me that he regarded Archbishop William Hotham as the greatest of English Dominicans. A somewhat similar view seems to have prevailed among Hotham's own contemporaries. Bernard Gui, the famous French Dominican, who probably knew Hotham personally, speaks of him as "a great Master in Theology, renowned throughout the entire Order, who became Archbishop of Dublin in Ireland about the year 1298. He was twice Provincial of England, and was sent by the English king as ambassador to the Supreme Pontiff. On his return journey he expired in the convent of Dijon on the eve of St. Augustine, 1298."<sup>1</sup>

Hotham appears to have been a man of remarkable suavity and uncommon charm of manner. He was highly popular among his own brethren, as is clear from the fact that they twice elected him to the provincialate and retained him in that office for an exceptionally long period on each occasion. The Dominican chronicler, Nicholas Trivet, who spent many of his early years in religion under Hotham's jurisdiction, and was a young man of thirty or thereabouts when Hotham received the mitre of Dublin, describes him as "a man of exceeding'y acute mind, who became a Doctor of Theology at Paris after entering the Order. Besides, he was genial in conversation, placid in manner, sincerely religious, and acceptable in the eyes of all men."<sup>2</sup>

<sup>1</sup> "F. Guillelmus de Odone Anglicus magnus magister in theologia in toto ordine nominatus, Archiepiscopus Dublinensis in Hybernia anno mcccxcviii circum circa. Fuit prior provincialis Angliae bis. Hic legatus regis Angliae ad summum pontificem, redeundo in conventu Divionensi moritur in vigilia B. Augustini mcccxcviii."—Quoted in Quétif-Echard, *Scriptores Ord. Praed.*, I. 459. When Hotham became Archbishop of Dublin, Bernard Gui was prior and professor in Albi; he was afterwards prior in Carcassone, and eventually became Bishop of Limoges.—*Ibid.* I. 576.

<sup>2</sup> "Hic F. Willelmus postquam ordinem ingressus est, cum esset vir acutissimi ingenii, doctor in Theologia Parisius factus est. Erat autem jocundus in verbis, in affatu placidus, religionis honestae, in omnium oculis graciosus."—Trivet, *Annales*, ed. Hog., 364, 365; cf. Quétif-Echard, *Scriptores Ord. Praed.*, I. 460; also *Chronicle of Lanercost*, trans. by Sir Herbert Maxwell, Bart., 1913, p. 70. On Trivet and his works, see Quétif-Echard, I. 561-565.



It seems fairly certain that William Hotham was a Yorkshireman, born in the village from which he derived his surname. Hotham is a parish and village in the East Riding of Yorkshire, five miles south-east of Market Weighton. It is now an insignificant place, with a population at the last census of only three hundred souls. There is, it is true, a still smaller village called Hoton, in the north of Leicestershire, about three miles north-east of Loughborough; it is a tiny hamlet with a resident population of some two hundred and fifty persons.<sup>1</sup> At first sight, it may seem doubtful which of these two villages enjoys the honour of being the birthplace of the future Archbishop of Dublin. In medieval documents we find his surname written in a bewildering variety of ways—Hothom, Hothum, Hotun, and Odone, being those which recur most frequently. For the most correct form of his surname we naturally consult the English State Papers; and in these he figures almost invariably as William de Hothom or de Hothum. Father Raymond Palmer, the careful historian of the English Dominicans—whose work is unfortunately still in manuscript—consistently refers to him as William de Hotham. In his recent volume on the *Political History of England*, Professor Tout styles him William of Hotham, though in his earlier article in the *Dictionary of National Biography* he had adopted the non-committal designation of Hothum. Besides, editors of historical records refer to our prelate, with increasing frequency, as William Hotham or William of Hotham; and we may safely follow their example. No English writer, so far as I am aware, calls him William Hoton.

Hotham, as we have seen, was merely a place-name which served as a surname; the fact that sundry personages bore the surname of Hotham was not necessarily a proof of consanguinity, even when they flourished about the same period. The surname was a proof, not perhaps of relationship, but of a common local origin. Eleven personages of the name of Hotham are commemorated in the *Dictionary of National Biography*. Three of these achieved distinction as naval commanders, and two others were executed for treachery to the Cromwellian cause. In the days of Archbishop Hotham, two other ecclesiastics of the name attained prominence in these islands, and their prominence has given rise to some confusion. These were William Hotham, prebendary of Swords and Canon of St. Patrick's Cathedral, Dublin, and John Hotham, Bishop of Ely and Lord Chancellor of England. Their alleged relationship with Archbishop Hotham will be considered presently.

We know that William Hotham became Provincial of the English Dominicans in 1282, and we shall not be far wrong in assuming that he was then over forty years of age. Rarely,

<sup>1</sup> *Bartholomew's Gazetteer of the British Isles*, 1914, p. 349.

indeed, do we find a regular elected to the provincialate of his Order before his fortieth year. The year 1240, therefore, may be regarded with tolerable confidence as the approximate date of Hotham's birth. On this reckoning, he would have been fifty-eight years old in 1298, and the circumstances of his passing suggest that he could scarcely have been much older. He was unexpectedly stricken down in the midst of an active and vigorous career, just when men were predicting, if we may believe an Italian writer, that he would one day become a Cardinal.<sup>1</sup> Had he lived, he might have become the first Cardinal Archbishop of an Irish See.

In 1270 Hotham's name appears for the first time in the historical records. On July 11 of that year, Walter Giffard, Archbishop of York, gave Friar William de Hotham a sum of 26s. 8d. On September 8 following, the same Archbishop gave 13s. 4d. to the Friars Preachers of York; 2s. to Friar William de Hotham at St. Oswald's, and a like sum to the Friars Preachers of Dunstable.<sup>2</sup> Father Palmer doubts whether this William de Hotham was the eminent Dominican who afterwards became Archbishop of Dublin. The identification seems to present no real difficulty, for our William Hotham was then a promising young man of thirty or more, and no other Dominican of the name is known to have existed at that period.

<sup>1</sup> There is one fact, however, which would seem to indicate that Hotham was born in 1230 or earlier, and not about the year 1240, as I have assumed. In his valuable work, *La Chaire Française au Moyen Age*, p. 510, M. Lecoy de la Marche states that ten sermons, *de Tempore et de Sanctis*, preached by the English Dominican, Guillaume de Houdaing (obviously our William Hotham) in 1261 and 1263, are preserved in the Bibliothèque Nationale de Paris, MS. lat. 16482. M. Lecoy also credits the same preacher with a sermon for Easter, preached at Paris in 1283, and preserved in the same Library, MS. lat. 14947. Finally, he ascribes to Hotham a sermon of unknown date, for the second Sunday of Lent, likewise preserved in the National Library of Paris, MS. lat. 15971. (Cf. Mortier, *Histoire des Maîtres Généraux*, I. 668.) Now, if it be true that Hotham preached a course of sermons, presumably at Paris, in 1261 and 1263, we shall be forced to regard 1230 as the approximate year of his birth. He would thus be some sixty-eight or seventy years of age at his death in 1298. This hypothesis is not only possible but entirely probable. Still, as we shall have occasion to show later, the sermon which M. Lecoy (following Echard) regards as having been preached by Hotham at Paris in 1283, could not have been preached by him, and must be ascribed to some other English Dominican. If M. Lecoy is mistaken in attributing this sermon to Hotham, may he not be equally mistaken in ascribing the sermons of 1261 and 1263 to the same preacher? Besides, though there is no inherent improbability in the assumption that Hotham was about seventy years of age at his death, still, his vigorous and manifold activity just before he was stricken down, and the high hopes entertained in regard to his future advancement, seem to suggest that he was on the sunny side of sixty, rather than an old man of seventy, when he was called away.

<sup>2</sup> Raine, *Fasti Eboracenses*, pp. 312, 313; cf. Palmer, *Anglia Dom.*, IV. D. 579.



## ERRORS CONCERNING HOTHAM

William Hotham, the Dominican, is often identified with the William de Hothum who was a Fellow of Merton College, Oxford, in 1286, and whose connexion with that college is supposed to have begun some ten years earlier. A recent historian of Merton College discourses on the question in this wise :

" WILLIAM DE HOTHON (or '*Hothun*'), S.T.P. He was brother of John, Bishop of Ely, and was himself a man of noted piety, learning, and practical ability, much trusted by Edward I. He is named in the Old Computus of 1288, and Anthony Wood states that his name first occurs among the Fellows in 1286, but surmises that, as he was then M.A., his connexion with the College began at least ten years earlier. Having obtained the degree of D.D. at Paris and become a Dominican or preaching Friar, he was made Provincial of his Order in England (1282), and appears to have filled that office in 1293. In 1297 he was nominated by Pope Boniface, with the King's consent, Archbishop of Dublin," etc.<sup>1</sup>

So far as I am aware, there is not a particle of reliable evidence to show that Archbishop William Hotham was a Fellow of Merton, or that he was a brother of Bishop John Hotham of Ely. A summary of the latter prelate's career will help to indicate the unlikelihood of this relationship. John Hotham or Hothun first came into prominence as Chancellor of the Irish Exchequer in 1309; he was dismissed as one of Gaveston's stewards in 1311; as Chancellor of the English Exchequer he accompanied Edward II to France in 1312; was sent to Ireland in 1314, and to Rome in 1317; was consecrated Bishop of Ely on October 3, 1316; Treasurer of the English Exchequer, 1317-1318; Lord Chancellor of England, 1318-20 and 1327-8; joined Queen Isabella, 1326; built the octagon tower at Ely; died on January 15, 1337.<sup>2</sup>

John Hotham, therefore, first rose into prominence about eleven years after Archbishop Hotham's death, and he survived the Archbishop of Dublin by about thirty-nine years. These facts tend rather to discountenance the theory that the two prelates were brothers. That theory seems to be based on nothing more than an accidental similarity of surname. Both

<sup>1</sup> *Memorials of Merton College*, by the Hon. George C. Brodrick, Warden of Merton College, 1885, p. 178. The author is a stalwart Protestant and a slipshod writer. Tanner also states confidently that Archbishop William Hotham was one of the First Fellows of Merton.—Tanner, *Bibliotheca Brit.-Hib.*, p. 414.

<sup>2</sup> *Dictionary of National Biography*, XXVII. 407; Stubbs, *Reg. Sac. Anglic.*, p. 71.

ecclesiastics probably hailed from the same Yorkshire village; but a common birthplace does not prove that the two were brothers, or even that they were at all related to each other. In 1298, John Hotham accompanied the Archbishop to Rome, and was named as his attorney in Ireland for two years.

Whatever else may be obscure, it is quite certain that John Hotham was a voracious pluralist. On May 1, 1309, he was "Archdeacon of Glendalough, Canon and Prebendary of St. Patrick's, Dublin, of Cashel, Waterford, Emly, and Leighlin, and incumbent of Lanre [Laugharne, in Caermarthenshire] and of Kennegh [Kineagh, co. Kildare], in the dioceses of St. David's and Dublin, and of two chaplaincies, value £4, in the diocese of Waterford." On the plea that he had received nothing from the parish churches, and less than £10 from the archdeaconry, while the proceeds of the prebends and chaplaincies were not more than £29, he received from Clement V a "dispensation to retain the same, and on resigning one of the parish churches to accept another of like value."<sup>1</sup> On his own showing, therefore, his numerous benefices yielded an annual income of nearly £39, or about £470 in modern money, apart altogether from his salary as Chancellor of the Irish Exchequer.

Three years later, our pluralist was still more prosperous. A papal grant of December 31, 1312, attests that "he was successively Rector of Markesbiri [Marksbury, in Somersetshire], in the diocese of Bath and Wells; Canon Prebendary, and Archdeacon of Glendalough, in the church of Dublin, from which during five years he received £69; afterwards Rector of Laurenni [Lawrenny, co. Pembroke], and, on resigning Markesbiri, of Kennech [Kineagh], about which he has a suit under appeal; then Rector of Radon [Rathdowney, Queen's Co.], Boulay, Kirkeby in Aschefeld [Kirkby-in-Ashfield, co. Notts], and Cottingham [co. York], in the dioceses of St. David's, Dublin, Ossory, and York; Canon also and Prebendary of Leighlin, Cashel, Emly, Waterford, Kildare, York, and St. John's, Chester, he having a suit about the canonry and prebend of York. He has declared himself ready to resign, within a year, the archdeaconry, the canonries and prebends of Waterford and Kildare, and the church of Kennech. The proceeds of the other benefices amount to £240. Dispensation, at the King's request, in whose service he is, to retain the same."<sup>2</sup>

In 1312, therefore, this typical pluralist drew from his various benefices a revenue of £240, equivalent to £2,880 in modern currency. To this must be added his perquisites as Archdeacon of Glendalough, and Canon of Waterford and Kildare. We shall

<sup>1</sup> *Calendar of Papal Registers*, II. 50, 51.

<sup>2</sup> *Ibid.* II. 110. In this and the former entry he is called John de Hothum.



not be far wrong in surmising that in this year he drew £3,000 from the Church alone, while enjoying his salary as Chancellor of the English Exchequer as well. If Archbishop William Hotham was guilty of introducing his namesake and fellow-townsmen to the diocese of Dublin, he rendered a signal disservice to the cause of religion. Happily, there is very little evidence to show that he did anything of the kind. But a system or policy which favoured the operations of such unscrupulous pluralists as John Hotham was bound to end, sooner or later, in a tremendous catastrophe.

There is no real evidence to show that Archbishop William Hotham was identical with the personage who became a student of Merton College about the year 1276, and who was Master of Arts and Fellow of Merton in 1286, maintaining his connexion with that home of learning until 1288 or later. In the first place, Archbishop William Hotham was already a Dominican priest in 1276, being then about thirty-six years of age. In the circumstances, it was practically impossible for Hotham, even had he so wished, to become a student of an Oxford college, and to remain officially connected with that institution for the next ten or twelve years. In the second place, Merton College was an establishment for the training of secular clergy<sup>1</sup>; it was clearly no place for a Dominican friar, especially for one who was already a priest of at least ten years' standing. Finally, Hotham was Provincial of the English Dominicans from 1282 until 1287, and he was at Paris during portion of 1288; and these facts are plainly incompatible with his alleged enjoyment of the Fellowship of Merton in the period 1286-1288.

The truth is that the William Hotham who was identified with Merton College in the years 1286 and 1288 was a junior namesake of the Archbishop of Dublin. According to Professor Tout, this William Hotham was the secular ecclesiastic who figured, between 1302 and 1306, as Canon of St. Patrick's Cathedral and holder of the *prebenda aurea* of Swords. In spite of his distinguished career at Oxford, very little is known of his activities in Ireland. He may quite possibly have been a kinsman of the Archbishop, but there is no definite evidence either way.<sup>2</sup>

<sup>1</sup>Mr. Reginald Lane Poole, editor of the *English Historical Review*, writes of "Merton College, Oxford, the statutes of which excluded all but seculars."—*Dict. of National Biog.* XVI, 146.

<sup>2</sup>Cf. Cotton, *Fasti Eccl. Hib.*, II. 135. Misled by inattention to dates, and by the matrimonial habits of his own clergy, Archdeacon Cotton avers that Canon William Hotham was either a "nephew or grandson of the Archbishop William de Hotham, and was one of the persons appointed to collect the tenth of all ecclesiastical benefices for the Pope." This last assertion derives no support from the *Calendar of Papal Registers*. Canon Hotham died shortly before 1331. On March 13 of that year, John XXII ordered the Bishop of Winchester and two others named "to assign to

## HOTHAM AS A PARIS PROFESSOR

For the decade of years between 1270 and 1280 the record of Hotham's career is an absolute blank. It seems highly probable that, during most of this period, he was engaged in the work of teaching, and we may regard it as tolerably certain that he taught theology for a time at Paris. His high reputation as theologian and professor earned him the respect of the entire Order, especially on the Continent, as is clear from the testimony of his French contemporary and brother-Dominican, Bishop Bernard Gui, already cited. Curiously enough, his English contemporaries lay stress, not so much on his eminence as a theologian, but rather on his remarkable suavity and dexterity as a ruler and diplomatist. In any case, his notable distinction as "a great Master in Theology" must have been based upon many years of brilliant and successful teaching. But, from 1282 until his death in 1298, he spent only a brief space of perhaps a single year, if even so much, as professor of theology. His professorial work, therefore, must have lain principally in the period between 1270 and 1282, and to this fruitful period we may assign some of the works which are credited to his pen.

Certain it is that in 1280, according to the unanimous opinion of the standard authorities, Hotham was engaged in scholastic work at Paris. In Echard's time, Hotham's *Quaestiones Quodlibetales* were preserved in a large parchment codex of the Sorbonne Library. They bore date of December 9, 1280, and consisted of eighteen "questions" or brief treatises. Prefixed to these was the general title: "*Incipiunt quaestiones de quolibet Fratris Willelmi de Hozum, Praedicatorum. Quaerebantur quaedam de Deo, quaedam de creaturis.*" That these theses were propounded by Hotham on the date just mentioned is clear from the closing sentence: "*Expliciunt quaestiones de quolibet disputatae a Fratre Willelmo de Hozum, die lunae proxima post festum B. Nicolai, videlicet in crastino conceptionis B. V. anno gratiae MCCLXXX.*"<sup>1</sup>

From the nature of these disputations, it seems clear that

Otho Sapiti, Canon of Chichester, the canonry of Dublin, and prebend of Suerds, void by the death of William de Houdon, which Alexander [Bicknor], archbishop of Dublin, being excommunicate, gave to Walter de Islep, of illegitimate birth, and then pretending remorse, took away and gave to Nicholas de Lodelowe, canon of Salisbury" (*Cal. Pap. Reg.*, II. 326). This Walter de Islep was the King's escheator in Ireland for a number of years. A native of the diocese of Winchester, the taint of illegitimacy did not prevent him from becoming a Canon of St. Patrick's, Dublin, and rector of Trim (*ibid.* p. 241). Alexander Bicknor, the excommunicated Archbishop of Dublin, was a man of proven dishonesty, as is shown elsewhere in this volume; and Walter de Islep was equally unprincipled.

<sup>1</sup> Quéatif-Echard, *Scriptores Ord. Praed.*, I. 460. Echard had examined this work of Hotham's in Sorbon. cod. 133, fol. mag. memb.



Hotham by this time, was already a Master in Theology.<sup>1</sup> As a modern historian of philosophy reminds us, "the *Quodlibeta* were miscellanies, generally in the form of answers to questions which, as soon as a teacher had attained a widespread renown, began to come to him, not only from the academic world in which he lived, but from all classes of persons and from every part of Christendom."<sup>2</sup>

In the thirteenth century a Master in Theology, to whom a university chair was confided, could ill afford to be an idler. Besides fulfilling his daily task as professor, he had to preside frequently over a public disputation. Once a week, or once a fortnight, he chose some theological question of importance, and appointed a special day for its discussion. His own pupils would naturally attend; but besides these, all theologians of the university were at liberty to be present, and to take an energetic part in the debate. The cream of these weekly or fortnightly discussions may be found in the *Quaestiones Disputatae* of St. Thomas and other great medieval Schoolmen. The interest excited in academic circles by these periodical disputations, and the concourse of keen and skilful minds which they attracted, may be surmised from the numerous and ingenious objections—sometimes amounting to twenty-four or more—which were urged and answered in the course of a single discussion.

Apart from these regular debates, which dealt with *Quaestiones disputatae ordinariae*, the occupant of a theological chair in the university was bound to preside over two public discussions of uncommon interest and importance in each year. One of these took place before Easter, the other before Christmas; they were known as the *Disputationes quodlibeticae*. In these supreme discussions, the presiding professor was expected to deal in masterly fashion, not precisely with the difficulties which clustered round a single subject, but with a whole range of difficulties and objections, arising out of the burning questions which had been eagerly debated during the year. Hence the lack of order in these *Quodlibeta*. They treat of thorny questions which agitated the minds of academic youth, and even of high and mighty personages, in that age. All manner of more or less ecclesiastical subjects—dogma, philosophy, exegesis, canon law, and moral theology—were passed under review. These disputations were aptly styled *de quolibet*; they dealt freely with all questions in which the intellectual world took an interest;

<sup>1</sup> "In medieval times, the title of Master was practically synonymous with that of Doctor, the former being more in favour at Paris and the universities modelled after it, and the latter at Bologna and its derivative universities."—*Cath. Encyclop.*, I. 759.

<sup>2</sup> Prof. W. Turner in *Cath. Encyclop.*, XIII. 550.

and, as we know, it was customary to submit such questions to the leading professors of the age.<sup>1</sup>

The *Quodlibeta* or *Quaestiones quodlibetales* were simply the answers given by renowned professors to the burning questions of their time. Hence the *Quaestiones de quolibet* of William Hotham represent the results of a solemn debate over which he presided, shortly before Christmas in 1280; they are the replies of a distinguished Master in Theology to some of the gravest difficulties which troubled the minds of university men in that generation. Such being the case, I cannot subscribe to the common opinion which makes Hotham become Master in Theology at Paris in 1280, and which represents his *Quaestiones de quolibet* as a collection of theses for the doctorate. It seems to me that he must have earned the doctorate and been promoted to a chair in the University, at least some years prior to that date. This inference is supported, not only by what we know of the nature of *Quaestiones quodlibetales* in general, but also by the fact of Hotham's high reputation on the Continent as "a great Master in Theology," a reputation which could have been gained only by many years of distinguished professorial labour.

Hotham must have made his early studies in England, possibly at Oxford, though we do not know the particular convent to which he belonged. Echard affirms, with much plausibility, that he was one of the select group of students whom the English Dominican authorities sent to study in the University of Paris. In the theological schools of that renowned seat of learning, each student and bachelor was required to attach himself to some special Master, as to a kind of private tutor. Students and bachelors alike had to attend the lectures of their Master; but they could also follow the lessons of other professors if they thought fit. After five years' study, a diligent undergraduate was admitted to the grade of bachelor. He was then entitled to lecture on Holy Scripture in the Master's school, and under the guidance of that responsible professor. The Master alone had the right to lecture on the *Sentences* of Peter Lombard; and these magisterial lectures were supposed to end by nine o'clock each morning, after which the bachelor began his exposition of Holy Writ.

Three years of this apprenticeship enabled the bachelor, if he had attained the age of thirty-five, to present himself before the Chancellor of Notre Dame, with a view of obtaining what was called a "licence," that is, permission to preach and teach as a Master in Theology. This licence could be granted only after the lapse of three months from the date of application. During this interval, it was the Chancellor's duty to make inquiries among the theological Masters of the University and

<sup>1</sup> *Revue Thomiste*, Mai-Juin, 1912, p. 345.



other grave and learned persons, touching the moral character, the learning, eloquence, and probable future of the candidate: *De vita, scientia, et facundia, necnon proposito et spe proficiendi*. If this preliminary investigation proved satisfactory, the Chancellor examined the candidate, or caused him to be examined by certain Masters designated for the purpose. After this double scrutiny, the Chancellor granted or refused the licence, according as his conscience dictated.

Assuming that all these obstacles were successfully surmounted, the licentiate had still to comply with sundry formalities before he could receive the coveted degree of Master in Theology. He had to gain admission to the corporate body of Masters, and to swear that he would obey their statutes and preserve their secrets. Then he had to deliver a lecture or defend an elaborate thesis—which was styled his *Principium*—under the presidency of some Master of the University and in presence of the entire company of Masters.<sup>1</sup>

Such was the searching ordeal through which William Hotham passed, at some time or other in his early career. If my surmise be correct, he must have attained his Mastership in Theology, and begun to teach at Paris, some years prior to 1280. It is quite probable that his studies for the priesthood were mostly made at Paris, and that he became a bachelor of the University about the time of his ordination. As we have seen, he was already a priest at York in 1270; in which year he was, apparently, not engaged in teaching. It would have been more or less unprofitable to employ him in teaching as a bachelor before he had passed his thirty-second year, as he could not be promoted to a Mastership in Theology, even after three years' teaching as a bachelor, until he had attained the age of thirty-five. The celebrated Hugh de St. Cher, afterwards Cardinal, to whom the world owes the first Biblical Concordance, did not begin to lecture as a bachelor at Paris until after he had ceased to be Provincial of France.<sup>2</sup>

### PROVINCIAL IN ENGLAND—KING'S ENVOY

In all probability Hotham retained his university chair until 1282, when he became Provincial of the English Dominicans. In that year, the General Chapter of the Order was held at Vienna, in Austria, and began its deliberations on May 17. Among its recorded acts we find the curt announcement: *Absolvimus priores provinciales Ungarie et Anglie*.<sup>3</sup> This removal from office did

<sup>1</sup> Mortier, *Histoire des Maîtres Généraux*, I. 233.

<sup>2</sup> Ibid. p. 249.

<sup>3</sup> Rechart, *Monumenta Ord. FF. Præd.*, III. 220. Hotham's predecessor in the English provincialate is said to have been Father Hugh of

not necessarily imply any censure on the Provincials concerned. The Chapter may have considered that they had held the reins of government for a sufficiently long time ; and it was distinctly contrary to the spirit of the Order to retain any local superior in office for a protracted period. Besides, the services of the retiring Provincials may have been required elsewhere. We shall find another General Chapter, five years later, relieving Hotham of his functions as English Provincial, for the simple reason that his services as professor of theology were needed at Paris.

Very shortly after his election to the provincialate, we find Hotham, for the first time on record, acting as envoy of the King, on some minor business. On October 28, 1282, a sum of 20s. was paid to Hotham "et fratri suo" for their private expenses. About the same date, apparently, we come across a curious and puzzling entry, which must be cited in the original. The sum of £6 13s. 10d. was paid "pro expensis Fratris Guillelmi de Hothum, confratris sui et gacionum et equorum eorumdem, euntium de Aquis usque Blaniam ad dominam ejusdem ville in nuncium Regis, et morantium extra Curiam per undecim dies eundo et redeundo usque Sanctum Severum."<sup>1</sup>

At first sight this entry seems to refer to certain places in the south of France, situated within the dependencies of the Angevin Kings of England. The archiepiscopal city of Aix—over which the noble-hearted Archbishop Gouthe-Soulard so worthily presided, some twenty years ago—lies less than a score of miles to the north of Marseilles, and was anciently known as Aquae Sextiae; whence it would seem that "de Aquis" simply means "from Aix." This impression is deepened by the fact that also in southern France, we find the old town of St. Sever, in the department of the Landes, about fifty miles to the north-east of Biarritz. Blania being obviously a small place, we might be content to leave it unidentified. It would seem, therefore, that Edward I was staying with some of his courtiers at St. Sever; that Hotham had lately come from Paris

Manchester (on whom see Quétif-Echard, *Scriptores Ord. Praed.*, I. 498), who is supposed to have guided the destinies of the province from 1272 until 1282. But Mr. A. G. Little has found "no really trustworthy evidence for the statement in Quétif-Echard, I. 498, that Hugh was provincial at this time, or indeed at all."—See *English Hist. Review*, 1893, p. 521. Professor Tout is mistaken in saying (*Dict. of National Biog.* XXVII. p. 414) that Hotham "was appointed at a general chapter of the Order held at Vienna, prior and provincial (*sic*) of the Dominican Order in England." The General Chapter did not appoint Hotham to the provincialate; it merely released his predecessor from that office, whereupon Hotham was elected by his English brethren at home. "Prior-Provincial," of course, is the formal style and title of the person elected or appointed to govern a province of the Order; but he is commonly known as the "Provincial."

<sup>1</sup> Treasury of Receipt of Exchequer, vol. A. 12; Garderoba Regis, 10 Edw. I; apud Palmer, *Anglia Dom.*, IV. D. 671.



to the south of France; that he had been commissioned by the King to proceed from Aix on some embassy to the châtelaine of Blania; and that he had returned to St. Sever after accomplishing his mission, the entire journey having occupied eleven days.

Two insuperable difficulties stand in the way of this interpretation. In the first place, the distance between St. Sever and Aix, as the crow flies, is about 300 miles. Hotham and his party could not possibly have ridden to Aix and Blania, and thence back to St. Sever—a total distance of considerably over 600 miles—in eleven days. Besides, as we know from the *Calendars of State Papers*, Edward I was not in France at all at the time; he was at Rhuddlan, in Flintshire, about three miles north-west of St. Asaph. Obviously, therefore, we cannot regard Hotham's journey as having taken place in France.

Father Palmer gives us a clue, though at first sight an unlikely one, to the real interpretation of this puzzling passage. He says that "de Aquis" means "from Bath," which seems to be correct; though, as we know, Bathonia is the usual designation. The diocese of Bath and Wells is constantly styled "dioecesis Bathonen. et Wellen."; and in the *Calendars of State Papers* we find such names as Johannes de Bathonia, meaning John of Bath. Still, I have no doubt that, in this instance, Father Palmer is right. We may take it, then, that Hotham journeyed from Bath to Blania, which may be the modern Blayne, a hamlet in Caermarthenshire, about four miles south of Llandilo. Thence he returned to Rhuddlan, where the King was staying with his court. The entire journey from Rhuddlan to Bath, thence to Blayne and back to Rhuddlan, would cover a distance of about 320 miles—by no means an impossible feat for a party of horsemen to accomplish in the space of eleven days, but the phrase "eundo et redeundo usque Sanctum Severum" still remains unexplained. At first blush, a place-name would seem to be indicated by this phrase. But, so far as I am aware, no place-name corresponding to St. Sever occurs within the borders of Great Britain. On glancing at the date, however, we find that the expenses of Hotham's journey were paid on or about October 28, 1282; and we may also discover the fact that the feast of St. Severus, Bishop, is celebrated on October 15. This is clearly the solution of the enigma. Hotham's eleven days' journey had terminated on October 15; and the expenses of his mission were defrayed from the royal purse, on or about October 28 following.

This, no doubt, was Hotham's first appearance at court, since his promotion to the provincialate and his return from France. It is fairly clear that he made a favourable impression on the King, who lost no time in dispatching him on an arduous though comparatively unimportant mission. He doubtless re-

mained in England, governing the communities entrusted to his care, until the time came, in the following year, for his journey to the General Chapter. Meanwhile, a claim advanced on his behalf, though in a somewhat tentative fashion, must necessarily be discussed here.

#### AN ALLEGED SERMON—A LETTER FROM PECKHAM

During the years 1281, 1282, and 1283, several eminent preachers of the Dominican Order delivered university sermons in various churches of Paris. Their names and discourses are preserved, or were in Echard's time, in a manuscript codex which is now, apparently, in the Bibliothèque Nationale. Among these preachers was a certain "F. Praedicator Anglicus, dispositor studentium," whose sermon for Easter Sunday, April 18, 1283, was based on the text: *Jesum quaeritis Nazarenum crucifixum?* Echard inclines to ascribe this sermon to Hotham, who is known to have been in Paris about the same period, as he defended certain theses *de Quolibet* in that city towards the close of 1280. M. Lecoy de la Marche, without further ado, credits Hotham with the authorship of the sermon.<sup>1</sup> This opinion is inadmissible, for two reasons. In the first place, Hotham was certainly not a *dispositor studentium* at Paris about Easter, 1283; he was then Provincial of the English Dominicans, and the latter office was plainly incompatible with the former. In the second place, it is practically certain that Hotham was in England on that Easter Sunday. He was certainly in England on the following Sunday (April 25), and was preparing to go abroad—presumably to attend the General Chapter of Montpellier—as we learn from a letter addressed to him by Archbishop Peckham, to be presently cited. It were little short of ridiculous to suppose that, in those days of slow and uncertain travel, Hotham could be at Paris on April 18 and back in England on April 25, and that he immediately began to prepare for a second trip to France. Men did things in a more leisurely fashion in those days.

On April 25, 1283, Archbishop Peckham replied to a note of Hotham's, in reference to some affairs of business. Peckham's

<sup>1</sup> In Echard's time, the volume which contained this among other sermons belonged, apparently, to the Library of St. Victor. Echard calls it the "codex Victorinus," and cites it as Victor. 762. His suggestion as to Hotham's authorship may be quoted: "F. Guillelmus de Hothun, vel ut scribunt vulgo de Odone, Anglus, his annis Parisiis agebat, nam de quolibet respondit anno mccclxxx, ut postea dicitur ad 1298. An ille?" The sermon in question was No. 76 in the codex Victor. 762 (Quétif-Echard *Scriptores Ord. Praed.*, I. 385). It is doubtless identical with the discourse which M. Lecoy de la Marche (*La Chaire Française au Moyen Age*, p. 510) believes to have been preached by Hotham at Paris on Easter Sunday, 1283, and which is now in the Bibliothèque Nationale, MS. lat. 14947.



letter is friendly but firm in tone ; its contents are interesting, though at times unpleasant. The Archbishop begins by assuring Hotham of his willingness to serve him in every way, so far as he conscientiously can ; and he repeats this assurance more than once in the course of the letter. Hotham has requested payment of a sum of £100 sterling—equivalent to some £1,200 in modern currency—which the Archbishop owed to a Dominican named Richard Stratford, lately deceased. The Provincial pressed for payment, on the ground that this money was required for the needs of his brethren. Peckham replies by saying that Stratford's executors must first have the will proved in due form ; then they must present the instrument for his inspection ; after which, he will do what justice demands, as the deceased was a dear friend of his.

It seems that Stratford, who had been a secular priest and a pluralist, had entered the Dominican Order rather late in life. During his worldly career, he had appropriated and consumed the goods of various churches. The Archbishop of Canterbury was patron of some of these churches, and it would have been his duty to call Stratford to a strict but just account. Besides, in Peckham's presence at the Curia, the late Cardinal Kilwardby had related certain facts concerning Stratford, which would have justified Peckham in depriving that clergyman of all his ecclesiastical possessions. In alluding to these unpleasant facts Peckham seems to suggest that Stratford's money ought to be shared among the churches which that pluralist had despoiled, and not paid to the religious Order in which he had ended his days.

Even assuming that the Dominican Order had a valid claim to Stratford's money, the Archbishop is able to set up a counter-claim of a novel and interesting character, which shows the extreme costliness of a Bible in the thirteenth century. His predecessor, the Dominican Archbishop Kilwardby, had caused an entire copy of the Sacred Volume to be made for his own use. The cost of transcription, amounting to 113 marks—or about £900 in modern money—had been defrayed out of the revenues of the archdiocese, by Henry Lovel, seneschal to Archbishop Peckham.<sup>1</sup> That Bible found its way into the hands of the English Dominicans, by whom it is improperly detained. Peckham

<sup>1</sup> The learned Dr. Maitland, in an interesting passage, throws some light on the cost of a manuscript Bible in the Middle Ages: "I do not pretend to speak with accuracy (for it would require more trouble than the thing is worth), but I am inclined to suppose that at this day a copy of our English Bible, paid for at the rate at which law-stationers pay their writers for common fair-copy on paper, would cost between sixty and seventy pounds for the writing only ; and further, that the scribe must be both expert and industrious to perform the task in less than ten months."—Maitland, *Dark Ages*, 1845, p. 202. Kilwardby's Bible, therefore, must have been a rather sumptuous volume.

maintains that it is clearly his property, paid for out of his diocesan revenues. Had the Bible been restored to him, the Archbishop would have been more prompt and willing to befriend the Dominicans in the matter of the Stratford bequest, and in other respects as well.

Such is Peckham's view of the case, from the standpoint of strict justice. Then his kindly nature gets the better of him, and he hastens to promise Hotham that charity will lead him to do all he can, so far as the law of God allows, to promote the welfare of the Dominican Order, and that he will do even more than he can promise in written words.

To Hotham's second request, that he would send a note to the Bishop of Lincoln, asking him to give official recognition to a certain unnamed Dominican as proctor for the Order in that city, Peckham replies by saying that he has often heard from trustworthy persons that the individual in question was guilty of certain offences formerly laid to his charge; and he is greatly surprised that the said individual should be so eager to return to a place in which he is believed to have given scandal. As Peckham cannot, with a safe conscience, do exactly what Hotham desires in this respect, he will simply tell the Bishop to follow his own conscience in the matter, and to do what he deems right and proper. The Archbishop concludes with a prayer that the Almighty may enable Hotham to return safe and unharmed from his journey. After his return, they can have a conference together in regard to these and other matters; and the Archbishop promises that he will do everything in his power to meet the Provincial's wishes.<sup>1</sup>

<sup>1</sup> As it is not easy to give the exact sense of this letter, its text may be reproduced here: "Fratri Willelmo de Hothom.—In Christo sibi carissimo fratri Willelmo, provinciali ordinis Fratrum Praedicatorum in Anglia, salutem in Domino Jesu Christo. Novit Ille qui omnia perscrutatur, quod parati sumus vestris precibus libenter annuere quantum possumus bona fide. Sane litera vestra nobis exhibita duas petitiones, si bene recolimus, continebat, quarum prima fuit de c. li. sterlingorum, in quibus tenemur Fratri Ricardo de Stratford, quas pro fratrum necessitatibus sibi petitis liberari. Ad quod vobis taliter respondemus, quod si executores testamenti dicti fratris petant hanc pecuniam, appareant coram nobis cum testamento, et ipso testamento probato sicut decet et moris est, eo quod dilectus noster extitit, quod justum fuerit faciemus. Et scire debetis quod dum fuit in saeculo, diversarum ecclesiarum etiam nostri patronatus bona rapuit et consumpsit, de quibus nobis haberet volente justitia respondere. Et circa hoc bonae memoriae dominus Robertus praedecessor noster, nobis praesentibus in curia, talia retulit de eodem, per quae potuissimus eum licite privasse omnibus ecclesiasticis bonis suis. Sicut enim nomine ordinis pro fratrum necessitatibus haec pecunia exigatur, advertere debetis et scire quod Biblia illa quam dictus praedecessor noster scribi fecit, pro cuius scriptura magister Henricus Lovel senescallus noster solvit de bonis ecclesiae c. marcas et xiii, per fratres indebite detinetur. De quo certe valde miramur, cum ipsa Biblia de bonis ecclesiae facta ad nos pertineat pleno jure. Unde si nobis esset ipsa Biblia restituta, promptiores essemus et merito fratrum necessitates in hiis et aliis sublevare. Haec



It is regrettable that so many ecclesiastical records of medieval times should be found to deal with what may be styled the seamy side of clerical life. Yet it is inevitable that such should be the case. If most of the bishops of a province are ruling their flocks with apostolic zeal, we shall probably hear nothing about it; but let some minor conflict arise between any two of them, and the affair will be recorded for all time in papal or other archives. In like manner, if nine out of ten of the members of a religious Order are devoting themselves assiduously to prayer and labour, the fact will most likely pass unrecorded on earthly tablets; but we shall be tolerably certain to discover some complaints against the tenth man in the records of his Order or in episcopal archives. It has been said that "happy is the nation which has no history," and the saying applies, within limits, to ecclesiastics of every degree. That saying was paraphrased, in practical and homely language, by the Provincial of a religious Order, who said of his own subordinates: "When you hear nothing about a man for a considerable time, you may take it for granted that he is going on well." Human nature in the thirteenth century was very much what it is to-day; and thus, while we hear of certain charges against one or two of Hotham's subjects, the piety and learning of numerous others are left unrecorded in episcopal registers.

From the conclusion of Peckham's letter to Hotham, it is clear that the Provincial was on the point of going abroad, and that he expected to return to England before long. By reason of his office, Hotham was obliged to attend the General Chapter of Montpellier, which began its sittings on June 6, 1283. In this Chapter, the various Provincials of the Order sat as a legislative body, under the presidency of the Master-General, who was none other than the saintly Father John of Vercelli, who has recently been raised to the altars of the Church. The acts of this Montpellier Chapter are still extant,<sup>1</sup> but it is difficult to discern the special influence which Hotham may have exercised

scribimus quantum ad justitiam. Caritatis autem intuitu parati semper erimus, quantum secundum Deum possumus, ordinis vestri solatia procurare, et in hac parte amplius quam scribamus. Quod autem petitis, ut pro illo quem nostis scribamus domino Lyncolniensi episcopo, quod ipsum permittat ordinis negotia procurare; scire vos volumus quod frequenter intelleximus ipsum de sibi impositis esse culpabilem testimonio fidedigno, et miramur valde quod tantum desiderat ad locum accedere quem dicitur et verum esse credimus poluisse. Et cum non possemus bona conscientia facere quod petitis in hac parte, dicemus tamen episcopo quod eum circa hoc conscientie suae relinquimus, ut faciat quod sibi videbitur expedire. Reducat vos Altissimus sanum et incolumem, et in reditu vestro de hiis et aliis invicem tractabimus, et pro vobis quicquid poterimus faciemus. Valete. Datum apud Wyngham, vii kal. Maii."—*Peckham's Register*, II. 541-543.

<sup>1</sup> They have been published by Reichert, *Monumenta Ord. FF. Praed.*, III. 221-226.

on the course of the deliberations. In any case, it is interesting to note that the English Provincial must have embarked on his journey soon after April 25, and that he was not due in Montpellier until June 6 following. He would thus allow himself considerably over a month for a journey from England to the south of France; which was quite in keeping with the custom of high ecclesiastical travellers in that century.

Hotham may have returned to England about the beginning of August, 1283, but the records are silent in his regard until the middle of the following year, when he obtained for his brethren an exemption from customs dues at the port of Dover. The requisite decree was signed by Edward I at Baladeulyn on June 16, 1284: "Exemption, at the request of William de Hothum, prior of the Friars Preachers in England, of the said friars in the custom of passage in the port of Dover, in going beyond seas or returning."<sup>1</sup> Hotham's personal experience on various occasions, when entering or leaving England, may have stimulated his eagerness to obtain this concession; none the less, his English brethren had reason to feel grateful.

### A CRISIS IN CHRISTIAN PHILOSOPHY

Soon afterwards, the heather was in a blaze; Hotham and Peckham were the central figures in a sharp conflict concerning the "plurality of forms." To understand this contest aright, we must remember that it was an integral and typical part of a vastly larger controversy, namely, the contest between the Platonic or Augustinian school on the one hand and the Aristotelian or Thomist school on the other.<sup>2</sup>

The Catholic world has so long been accustomed to regard the teaching of St. Thomas Aquinas as practically identical with the doctrine of the Church, that we can scarcely realise the strong antagonism which the Angelic Doctor's teaching aroused in certain circles in his own time. His methods were regarded as revolutionary, both in philosophy and theology; and several of his philosophical views were decried as unsound. It is true that the Thomists and their adversaries were united on the common ground of revealed truth; all the teachings of Holy Scripture and of the Church were accepted without reserve by

<sup>1</sup> *Calendar of Patent Rolls, 1281-1292*, p. 124.

<sup>2</sup> On this epoch-making controversy, see Mortier, *Hist. des Maîtres Généraux*, II. 126-142; Vacant, *Dictionnaire de Théologie Catholique*, I. 2501-2514; and Mandonnet, *Siger de Brabant*, passim. These works furnish a guide to the vast bibliography of the subject. Denifle's *Chartularium Universitatis Parisiensis* is, of course, one of the indispensable *fontes*. So far as I am aware, no adequate account of this fascinating and momentous controversy has hitherto appeared in English.



both parties. The struggle was mainly confined to the domain of philosophy, but it touched, not infrequently, on the application of philosophical principles to theology. It was, in short, a contest between Christian Platonism and Christian Aristotelianism.

In the fifth century St. Augustine had purified and Christianised the philosophy of Plato; in the thirteenth Albertus Magnus and St. Thomas performed a like service for the teaching of Aristotle, to the embarrassment and dismay of the traditional thinkers of the period, who were profoundly attached to the Augustinian system. As a distinguished Catholic writer reminds us, "During the long ages which were darkened by the invasion of the barbarians, but which were nevertheless burdened with the responsibility of safeguarding the sciences of the future, we may say that Augustine was the Great Master of the West. He was absolutely without a rival, or if there was one, it was one of his disciples, Gregory the Great, who, after being formed in his school, popularized his theories. The rôle of Origen, who engrafted neo-Platonism on the Christian schools of the East, was that of Augustine in the West, with the difference, however, that the Bishop of Hippo was better able to detach the truths of Platonism from the dreams of Oriental imagination. Hence, a current of Platonic ideas was started which will never cease to act upon Western thought. This influence shows itself in various ways. It is found in the compilers of this period, who are so numerous and so well deserving of recognition—such as Isidore, Bede, Alcuin—who drew abundantly from the works of Augustine, just as did the preachers of the sixth century, and notably St. Caesarius. In the controversies, especially in the great disputes of the ninth and twelfth centuries on the validity of Simoniacal ordinations, the text of Augustine plays the principal part."<sup>1</sup>

In the eleventh and twelfth centuries, and during great part of the thirteenth, the Augustinian school dominated the Western Church: "In the pre-Thomistic period of Scholasticism, then in process of formation, namely, from Anselm to Albert the Great, Augustine is the great inspirer of all the masters, such as Anselm, Abelard, Hugo of St. Victor, who is called by his contemporaries another Augustine, or even the soul of Augustine. And it is proper to remark, with Cunningham (*Saint Austin*, p. 178), that from the time of Anselm the cult of Augustinian ideas exercised an enormous influence on English thought in the Middle Ages. As regards Peter Lombard, his *Sentences* are little else than an effort to synthesize the Augustinian theories."<sup>2</sup>

This Christian Platonism, which is commonly known as Augustinism, was more nearly akin to positive than to scholastic

<sup>1</sup> E. Portalié, S.J., in *Cath. Encyclop.*, II. 99.

<sup>2</sup> *Ibid.*

theology. It can scarcely be said to have formed a really scientific and coherent system. It tended to fuse theology and philosophy together, or to overlook the boundary line which lay between them. In this system, as Father Portalié notes, preference was given to Plato over Aristotle—the latter representing rationalism, which was mistrusted, while the idealism of Plato exercised a strong attraction. Wisdom was regarded rather as the philosophy of the Good than the philosophy of the True. Hence the pronounced tinge of mysticism which characterised so many masters of the Augustinian school, while the Thomists were no less notable for their accentuated intellectualism.<sup>1</sup> Despite its lofty and luminous ideas on natural theology and psychology, this Augustinian system was often vague and vacillating in its attitude towards other branches of philosophy. It cultivated idealism and mysticism to the neglect of experimental knowledge, and it lacked a solidly scientific basis.

A careful comparison of the philosophy of Plato with that of Aristotle had forced Albert the Great and St. Thomas to the conclusion that Aristotle's methods, on the whole, were uncontestedly superior to those of his rival. In general, therefore, the two great Dominican Doctors adopted the Peripatetic in preference to the Platonic system. Moreover, while following the guidance of Aristotle in the natural and moral sciences, they willingly accepted such truths as were to be found in the Platonic system, concerning God and the soul. Armed with this philosophical method, Albert and his illustrious pupil proceeded to remodel the traditional Augustinian teaching; they provided it with a scientific basis, and arranged it in systematic order.<sup>2</sup>

The work of these bold innovators raised a veritable storm of opposition. All the partisans of the older school, seculars and regulars alike, ranged their forces in line of battle, to resist the Aristotelian invasion. The great Franciscan thinkers of the age—including such eminent men as Alexander of Hales, John of La Rochelle, Saint Bonaventure, Roger Bacon, John Peckham, and (a little later) Duns Scotus—were all wedded to the mystical and Platonic ideas of the Augustinian school; the three last-named writers signalised themselves in particular by their opposition to the views of Albert the Great and St. Thomas. Other religious Orders, together with the secular clergy, possessed many doctors of renown in their day; and these learned men, for the most part, were staunch adherents of the Augustinian school. Among them we find such writers as Guillaume d'Auvergne, Gerard d'Abbeville, Henri de Gand, Godefroy des Fontaines, and Gilles de Rome, better known as Ægidius Romanus.

<sup>1</sup> E. Portalié, S.J., in *Cath. Encyclop.*, II. 99.

<sup>2</sup> Mandonnet, *Siger de Brabant*, p. 48.



Even among Dominicans themselves, the mystical or Augustinian school had a formidable following. All the older Dominican doctors, and many of St. Thomas's contemporaries in the Order, adhered stoutly to the traditional system and disliked the new philosophy. Some of the greatest names of thirteenth-century Dominicans—John of St. Giles, Richard Fishacre, Roland of Cremona, Hugh of St. Cher, Pierre de Tarentaise (now better known as Blessed Innocent V), probably also Blessed Ambrose of Siena, and above all, Cardinal Robert Kilwardby—figure among the friends and supporters of the mystical school. Even Vincent of Beauvais, the encyclopedist of the century, felt bound to apologise to his readers for having strewn a few flowers from Aristotle here and there among his chapters.

The name of Aristotle was in evil odour among most churchmen in the first half of the thirteenth century, and even among a good many towards its close. This was partly due to the corrupt translations of his writings then in vogue, especially during the earlier period; and it was also due, in part, to the dangerous doctrines set forth by his Arab commentators, Averroes and Avicenna. Hence, we learn without surprise that Aristotle's philosophy, or what was deemed to be such, was banned by a Council of Paris in 1210. In that city also, five years later, a papal legate interdicted the reading of Aristotle's works on metaphysics and natural philosophy. High ecclesiastical authorities had, no doubt, been startled by the aberrations of David de Dinant and Amaury de Chartres, and regarded the extravagances of these men as shocking examples of Aristotelian philosophy. Probably influenced by these decisions, a General Chapter of the Dominicans, sitting at Paris in 1228, forbade all members of the Order to study the works of heathens and philosophers, except with the greatest caution. Finally, in 1231, Gregory IX condemned the writings of Aristotle, not precisely in themselves, but "until they should be corrected." The vitiated texts then in use, and the highly vicious speculations based upon them, afforded ample reason for the Pope's action.

This series of condemnations, so well warranted in the circumstances, created a deep prejudice against Aristotle's system, and furnished the Augustinian doctors with powerful weapons of offence. Nevertheless, Albert the Great and St. Thomas undertook, as the phrase ran, "to baptise Aristotle." They had taken pains to procure his writings in the original Greek; they possessed them, moreover, in translations of an admittedly reliable character, made by the famous Flemish Dominican, William of Moerbeke, probably the greatest Hellenist of the age, who afterwards became Archbishop of Corinth. Having thus secured a commanding position, Blessed Albert and St. Thomas began operations. They proceeded to vindicate

the genuine philosophy of Aristotle, and, greatly daring, ventured to lay siege to the theological fortress of Platonic Augustinism. That fortress was defended, as they well knew, not only by the great body of secular and regular doctors, but by many of the most eminent among their own brethren as well. The enterprise must have seemed, at times, quixotic and almost hopeless.

Even young Dominican students were strongly prejudiced by pious dreams and visions, against "philosophy" and all that it implied. The story was whispered, for instance, that a Lombard student, on one occasion, hesitated between the claims of the theology and those of physics. During his sleep he beheld a terrifying personage, holding a list of the dead, on which appeared the names of many deceased friars who suffered much in Purgatory. Their sufferings, as he learned from the mysterious apparition, were caused by their addiction to philosophy. He paid heed to the revelation, and knew what to study in future.<sup>1</sup> Pious stories of this kind, circulated among impressionable students, must have embarrassed St. Thomas and B. Albert almost as much as the declamations of Augustinian masters from their professorial chairs.

There was another source of embarrassment, which must have proved particularly galling to St. Thomas and his illustrious confrère. Certain doctors of Paris, with Siger de Brabant at their head, claimed to be followers of Aristotle; in reality, they were Averroists rather than Aristotelians. Under the guidance of the Arabic commentator, they presented Aristotle's teaching in a distorted and exaggerated form. Worse still, they endeavoured to push forward their errors into the domain of theology. Their vagaries brought discredit, not on themselves alone, but on the whole Aristotelian school, of which St. Thomas and B. Albert were the most distinguished members. The Averroist errors were strongly opposed by St. Thomas, but his adversaries of the Augustinian school chose to regard them as the legitimate fruit of Aristotle's philosophy, and even went so far as to represent St. Thomas as an abettor of Averroism.

Thus the nascent school of neo-Aristotelianism, since known as Thomism, was confronted by a potent combination of forces, truly formidable in character. Arrayed against St. Thomas was the solid phalanx of Augustinian doctors, both secular and regular, among whom the great Franciscan scholars stood pre-eminent. To the same Augustinian school belonged many of the most gifted and saintly Dominicans of the age, some of whom were actively hostile to the methods of B. Albert and St. Thomas. Besides, the Augustinian school possessed all the glamour of antiquity, tradition, and prestige, while St. Thomas and his

<sup>1</sup> *Vitae Fratrum*, ed. Reichert, p. 208, where two other anecdotes of like tendency appear on the same page.



little band of fellow-workers were frankly innovators. Moreover, the Platonic and Augustinian school had a special attractiveness of its own ; it appealed powerfully to the ascetic and mystical side of human nature, which was merely repelled by the calm, exact, and cautious reasoning of the new Aristotelian thinkers. The older method had something of a simple and apostolic character which was congenial to a great many minds, but which was believed to be conspicuously absent from the newer system. Furthermore, the papal and conciliar condemnations of Aristotle's writings, the corrupt versions of that philosopher's works, the pernicious tenets of his Arabian commentators and of their latter-day followers—all these were so many precious assets on the Augustinian side.

The assets on the Thomist side were almost negligible in comparison. It is true that St. Thomas and B. Albert possessed a high reputation for genius and holiness. They enjoyed the esteem and confidence of the Holy See. Their writings were widely known and carefully but critically studied. They received steady support from two enlightened and statesmanlike Generals of the Order, Blessed Humbert de Romanis and Blessed John of Vercelli. Finally, during the greater part of their career, Blessed Albert and St. Thomas were entrusted with the training of the most brilliant young men from the various provinces of the Order, while multitudes of externs also flocked to their lectures ; and thus they were enabled to create a philosophical and theological school.

On the whole, however, it seemed well-nigh impossible, humanly speaking, for the small Thomist school to make headway against the overwhelming forces drawn up in serried order on the opposing side. It was a long-drawn campaign ; a battle royal was waged for years between the followers of the Christianised Plato and those of the Christianised Aristotle. The fundamental question at issue was of momentous importance ; it was the question whether Catholic thought for ages unborn was to be moulded on Platonic or on Aristotelian lines. That the small band of Thomists, whose methods were essentially Aristotelian, should gain a decisive victory over their antagonists, seemed almost impossible ; nevertheless the impossible came to pass.

It did not come to pass, however, until after the tide of battle had rolled back and forth for many years. The worst trials were yet to come. In 1270, Stephen Tempier, Bishop of Paris, condemned thirteen Averroist propositions which were obviously at variance with the Christian faith. In April, 1271, he forbade the masters and bachelors of the faculty of Arts to discuss any purely theological question, such as the Trinity or the Incarnation, in their public lectures. This prohibition, of course, did not affect the masters and bachelors of the faculty of Theology,

but it created a disquieting impression. Men felt sure that Bishop Tempier, an aggressive and obstinate prelate, would strike a blow, sooner or later, at St. Thomas and his school.

The Angelic Doctor passed to his eternal reward in 1274; and exactly three years after his death the threatened blow fell. On March 7, 1277, Bishop Tempier condemned 219 propositions, mostly of an Averroist character; but the list also included a score of theses which were known to have been maintained by St. Thomas and his school. Some of the Augustinian doctors themselves, in spite of their opposition to the views of St. Thomas, were annoyed beyond measure by this high-handed and unwarrantable procedure. Thus, Ægidius Romanus declared that no heed need be paid to this condemnation, as it had emanated, not from the general body of Paris doctors, but from certain men of narrow minds. In like manner, Godefroy des Fontaines expressed his regret that the Bishop of Paris should have gone out of his way to assail the doctrine of St. Thomas, as any attack of the kind was foredoomed to failure.

Archbishop Kilwardby, though himself a Dominican, was of a different opinion. A steadfast adherent of the Augustinian school, he was, as his writings prove, a declared adversary of the new Dominican school founded by B. Albert and St. Thomas. He now joined forces with the Bishop of Paris in a determined effort to crush the rising influence of the two great Dominican doctors. On March 18, 1277, eleven days after Bishop Tempier's pronouncement, Kilwardby condemned thirty propositions, relating to grammar, logic, and natural philosophy. In almost every instance, this condemnation was aimed at St. Thomas's teaching on the unity of the substantial form in each human body—a doctrine which had become the *bête noire* of certain Augustinian thinkers, including Kilwardby and Peckham.

This concerted action by the Archbishop of Canterbury and the Bishop of Paris placed the Dominican school in a position of deadly peril, and the blow struck by the Dominican prelate was the crueller of the two. Encouraged by the fighting temper of his English colleague, Bishop Tempier prepared to fulminate a fresh anathema against St. Thomas's teaching, especially on the question of substantial forms, when the Cardinals of the Roman Curia—the Holy See being vacant—ordered him to stay his hand. They evidently considered that his zeal had far overstepped the bounds of prudence. The tide had definitely begun to turn.

By this time the great majority of Dominicans throughout Europe had rallied to the school of St. Thomas; and the Order, as a whole, was resolved to enforce proper respect for his character and writings. Kilwardby had some following among the English Dominicans; he had been an Oxford professor for many years, and afterwards Provincial for a considerable period. In 1278,



the Chapter of Milan dispatched two French Dominicans, Raymond de Meullon and John Vigouroux, to act as delegates in England. These delegates were commissioned to inflict severe penalties on such English Dominicans as they might find guilty of distorting or disparaging the doctrine of St. Thomas; though, of course, Kilwardby was no longer amenable to their jurisdiction. In like manner, the Chapter of Paris, in 1279, after paying a worthy and dignified tribute to the Angelic Doctor's memory, decreed that no member of the Order, even among those who disagreed with St. Thomas's views, should be allowed to speak "irreverently and indecently" of his writings; and any such offenders were to be strictly called to order by their local superiors.<sup>1</sup>

The excitement gradually subsided, and a revulsion of feeling took place in favour of St. Thomas and his school. The controversy was still maintained, though with much abated vigour; the Dominicans and Franciscans now stood opposed to each other, arrayed in hostile camps. In 1282, the Franciscan General Chapter decreed that the *Summa* of St. Thomas should be read only by "conspicuously intelligent" professors (*lectores notabiliter intelligentes*) of the Franciscan Order; and even these were debarred from its perusal, save in conjunction with the "declarations" of Friar William de la Mara, a Franciscan doctor of Oxford, who had written a work entitled *Correctorium Thomae*. This work was answered, in the vigorous style of the age, by Richard Clapwell or Claypole, a gifted but ill-fated English Dominican.

### PECKHAM ASSAILS THE ENGLISH THOMISTS

Towards the close of 1284, Archbishop Peckham's intervention fanned the smouldering embers of controversy into a fierce blaze. Peckham was now in the last decade of his career. A life-long supporter of the Augustinian school, he had disputed with St. Thomas at Paris,<sup>2</sup> and had proved himself a doughty and uncompromising antagonist of Thomism. In ordinary circumstances, Peckham was a kindly and considerate prelate;

<sup>1</sup> As St. Thomas was not yet canonised, he is called "Frater Thomas," or "Venerabilis Pater Thomas de Aquino" in documents of this period.

<sup>2</sup> During the process of St. Thomas's canonisation, one of the witnesses laid stress on Peckham's vehemence in this debate: "Dixit testis se audisse a pluribus Fratribus Prædicatoribus fide dignis, quod quando idem frater Thomas una vice disputabat Parisiis, ubi erat frater Johannes de Pizano [Peckham], Ordinis Fratrum Minorum, qui fuit postea archiepiscopus Cantuariensis, quantumque dictus frater Johannes exasperaret eundem fratrem Thomam verbis ampullosis et tumidis, nunquam tamen ipse Frater Thomas restrinxit verbum humilitatis, sed semper cum dulcedine et humanitate respondit."—*Acta SS.*, Martii, tom. I. 712.

rather pompous, it is true, yet essentially good-natured, unless my reading of his character is totally at fault. But when his pet theories in philosophy or theology were disputed or set aside, Peckham was transformed into an episcopal Berserker, dealing furious blows to right and left.

Shortly before November 10, 1284, in the course of his archiepiscopal visitation of Lincoln diocese, Peckham came to Oxford, where he learned that certain propositions, condemned by Kilwardby in 1277, were still taught in the University. Stung by this discovery, Peckham delivered a public address to the clergy, in the course of which he ratified the action of his predecessor, condemned the propositions afresh, and renewed the penalties already decreed against all who should maintain them. At the same time, he held out a slender hope that the condemnation might be somewhat modified at a later time, after the offending theses had been closely scrutinised.

This we learn from Peckham's letter of November 10, 1284, addressed to the Chancellor, masters, and scholars of Oxford. It is also clear from this epistle that one of the theses which particularly roused Peckham's ire was the well-known Thomist doctrine that "in man there is only one substantial form, namely, the soul." The Franciscan prelate's arguments against this doctrine now figure as commonplace objections in every manual of Thomist philosophy.<sup>1</sup>

In this and subsequent letters Peckham protests that he has condemned these various propositions simply because he regards them as false, and not because they are held by the Dominicans. In vindication of his action, he appeals again and again to the precedent set by Kilwardby, who was himself an ornament of the Dominican Order. Peckham esteems it his duty as a Christian bishop to speak out boldly and condemn what he regards as dangerous error. The Thomist doctrine, that "there is but one substantial form in each human being," he stigmatises as erroneous and worthy of condemnation. He even throws out a mysterious hint as to the origin of that doctrine. He believes that it originated with certain seculars, and not with religious men; its two chief propagandists (not to say inventors) were Englishmen, who are said to have come to an evil end in lands beyond sea.

Then Peckham waxes wroth with the "audacious wretchedness and wretched audacity" of certain persons—presumably some of Hotham's Dominican brethren—who are reported to have boasted that they would persist in defending the banned propositions. The Archbishop goes on to warn the professors and students of Oxford that they are forbidden, in virtue of

<sup>1</sup> For example, in Zigliara, *Psychologia*, lib. 2, cap. 2, art. 2, and Mancini, *Elementa Philos.*, II, 194.



obedience and under pain of ecclesiastical censure, to defend any of the condemned articles, in public or in private, until they receive intimation that one or other of these articles may be tolerated; and he further warns them that any persons who disregard this command will receive due punishment from him. Finally, after beseeching them to avoid "profane novelties of words," he ends with the amiable assurance that those friars who despise the wisdom of the Saints, and devote themselves to "the windy traditions of philosophers," are blinded by the devil.<sup>1</sup>

<sup>1</sup> I reproduce Peckham's letter, though it is rather long, so that the reader may judge for himself: "Frater J. permissione divina Cantuar. ecclesiae minister humilis, totius Angliae primas, dilectis filiis cancellario et magistris ac scholaribus universitatis Oxon. salutem, gratiam, et benedictionem. Nulli nos credimus derogare, si agrum Domini excolentes evellimus et destruimus vitia et errores, ut virtus et veritas suas valeant ampliare propagines cum honoris fructibus. Dum tamen majorum nostrorum vestigiis inhaeremus, proinde nuper per Oxon. studium in visitationis serie transeuntes, clamore celebri quarundam personarum nobis incognitarum temeritatem reperimus infamatam, quod opiniones quasdam erroneas in pluribus scientiis astruere non verentur, quas recolendae memoriae dominus Robertus, Dei gratia immediatus noster in regimine Cantuar. ecclesiae praedecessor, de consilio tunc temporis magistrorum dignoscitur condemnasse, quarundem adjectione poenarum decretum suum temporale libramine roborando. Quorum articulorum nos merito detestantes virulentiam redivivam, nuper publice coram vobis dicti patris processum laudabilem ratum habentes, cum poenis adjectis ipsum in suo robore fore decrevimus permansurum, donec maturiori consilio evidentius appareat, an in ipsis articulis sit aliquod, quod pro pace quorundam possit sine periculo tolerari.

"Unum vero illorum expresse notavimus articulum quorundam dicentium: 'In homine esse tantummodo formam unam.' Notavimus, inquam, pro eo quod ex ipso sequitur, ut putamus, nec corpus Christi fuisse unum numero vivum et mortuum, nec aliqua sanctorum corporum tota, vel secundum partes aliquas, in orbe existere vel in urbe. Sed quaedam alia quae non genuerunt matres sanctorum, sed de novo peperit phantasia, quia sine substantialis formae unitate nulla potest numeraliter substantia esse una.

"Nec hoc diximus in suggillationem aut dedecus ordinis Fratrum Praedicatorum, ut quaedam postea ausa est asserere lingua temeraria; cum dictus praedecessor noster, cujus factum prosequimur in hac parte, de ipso ordine, tanquam portio ipsius ordinis nobilissima, ad archiepiscopalem assumptus fuerit dignitatem; cum etiam nullatenus dubitemus condemnationem praedictam de consilio plurium sapientiorum ipsius ordinis processisse, nec usquam alicui mortali homini promissimus quod sic damnatis articulis silentio nostro faveremus; tum quia verbum divinum non decet esse in nostris labiis alligatum; tum quia error, cui non resistitur, approbatur; tum quia sine peccato mortali dimittere non potuimus, quin resisteremus cum molestia periculo evidenti, dicente propheta: 'Vae mihi, quia tacui.' Sed hoc diximus, et in proposito tenuimus cum effectu, quod opiniones ordinis Praedicatorum, pro eo quod essent ipsius ordinis, reprobare minime volebamus, nec fecimus, Deus novit; sed quod volebamus praedecessoris nostri ratificare processum, ipsius ordinis praecipui amatoris, nec opiniones noxias putabamus esse ipsius ordinis, sed erroris, pro eo quod audivimus eam, quam supra specialiter notavimus, a personis autenticis in variis mundi partibus solenniter reprobari, nec eam credimus a religiosis personis sed secularibus quibusdam duxisse originem; cujus

A letter of this kind could hardly fail to do harm. It was acrid and violent in tone, though mild in comparison with some of Peckham's later outbursts. His whirling invectives must have seemed grossly unjust, not only to the persons against whom they were directed, but to a good many masters and scholars of the University as well. It was absurd to suggest that St. Thomas Aquinas, Blessed Albert the Great, and their disciples, were men who ran after profane novelties of words; that they despised the wisdom of the Saints; that they gave themselves up to windy traditions of philosophers; and that they were blinded by the devil. After all, St. Thomas Aquinas is a canonised Saint and Doctor of the Church, which Peckham is not; and the Church has recognised the holiness of Blessed Albert, while she has done nothing of the sort for Cardinal Kilwardby.

Besides, Peckham was guilty of a flagrant and oppressive abuse of power, by condemning certain philosophical opinions which the Catholic Church had never condemned, and which she has not condemned to this day, but has rather approved. It is true that in those days, when means of communication with the Holy See were much less facile than they are now, bishops often took the initiative in condemning local errors. Still, the fact remains that Peckham was wrong in condemning

duo praecipui defensores, vel forsitan inventores, miserabiliter dicuntur conclusisse dies suos in partibus transmarinis, cum tamen non essent de illis partibus oriundi.

"Nos igitur, qui in his processimus innocenter, sicut volumus coram Deo et omni homine, etiam summo Pontifice, si oporteat respondere, illorum audaci miseriae et miserabili audaciae condolemus, quia contra auctoritatem ecclesiasticam se jactaverunt nuper, ut dicitur, hujusmodi damnatos articulos defensuros; supra merita sapientiae sibi datae ambulare in mirabilibus gestientes; et famam nostram laedere mendaciter sunt conati, non verentes excommunicationis sententiam, qua diffamatores hujusmodi ex Oxonien. concilio sunt ligati. Verum, ne mercenarii more videamur deficere veritati, et ab imminentibus rictibus trepidare, monemus vos omnes et singulos cujuscumque professionis aut gradus, vobis nihilominus in virtute obedientiae sub poena canonicae distractionis praecipiendo mandantes, ne quis vestrum aliquem de sic damnatis articulis, clam vel palam, scienter audeat defensare, donec in forma praedicta, vel per superiores vestros appareat, an ipsorum aliquis valeat probabiliter tolerari. Et pro certo sciatis, quod contra contrarii praesumptores, cum id nobis canonice innotuerit, procedere studebimus justitia mediante.

"Obsecramus autem, filii charissimi, per misericordiam Jesu Christi, ut profanas vocum novitates sollicitius devitantes, inquirere dignemini, quid in haec materia doctores sentiant seculares, qui jam emeritae doctrinae philosophiam et theologiam a puero didicerunt, scientes pro certo, quod claustrales qui, spreta sanctorum sapientia, philosophorum ventosis traditionibus, quas in seculo non didicerunt, curiosius immorantur, tanquam ponentes in tenebris lucem suam, divino judicio utique justissimo a principe hujus seculi merito exaecantur, et caeci caecos in foveam praecipitant vanitatis. Valet, filii charissimi in Christo et virgine gloriosa. Dat. apud Notele, iv idus Novemb. A.D. 1284, ordinationis nostrae vi."—Wilkins, *Concilia*, II. 107, 108.



a perfectly legitimate school of Catholic philosophy ; and he was doubly wrong in hurling, from the shelter of his high ecclesiastical position, all manner of needlessly offensive epithets against his opponents. Though transparently honest and sincere, his letters on this controversy betray a regrettably narrow and intolerant spirit ; indeed, the last epistle of the series is an extraordinary medley of furious denunciations and of scriptural parallels misapplied.

Four days after the letter reproduced above, Peckham addressed a mandate (Nov. 14, 1284) to Master Roger, Chancellor of the University, or to his vicegerent, and to Master Robert de Flecham, doctor of theology. From this document we learn that Kilwardby forced certain individuals to abjure the theses which he had banned, and that Peckham renewed the condemnation after consultation with the Bishop of Lincoln. In spite of this, Peckham was rather at sea as to what his predecessor had done. Hence he desired the Oxford dignitaries to send him information on certain points, and to engage in a little detective work on his behalf. What exactly were the theses which Kilwardby is said to have condemned ? What penalties did that prelate attach to the non-observance of his ordinance ? Whom did he compel to retract ? Who were the partisans—whether they retracted or not—of the condemned propositions ? And who are the persons that still dare to defend them ? The two Oxford dons were commanded in virtue of obedience to make diligent but discreet inquiry touching all these points, and to forward their reply to the Archbishop before December 6 following. They were to neglect no likely source of information, but to avoid, at the same time, anything that might give rise to scandal or excitement. They were to act in this matter as the Archbishop's deputies, and were empowered to punish by canonical censures.<sup>1</sup>

<sup>1</sup> " Frater J., etc., dilectis filiis magistro Rogero, cancellario universitatis Oxon., vel ejus vices gerenti, et magistro Roberto de Flecham, S. Theologie doctore, salutem, gratiam, et benedictionem. Recolendae memoriae sanctitatis et sapientiae titulis illustris dominus Robertus, Dei gratia noster immediatus in regimine Cantuar. ecclesiae praedecessor, in progressu visitationis metropolitanae, quam in Linc. dioecesi exercebat, veniens Oxon. in pluribus facultatibus quosdam ibi errores reperit seminatos ; quorum perniciem considerans bonas indoles maculasse, damnavit plures erroneos articulos de consilio magistrorum sub certarum adjectione poenarum, compulsis etiam quibusdam errores hujusmodi abjurare. Cujus nos exploratam solitudinem ratam habentes, non sine necessitate urgenti, nuper dioecesani communicato consilio in sermone publico praedictam damnationem ipsorum articulorum cum poenis adjectis decrevimus in in suo robore duraturam, donec exquisita indagine viderimus, an in ipsis articulis sit aliquid, quod possit probabiliter tolerari. Scientes igitur commissum esse arbitrio sacerdotum lepras discernere, et munditiam innocentiae declarare, volentes huic cancerosae prurigini, quam poterimus, adhibere pastoralis officii medicinam, ne a nobis exigat districtus iudex animas pereuntes, vobis in virtute obedientiae districtae praecipiendo

From this and other letters, it is plain that Peckham viewed the Thomist doctrines through some extraordinarily distorting medium. On his own showing, he condemned a number of theses without knowing exactly what or how many those theses were. The one he singled out for special animadversion was the harmless Thomist principle that "in each human being there is only one substantial form." This, then, may be taken as a typical specimen of the philosophical doctrines condemned by Peckham. To him these doctrines seemed pernicious in character; they had stained the innocent minds of academic youth; they were a leprosy, a cancerous itch, of which souls were perishing, and for which the medicine of the spiritual shepherd was urgently required. Such censures seem ridiculous nowadays. But we must remember that Peckham was an able though reactionary thinker of the Augustinian school. For many years he had strenuously maintained, in opposition to the Thomists, the plurality of substantial forms in man. Like other theologians of his school, he may have failed to realise, or did not care to understand, the precise meaning attached to the words "matter" and "form" in Aristotelian philosophy.<sup>1</sup> Given a fundamental misunderstanding of this sort, it was inevitable that opinions should become sharply and even violently divided. Even those Franciscan thinkers who understood the Aristotelian terminology quite well, still preferred to adopt the theory of a multiplicity of substantial forms in man.

That Peckham's hasty and fussy condemnation was resented by the University, seems tolerably certain. In any case, his mandate was studiously ignored by the two dignitaries to whom it was specially addressed, namely, Master Roger, the Chancellor, and Master Robert de Flecham. Probably these learned men and their colleagues disliked Peckham's vituperation, of which they had seen some choice specimens in his letters, quite as much as they disliked his condemnation of certain philosophical tenets which he had no right to censure. Peckham, on his part, waited until the prescribed period had fully expired. On the following day (December 7, 1284), he dispatched a fresh epistle

mandamus, quatenus per omnes vias, quibus veritas vobis clarescere poterit facti hujusmodi sine scandalo et tumultu inquiratis solcite, qui sunt articuli universi, quos damnasse dicitur tantus pater; quas poenas adjecerit; qui sunt illi, quos articulos hujusmodi omnes vel aliquos compulit abjurare; qui insuper jurati vel non jurati damnatos articulos communiter vel particulariter defendere praesumpserunt; vel adhuc etiam audent hujusmodi defensare. Cujus inquisitionis cum celeritate debita faciendae vobis tenore praesentium committimus vices nostras, cum coercionis canonicae potestate. Quid autem in his feceritis, quid etiam inveneritis, nobis citra festum S. Nicolai fideliter significare curetis per vestras patentes literas, harum seriem continentes. Datum apud Lofield, xviii calend. Decem. anno Dom. 1284, ordinationis nostrae sexto."—Wilkins, *Concilia*, II. 108, 109.

<sup>1</sup> Vacant, *Dictionnaire de Théologie Catholique*, tom. I. col. 2505.



to the dignitaries aforesaid, complaining that they had disdained to answer his former communication (*quia igitur praemissum mandatum nostrum videmini penitus contempsisse*), and ordering them, under pain of suspension, to furnish a detailed reply to his queries before the octave of next Epiphany, that is, before January 13, 1285.<sup>1</sup>

Hotham in the meantime had not been idle. As Provincial of the English Dominicans, it was his bounden duty to safeguard the interests of his brethren. As an old master of the University of Paris, and presumably a Thomist, he would not feel disposed to allow a Franciscan Archbishop of Canterbury, or anyone else, to ride roughshod over the Thomists of Oxford. In any case his status as a former Paris professor would ensure him a respectful hearing from the masters and scholars of Oxford. On the eve of St. Catherine, November 24, 1284, Hotham delivered an address to the professors of the English university. This was at least a fortnight or three weeks after the famous discourse to which Archbishop Peckham had condemned the Thomist propositions, without knowing exactly what they were. Unfortunately, in the absence of written records, we can form but a faint idea of the arguments which Hotham placed before the assembled masters on this occasion. Our sole knowledge of the episode is derived from the fierce rejoinder which Peckham addressed to the Chancellor and professors on December 7 following—the very day on which he threatened to suspend the Chancellor and Flecham for ignoring his demands.

Peckham begins his rejoinder by indulging in a characteristic fling at his opponents, whose variegated iniquity he conveniently takes for granted. Among these unnamed antagonists were doubtless such prominent Dominicans as Hotham and Clapwell. If Peckham cared only for his personal comfort, his innocence (he declares) would lead him to pay little heed to the fatuity of his detractors. But, being a Christian bishop, he is bound to shield his reputation from the darts of irreverent men, and to expose their wretchedness to the public gaze. Thus in his opening paragraph, the courtly primate accuses his adversaries of detraction, fatuity, irreverence, and wretchedness of behaviour.

After this gracious exordium, Peckham goes on to refute the allegations made against him by Hotham, whose discourse has been reported to him, perhaps not very correctly. In his Oxford address, Hotham laid stress on a conversation which had taken place between the Archbishop and himself at Sonning on October 22. Hotham declared that the prelates who assisted at the Bishop of Salisbury's consecration,<sup>2</sup> on that occasion,

<sup>1</sup> Wilkins, *Concilia*, II, 109.

<sup>2</sup> Walter Scammell, Bishop of Salisbury, consecrated at Sonning by Archbishop Peckham on October 22, 1284.—Stubbs, *Registrum Sacrum Anglicanum*, p. 67.

could bear out his version of what passed. To this Peckham replies by saying that the conversation was entirely private; that not a soul was present during his after-dinner talk with Hotham; and that the latter had no right to misrepresent in public what he heard in a confidential interview.

Peckham then proceeds to give his own version of the affair. In the course of their private interview, Hotham declared that he had received several letters of late from the Dominicans of Oxford, warning him that the Archbishop of Canterbury would shortly visit the university city for the purpose of inflicting a public censure on the Dominicans and their opinions. To this the Archbishop replied by saying that he was in no way hostile to the Dominicans, nor to the Thomist school as such; but he knew that some of the errors banned by his predecessor were again being taught at Oxford, and these he was determined to condemn. The Archbishop added that he loved the Dominican Order as much as Hotham did, and later events have convinced him that he loved it even more. For Hotham assured him before God, on that occasion, that he held the doctrine of the "plurality of forms" just as Peckham and all the world have held it hitherto. Now, however, Hotham finds that some of his brethren are maintaining the contrary falsehood; and, instead of repudiating their action, he is reported to be striving to defend them. Assuredly, says Peckham, this is not love for the Order, but hatred.

In the course of further conversation Hotham professed his hearty concurrence with the Archbishop in detesting the theory of the "unity of forms." Peckham commented on the fact that some rash partisans of that "error" had actually asserted that "if man had another substantial form besides his soul his body could not be numerically the same in the resurrection, even by a miracle." To which Hotham replied, "So far as my conscience is concerned, you may safely condemn that error."

As regards the doctrine of St. Thomas, Peckham supplies some details of interest. He represents the Dominicans as affirming that the opinions of "Brother Thomas Aquinas, of happy memory," are already maintained by the Order at large. This was in 1284, only ten years after the Angelic Doctor's demise. Peckham himself was present when St. Thomas submitted all his opinions to the judgment of the theological faculty of Paris; and from Peckham also we learn that when Stephen Tempier, late Bishop of Paris,<sup>1</sup> was about to sit in judgment on St. Thomas's views, he was commanded by some Cardinals to desist absolutely, until further orders. Peckham pretends that the theological opinions thus reserved to the judgment of the Holy See were entirely different from the elementary errors

<sup>1</sup> He governed that see from 1268 until 1279.—*Gallia Christiana*, VII. 108.



which Kilwardby and himself had condemned. This suggestion is more than a trifle disingenuous. For Kilwardby, besides censuring some blunders in grammar and logic, had condemned sixteen philosophical theses, several of which were clearly based on the Thomist doctrine of the "unity of forms," and some of which were actually taught by St. Thomas himself.<sup>1</sup> Kilwardby's censure was reaffirmed by Peckham, who, as his letters prove, was chiefly bent on striking a blow, not at puerile errors in grammar and logic, but at the philosophical principle of the "unity of forms." From the remarkable animus betrayed towards this principle by old Augustinian theologians like Kilwardby and Peckham, it is reasonable to infer that Tempier, who belonged to the same school, would have devoted much of his condemnatory zeal to that principle and its offshoots, if he had not been checked in time. This, indeed, is the view of careful modern investigators. Father Denifle affirms that Tempier intended to deal with the opinions of Thomas Aquinas, and especially with the "unity of forms,"<sup>2</sup> when he was restrained by a higher power. The conclusion reached by Father Mortier is clearly the same, though his language is less definite.<sup>3</sup>

The remainder of Peckham's letter to the masters of Oxford is little more than a tissue of acrid recriminations. He thanks God that he does not yet need permission from the Dominicans to condemn errors or institute proceedings. He exonerates his Franciscan brethren from the suspicion of having prompted his recent action; throws out dark hints concerning discord among the Dominicans, whom he likens to the irreverent Cham of patriarchal days, with many more amiabilities of a similar kind. On the whole, this letter is undignified and abusive in tone; we can only regret that it was ever penned by a man of Peckham's great abilities and lofty position.<sup>4</sup> But it shows that, for some

<sup>1</sup> The theses condemned by Kilwardby may be seen in Denifle, *Chartular. Univ. Paris*, I, 558, 559; a somewhat different recension is given in the *Osney Annals*, ed. Luard, p. 298.

<sup>2</sup> *Chartular. Univ. Paris*, I, 626.

<sup>3</sup> *Hist. des Mattres Généraux*, II, 138.

<sup>4</sup> The letter shall speak for itself: "Cancellario Oxoniensi vel ejus vices gerenti, et magistris ibidem regentibus omnium facultatem, salutem. Si tantum privatis commodis viveremus, quid contra nostram innocentiam suae fatuitatis effunderent detractores, mediocriter curaremus. Sed quia, licet immeriti, sumus Divino quamvis occulto judicio deputati pro salute fidelium procuranda in officio pastoralis, quibus eo ipso tenemur ad Dei gloriam totis viribus complacere, necesse habemus pro irreverentium hominum jaculis retundendis, nostram quamvis inviti manifestando insontiam, ipsorum miseriam propalare.

"Sane nuper intelleximus admirantes quod dilectus in Christo frater W. . . prior Fratrum Praedicatorum Angliae, quem usque in haec tempora habuimus affectuosissime commendatum quaedam dedecentia in nostri et nostrorum praejudicium coram vobis congregatis in vigilia Sanctae Katerinae, quod vix credere possumus, perperam seminavit, testes invocans sui et nostri invicem tratatus habiti episcopos illos qui nuper

weeks prior to October 22, Peckham was resolved to strike a blow at the Thomists of Oxford, particularly at their doctrine on the "unity of the substantial form in man." A convenient means of effecting his purpose lay ready to hand: he need only resuscitate the sentence of his predecessor. This Peckham proceeded to do, without taking time or trouble to ascertain what doctrines had been condemned by Kilwardby.

Nearly a month after writing the letter just cited, Peckham seems to have realised that his intemperate behaviour towards the Oxford Dominicans and their Provincial was likely to land him in difficulties with the Holy See. The misadventure of Bishop Tempier was doubtless before his eyes, and it behoved

*intererant solemnibus Saresbyriensis episcopi consecrandi: cum tamen episcopus aliquis nec quisquam alius mortalium verba audiverit quae soli cum solo sub solius Dei testimonio et nullatenus aliter de annotata inferius materia loquebamur. Et quia, ut nobis dicitur, contra veritatem forsitan oblivionis causa dictus prior, salva sua gratia, secreto nostro colloquio est abusus, nullus debet inhonestum vel extraneum judicare, si veritatem quam in hac parte novimus, absentes ut possumus per literas in suscitati per ipsum et suos contra nos et nostros scandalum remedium, vobis veraciter explicemus.*

*"Referente igitur nobis priore praedicto die praetactae consecrationis post prandium, quod fratres sui Oxonienses pluries ei scriperant, nos in partes Oxoniae properantes intendere ipsorum ordini et ordinis opinionibus derogare, respondimus bona fide; quam fidem tenuimus et tenere intendimus quantum possumus sine praepudio veritatis, quod nec ordini eorum nec opinionibus ipsius ordinis, pro eo quod sunt ordinis, intendebamus quomodolibet adversari; sed factum praedecessoris nostri circa errores ab eo inventos in liberalibus disciplinis ac damnatos de consilio magistrorum, et in parte suscitatos denuo in scandalum plurimorum, prosequi iustitia mediante; et subjunximus quod Fratrum Praedicatorum ordinem diligebamus intime sicut ipse, et modo secure addimus plusquam ipse, quia cum ipse in praetacto colloquio nobis dixerit coram Deo se de pluralitate formarum illam tenere firmiter sententiam, quam nostra tenet simplicitas et tenuit hactenus totus mundus, si fratres suos aliquos falsitati contrariae adhaerentes, nititur in hoc ut dicitur defensare. Hoc procul dubio non est diligere sed odisse. Procedentibus demum nobis ambobus ulterius in tractando, et errorem ponentium 'in homine existere tantummodo formam unam' concorditer detestando, subjunximus nos quosdam istius erroris temerarios defensores in tantae subversionis foveam corruisse, ut dixerint scilicet et scripserint, 'quod si homo haberet aliam formam ab anima rationali, non posset corpus hominis corruptum, idem numero etiam per miraculum reparari.' Quo audito respondit prior, 'Hunc errorem secure de mea conscientia condemnatis.'*

*"Causam vero opinionum bonae memoriae fratris Thomae de Aquino, quas fratres ipsi opinionibus sui ordinis esse dicunt, quas tamen in nostra praesentia subiecit idem reverendus frater theologorum arbitrio Parisiensium magistrorum, pendere diximus in Romana curia indecisam; pro eo quod cum vacante sede Apostolica per mortem sanctae memoriae domini Johannis Dei gratia tunc temporis Romani Pontificis, episcopus Parisiensis Stephanus bonae memoriae ad discussionem ipsorum articulorum de consilio magistrorum procedere cogitaret; mandatum fuisse dicitur eidem episcopo per quosdam Romanae curiae dominos reverendos, ut de facto illarum opinionum supersederet penitus, donec aliud reciperet in mandatis.*

*"Aliud igitur est quod de scriptis theologicis est Romanae celsitudini reservatum Parisius, ab eo quod inventum Oxoniae in certaminibus*



him to guard against a similar disaster. On January 1, 1285, he wrote a sort of circular letter, to be presented by his Roman agent to three Cardinals of the Curia who had certain affinities with England. This letter is interesting, both because it throws fuller light on some phases of the controversy, and because it affords a revelation of the prejudices entertained towards the doctrine of St. Thomas by an able and honest Augustinian thinker.

In the first place, Peckham gives the Cardinals to understand that recently, in passing through Oxford, while on his visitation of Lincoln diocese, he had discovered that certain philosophical errors were being taught once more in the University after

puerilibus per praedecessoris nostri sapientiam est damnatum. Quod si quispiam theologus curiosus hujusmodi quaestionibus puerilibus tractatus theologicos miscuerit indecenter, sicut olim Israelitae pro acuendis ligonibus ad Philistinorum malleos descenderunt, non valeamus propter hoc dimittere, nec debemus pro zelo quorundam temerario, quin parvulos nostros ab errorum laqueis ut possumus eruamus; et sicut circa processus hujusmodi vel quoscumque alios Fratrum Praedicatorum licentia nondum Deo gratias indigemus, sic quia quod in hac parte fecimus, Fratribus Minoribus fecimus penitus inconsultis, nihil aebet in hoc processu nostro Fratribus Minoribus imputari. Falso ergo dictum est nos per hoc discordiam inter ordines seminasse; et caveant sibi ab hujusmodi seminatione, nobis talia perperam imponentes, in quorum hortis ad extinctionem multarum salutarium plantarum de hujusmodi venenato semine retroactis temporibus publice et occulte, nullo seminante extrinseco, ultronee nimis crevit.

"Intelleximus insuper quod quidam fratres ejusdem Ordinis Praedicatorum ausi sunt se publice jactitare doctrinam veritatis plus in suo ordine quam in alio sibi contemporaneo viguisse; cujus contrarium quia tenere putamus viros majores et sapientiores ecclesiae militantis, ipsam eorum jactantiam asserimus esse falsam, quod non esset difficile declarare, nisi esset comparatio odiosa, comparando scilicet scripta scriptis, personas personis, et labores laboribus satis notis.

"Haec est igitur, carissimi, processus nostri veritas coram Deo; et si forte circa praedicta defectus nobis aliquis subrepsisset, debuissent praedicti fratres pro paterni honoris debito fragilitati nostrae excusationis pallium obduxisse. Praesertim quia tuba legalis specialiter praecipit diis non detrahare, et Christos Domini non tangere; et Cham paternae irrisor dedecentiae in posteritate sua meruit maledici; quanto majus maledictionis tonitruum promerenter, qui patris innocentiam, cujus vice fungimur licet immeriti, labiis detractoris persequuntur?

"Mordidisse insuper societatem nostram dicitur idem prior, imponendo illis qui nostro assistunt lateri, quod tanquam meticulosi et quae sua sunt quaerentes, nos ad martyrium non provocant, sicut dominum suum excitarunt olim socii Sancti Thomae, cujus martyrii subeundi, si placeat Salvatori, det nobis Ipse magis ferventia exemplaria imitari, quam illorum quaedam extiterint, quae vidimus suis et suorum consiliis in pontificali officio vel quocunque alio gubernari. Rogamus igitur, ut non obstante praedicta calumnia, si tamen vestris insonuerit auribus, socios nostros sicut valentes viros habere dignemini excusatos. Pro certo scientes quod processus nostros circa ardua ecclesiae negotia quantum possumus sano consilio gubernamus. Rogamus insuper ut contentam praesentibus veritatem, cujus testem Altissimum invocamus, velitis aliis publicare, si tamen sint aliqui contrariis falsitatibus subornati. Valet in Christo et Virgine Gloriosa. Datum apud Brandestan, vii id. Decembris."—*Peckham's Register*, III, 864-868; cf. Denifle, *Chart. Univ. Paris*, I. 624-626.

having been condemned by Archbishop Kilwardby. This was somewhat disingenuous. Peckham's visit to Oxford took place in the last days of October or in the first week of November; and, as we have seen, it was commonly reported for some time, perhaps for some weeks, prior to October 22, that he was going specially to Oxford to crush the Thomist doctrines. It is also curious that, in these various letters, Peckham is invariably anxious to screen himself under the great name of Cardinal Kilwardby.

Secondly, Peckham admits that in his Oxford fulmination he singled out the "unity of the substantial form in man" for special censure. He also admits that this doctrine was held and taught by "Brother Thomas Aquinas of holy memory," who, however, submitted all his opinions on such questions to the University of Paris for judgment and correction. The query is obvious: Since neither the Holy See, nor even the University of Paris, had censured this highly important doctrine of St. Thomas, why did Peckham arrogate to himself the right to condemn it?

Thirdly, on the day after Peckham's Oxford deliverance, the Dominicans of that city issued a manifesto or lodged an appeal against his action,<sup>1</sup> and were presumptuous enough to boast in public that they would maintain the "unity of forms," and every other opinion of Thomas Aquinas, against all living men. Besides this, they dared to say other things against the Archbishop, which might have seriously undermined his reputation, had he not been protected by the shield of truth. It is rather amusing to find that Peckham, who could storm and rave in the most unbridled fashion against his opponents, was, nevertheless, so uncommonly touchy about his own reputation.

Finally, we come to the most illuminating passage of this letter—a passage which shows at once the horror with which Augustinian thinkers regarded the new school, and the regular opposition which existed at this time between Dominicans and Franciscans, on almost every question which lay outside the domain of faith. Peckham begs "that the holy Roman Church would condescend to observe that the doctrines of the two Orders are almost wholly opposed to each other, on all subjects which admit of doubt; that the teaching on one side [namely, the Dominican] is almost entirely based on philosophical dogmas, while the doctrines of the Saints are thrown aside and in part despised, in such wise that the house of God has become filled with idols, and, as the Apostle foretold, men are 'sick of questions and strifes of words.' This condition of affairs may be pregnant with grave danger to the Church in times to come. For what is more inevitable than that an edifice should fall

<sup>1</sup> Peckham uses the somewhat indefinite phrase "*contra nos in crastino provocarunt*."



when its supporting pillars are broken ; or that the foul fiend should come, and truth succumb to falsehood, once the genuine doctors of the Church, St. Augustine and the rest, are rejected with disdain ? What can be clearer than that, amid such diversity of opinions, discords should arise and charity grow cold ? ”<sup>1</sup> Of course, these views were extravagantly unjust towards St. Thomas and his school, as we shall see ; but it is remarkable that such views should have been passionately held by a man of Peckham’s standing.

On June 1, 1285, five months after his epistle to the Cardinals, Peckham wrote an open letter to his friend Oliver Sutton, Bishop of Lincoln, in whose diocese the University of Oxford was situated. Bishop Sutton had received his consecration from Peckham, and was a consenting party to most of that prelate’s measures against the Thomists. During these years, the position of the Oxford Dominicans must have been very trying and unpleasant. The Bishop of the diocese stood distinctly opposed to them, and the Metropolitan of the province persecuted their opinions with a zeal which closely bordered on frenzy. In the letter just mentioned, Peckham surpasses all his former efforts in the way of insult and vituperation. He accuses his Dominican antagonists of arrogance, mendacity, malice, and so on. He compares them, now to Korah, who resisted the authority of Moses ; now to the fallen angels ; and again to those disciples who abandoned Our Lord and “ followed Him no more.” Some anonymous Dominican had written a short treatise on the controversy, in answer to Peckham. According to that polite prelate, the work was distinguished by “ a headless beginning, a malignant middle, a fatuous and deformed end.” Peckham’s letter is a perfect tornado of abuse and invective,

<sup>1</sup> “ Ut sacrosancta Romana ecclesia attendere dignaretur, quod cum doctrina duorum ordinum in omnibus dubitabilibus sibi pene penitus hodie adversetur ; cumque doctrina alterius eorundem, abjectis et ex parte vilipensis sanctorum sententiis, philosophicis dogmatibus quasi totaliter innitatur, ut plena sit ydolis domus Dei, et langore quem praedixit apostolus, pugnantium quaesitionum ; quantum inde futuris temporibus poterit ecclesiae periculum imminere. Quid enim magis necessarium quam fractis columnis edificium cadere ; quam vilipensis auctenticis doctoribus, Augustino et ceteris, foedum venire principem et veritatem succumbere falsitati ? Quid manifestius quam opinionum diversitatem discordias parare animorum et frigescere inter huiusmodi caritatem ? ” — *Peckham’s Register*, III, 870-872. This letter closes with a reference to some secret but weighty matter affecting the archdiocese of Canterbury, if not the English Church in general : “ Ceterum quoddam magni ponderis ecclesiae nostrae negotium reverentiae vestrae secretius exponendum injunximus magistro Willelmo exhibitori praesentium, quo intellecto, dignemini nobis consilium et auxilium impendere ad Dei gloriam et honorem. . . . Sub ista forma scribitur cardinalibus Matthaeo, Ordonio, et Geronimo cardinalibus.” What was the momentous affair thus obscurely alluded to ? Possibly it may have been the resistance which the English hierarchy offered at this time to royal and secular aggression. Cf. Wilkins, *Concil.* II, 115-119.

too repellant for quotation here ; <sup>1</sup> it is, for the most part, barren alike of fact and argument.

Finally, on April 30, 1286, Peckham condemned eight philosophical theses, and branded them as heretical. The condemnation was pronounced at London, in the church of St. Mary-le-Bow, in presence of Oliver Sutton, Bishop of Lincoln ; Godfrey Giffard, Bishop of Worcester ; Richard Swinfield, Bishop of Hereford ; and a large assembly of clergy and lay folk. The banned theses were mostly based on the principle which Peckham so violently detested, and which he now ventured to stigmatise as a heresy. "Octavus est, quod in homine est tantum una forma, scilicet anima rationalis ; ex qua opinione sequi videntur omnes haereses supradictae." <sup>2</sup> According to the document printed by Wilkins, these theses were condemned without naming the offender ; all who held these doctrines were declared excommunicate. The Osney and Dunstable annalists, however, expressly state that the condemnation was directed against the Dominican Richard Clapwell, who was a doctor of theology at Oxford and author of various scholastic works. The Dunstable annalist gives in full a list of *twelve* "heresies" of which Clapwell was deemed guilty, differing somewhat from the list published by Wilkins. The sequel may be told in the words of Mr. Reginald Lane Poole :

"The heresies are scholastic positions relating to the often vexed question of the 'form' of the body of Christ, a question which, of course, had a bearing on the doctrine of the Eucharist. Clapwell was a follower of the Dominican, St. Thomas Aquinas, of whom the Franciscans were jealous, as of a successful rival. Consequently, the sentence had no sooner been delivered than Hugh of Manchester, the provincial of the Dominican Order, intervened, alleging that no one whatsoever had jurisdiction over friars preachers save the Pope only, to whom on Clapwell's behalf, he made appeal. <sup>3</sup> Clapwell unfortunately did not prosecute

<sup>1</sup> It is published in Wilkins' *Concilia*, II. 120-122. Echard remarks that Peckham was fairly beside himself on this question : "Mirum quam haec quaestio [de unitate formae] nostros et Franciscanos ea aetate inter se commiserit, adeo ut Peckamus adversus unitatem pene fureret, hanc vero nostri acrius propugnabant." Again he says of Peckham : "Sui antistes ille fere compos non erat."—Quétif-Echard, *Scriptores Ord. Praed.*, I. 414, 435.

<sup>2</sup> Wilkins, *Concilia*, II. 123, 124.

<sup>3</sup> It is tolerably certain that Hotham was the Provincial who adopted this determined attitude. Hotham was undoubtedly Provincial on October 31, 1285, that is, six months prior to this condemnation ; and he was released from the office of Provincial by the Chapter of Bordeaux, on May 25, 1287. There can be little doubt, therefore, that he was Provincial on April 30, 1286, when Clapwell's theses were condemned. Besides, as we have heard from that careful investigator, Mr. A. G. Little, there seems to be no really trustworthy evidence to show that Hugh of Manchester was Provincial at any time.



his cause until 1288, when Nicholas IV, the first Franciscan pope and former general of his Order, had succeeded to the pontificate. The Dominican was promptly condemned to perpetual silence with respect to the obnoxious opinions which he had maintained. He withdrew to Bologna, but there he again ventured to avow his doctrines. In the end, according to the Dunstable annalist, he lost his reason ('incidit in desipientiam et miseriam magnam valde'), tore out his eyes, and so died in misery."<sup>1</sup>

Peckham's condemnation of Thomist doctrine in 1286, and the disciplinary silencing of his victim in 1288, may be regarded as the last victories of a too rigid Augustinism. The inner meaning of the entire controversy, and the manner of its happy ending, are briefly summed up by a scholarly Jesuit :

"If the Franciscan Order showed itself on the whole opposed to St. Thomas, it was simply from a certain horror at philosophical innovations and at the neglect of Augustinism. The doctrinal revolution brought about by Albert the Great and Thomas Aquinas startled the old School of Augustinism among the Dominicans as well as among the Franciscans, but especially among the latter, who were the disciples of the eminent Augustinian doctor, St. Bonaventure. This will explain the condemnations, hitherto little understood, of many propositions of St. Thomas Aquinas three years after his death, on the 7th of March, 1277, by the Bishop of Paris, and on the 18th of March, 1277, by the Archbishop of Canterbury, Robert Kilwardby, a Dominican. The Augustinian school represented tradition ; Thomism, progress . . . .

"The happy fusion of the two methods in the two Orders of Franciscans and Dominicans little by little brought about an agreement on certain points without excluding differences on others which were yet obscure (as, for instance, the unity or the multiplicity of forms), at the same time that it made for progress in all the schools. We know that the canonization of St. Thomas caused the withdrawal of the condemnations of Paris (14 February, 1325). Moreover, the wisdom or the moderation of the new school contributed powerfully to its triumph.

<sup>1</sup> *Dictionary of National Biography*, X. 374. It seems that Nicholas IV, while imposing silence on Clapwell—a measure which the Holy See has occasionally adopted to still the clamour of eager disputants—did not condemn his theses, as Peckham had done. The question of the unity or plurality of the substantial form in man has never been defined by the Church. That the spiritual soul is the substantial form of the body, was defined by the Council of Vienne in 1311 ; but this definition does not render untenable the Franciscan theory of the plurality of forms in the human subject. Of course, the anathemas pronounced by Peckham and Kilwardby, against the Thomist doctrine of the "unity of forms," are now regarded as null and void. On this head, as the learned Père Portalié reminds us, "les censures contre l'opinion de saint Thomas sont dénuées de toute valeur."—Vacant, *Dict. de Theol. Cath.* tom. I. col. 2505.

Albert the Great and St. Thomas, far from being adversaries of St. Augustine, as they were reported to be, placed themselves in his school, and while modifying certain theories, took over into their system the doctrine of the African bishop. How many articles in the 'Summa' of St. Thomas have no other object than to incorporate in theology this or the other theory which was cherished by St. Augustine (to take only one example, that of exemplar ideas in God). Hence, there was no longer any school strictly Augustinian, because every school was such. They all eliminated certain special points and retained the same veneration for the master."<sup>1</sup>

This eminently desirable consummation could scarcely have been foreseen, either by Peckham or Hotham, in the strenuous days between October 22, 1284, and April 30, 1286. Meanwhile, during the acutest phase of the philosophical controversy in England, and six months prior to the condemnation of Clapwell's theses, Archbishop Peckham issued instructions to the Dominican and Franciscan Provincials on what was clearly, in modern phrase, a question of urgent public importance. This was the vexed question whether confessors should grant or deny absolution to anti-clericals. In his letter (dated Oct. 31, 1285) to W[illiam Hotham], Prior-Provincial of the Dominicans, and W. . . ., Minister of the Franciscans, the Archbishop observes that, whereas the number of malignants and of uncommonly bold assailants of the Church's liberties is on the increase; and whereas such persons undoubtedly incur the excommunication formerly decreed by the Council of Oxford,<sup>2</sup> as well as the excommunication pronounced against violators of Magna Charta; the Provincials aforesaid are affectionately requested and exhorted to refuse absolution to all malefactors guilty of the crimes in question, and to allow none of the brethren of their respective Orders to impart absolution to such offenders. The Archbishop and his suffragans have agreed to reserve the right of absolution in such cases to themselves and to the prelates of those dioceses which have suffered injury; and they declare that absolution otherwise given is of no avail, except to mislead unhappy souls. Peckham points out that absolution from such sins must necessarily be preceded by absolution from the sentence of excommunication; but the Provincials and their brethren have no power to absolve persons from the excommunication; therefore, they have no power to absolve them from the crimes which have incurred that penalty.<sup>3</sup>

In January, 1286, Hotham was one of the witnesses to a grant on behalf of Queen Eleanor, widow of Henry III, and

<sup>1</sup> Père Portalié, S.J., in *Cath. Encyclop.*, II. 100.

<sup>2</sup> This was presumably the Oxford Council of 1222, of which an account may be seen in Hefele, *Conciliengeschichte*, 1886 edit., V. 922-927.

<sup>3</sup> *Peckham's Register*, III. 909, 910.



mother of Edward I: "Grant to Eleanor, the King's mother, that, although she should enter any religious Order, whether professed or not, she shall retain all her possessions in England or Gascony until Michaelmas, 1287, whether the Kingdom is in the King's hands or in the hands of councillors or custodians. —Dated at Marleberge [Marlborough] by the hand of Robert [Burnell] bishop of Bath and Wells, 23rd January.

"The like to the same Eleanor and the executors of her will, in case she should die in the meantime. Witnesses:—Edmund, the King's brother; Robert, bishop of Bath and Wells; William de Hothum, provincial prior of the Friars Preachers, and Brother Salomon, of the Order of Friars Minors, and others."<sup>1</sup>

The venerable Queen Eleanor had already retired to the convent of Ambresbury, where she became a professed nun in 1287. One of her companions in that religious community was her grand-daughter, the Princess Mary, fifth daughter of Edward I, and another was Eleanora, daughter of the late Duchess of Bretagne. Queen Eleanor died in her conventual retreat at Ambresbury (or Amesbury) on June 24, 1291. Her daughter-in-law, the faithful Queen Eleanor of Castile, first consort of Edward I, had preceded her to the grave, dying at Grantham on November 28, 1290. When King Edward returned from his Scottish campaign, he brought the hearts of the Queens to London; and on Sunday, the feast of St. Nicholas (December 6, 1293), "before a vast multitude, they were honourably interred, the conjugal heart in the church of the Friars Preachers, and the maternal heart in that of the Friars Minors in the same city."<sup>2</sup> It is an edifying picture of medieval faith and devotion.

The fact that Hotham appears in royal and episcopal company, as a witness to the above-mentioned grant to Queen Eleanor, shows that he was already a man of note in court circles. A few weeks later, we find him concluding a transaction with one of the great noblemen of the period. On March 3, 1286, Father William de Hothum, the English Provincial, and Father Nicholas, Prior of the London Dominicans, granted their old convent of Holborn, the scene of some historic gatherings, to Henry de Lacy, Earl of Lincoln, and to his heirs and assigns for ever. The formal record of this concession was witnessed by some notable personages, including Robert Burnell, then Bishop of Bath and Wells and Chancellor of the Kingdom, whom Edward I had twice vainly endeavoured to promote to the archbishopric of Canterbury; John Kirkby, the Treasurer, who was Archbishop Darlington's friend, and afterwards Bishop of Ely; and Stephen of Cornhill, a prominent London draper, who was also a friend

<sup>1</sup> *Cal. Pat. Rolls*, 1281-1292, p. 219.

<sup>2</sup> *Chron. Wikes*, quoted by Miss Strickland, who gives an interesting account of the Queen-Mother's last years, in her *Lives of the Queens of England*, II. 154-161.

of Darlington's and a benefactor of the London Dominicans. According to Father Palmer, the Dominicans surrendered their former domicile to the Earl of Lincoln for a sum of 550 marks, or about £4,400 in modern currency. The formal document is couched in the legal phraseology of the time, and may be of interest to some readers:

"Sciant presentes et futuri quod nos fratres Willelmus de Hothum, Prior provincialis fratrum ordinis predicatorum Anglie, et Nicholaus, Prior fratrum ejusdem ordinis in civitate London. commorantium et ejusdem Loci Conventus, de communi assensu nostro dimisimus et concessimus et hac presenti carta confirmavimus Nobili viro domino Henrico de Lascy Comiti Lincoln. totum locum nostrum et omnes domos nostras et inhabitationem nostram juxta Holeburn. ubi prius habitare et morari consuevimus, cum omnibus placeis nostris ibidem adjacentibus, et omnibus suis pertinenciis; Habenda et tenenda eidem domino Henrico et heredibus vel assignatis suis, libere quiete et pacifice imperpetuum; Faciendo inde servicia secularia dominis feodi debita et consueta, que nos prius facere consuevimus pro eisdem. In cujus rei testimonium nos Priores tam provincialis quam conventualis et Conventus prenotati huic scripto sigillum nostrum apposuimus. Hiis testibus: Dominis R. dei gracia Bathon. et Wellen. episcopo, tunc domini Regis Cancellario; Johanne de Kirkeby, tunc ejusdem domini Regis Thesaurario; Dominis Ricardo de Brus, Rogerio de Trumpington, Radulfo de Sandwyco tunc Custode Civitatis London., Willelmo le Vavasur, militibus; Willelmo de Hamelton., Hugone de Kend., Gregorio de Rokesl., Henrico le Waleys., Stephano de Cornhull., et aliis. Datum London. III die Marci anno regni Regis."

This grant was confirmed by the King, at Bordeaux, on April 15, 1287; and the Insepimus which received the royal signature on that occasion reproduces the document just quoted.<sup>1</sup> Meanwhile, King Edward's consort, Queen Eleanor of Castile, whose heart was soon to be buried in the Dominican church at London, was proving herself a considerate friend of the Friars Preachers. About June, 1286, she sent Hotham a gift of 100s., equal nowadays to about £60, to defray the expenses of the provincial Chapter which was to meet at Beverley later in the year.<sup>2</sup>

<sup>1</sup> Rot. Cart. 15 Edw. I, m. 2, no. 6; Palmer, *Anglia Dom.*, IV. B. 467, 468. The grant to Queen Eleanor shows that Hotham was Provincial on January 23, 1286; the grant to the Earl of Lincoln proves that he was Provincial on March 3 following. Hence it is absolutely certain that Hotham was the Provincial who appealed against the condemnation of Clapwell's theses on April 30, 1286. Incidentally, it would seem from the above document that Hotham wrote his surname as "Hothum." For the price paid by the Earl of Lincoln, see Palmer, *Anglia Dom.*, III. 15.

<sup>2</sup> "Liberaciones Johannis de Berewik pro Regina Consorte domini Regis facte, a festo sancti Hillarii anno regni Regis Edwardi quartodecimo



This Beverley Chapter was held, apparently, in the closing week of August, 1286. Archbishop Romayn, of York, who was then at Thorpe, some thirty miles distant, wrote an extremely kind and friendly letter to the Provincial and the assembled Fathers. The Archbishop apologised for his inability to attend the Chapter; earnestly besought the prayers of the Fathers, reminded them that, from his earliest youth, he had been deeply attached to the Order; and promised to assist themselves and their brethren to the utmost of his power. If the Queen's gracious donation was welcome to the capitular Fathers, Archbishop Romayn's affectionate letter was perhaps equally consoling. It stood out in marked contrast to the vituperation with which Archbishop Peckham had assailed the Dominicans for nearly two years, and which had culminated in the condemnation of Clapwell's theses four months earlier. Indeed, Archbishop Romayn's letter may well have been intended as a restrained and dignified protest against the unbridled fury of his Canterbury colleague. The Archbishop of York's letter is dated August 24, 1286, and deserves to be reproduced here:

"J. primas, etc., praecordialissimis in Christo filiis, Priori Provinciali Fratrum Praedicatorum Angliae, et caeteris fratribus apud Beverlacum in hoc provinciali capitulo congregatis, salutem, cum benedictione et gratia Salvatoris. Ardua et urgentia negotia, quae nos in remotis his diebus occupant, nos profecto impediunt quominus huic sanctae congregationi vestrae personaliter interesse possimus, ut vellemus. Proinde sincerrime caritati vestrae cum obtinendi fiducia votivis affectibus supplicamus, quatenus nostram hac vice absentiam habere velitis benignius excusatam, familiariter attendentes quod, si commoda subfuisset facultas, vobis nostram ultro etiam praebuissemus praesentiam ex optato. Denique nos et curam nostris humeris Divina dispositione impositam, quae laboriosae sollicitudini subjicitur, adeo quod absque coelesti adjutorio et sanctorum intercessorum suffragio sufficere nequimus eidem, vestris piis et devotis orationibus visceraliter commendamus; rogantes attentius quatinus id onus nobiscum supportetis studiosius apud Deum, ut, vobis mediantibus, quos quasi a primis cunabulis caros et speciales habuimus et habemus, liberior et facilius cum commisso grege transire possimus ad patriam ab aeterno electis salubriter praeparatam. Volumus autem quod fratres ordinis vestri ad nos placidum recursum habeant; quos in singulis agendis favorabiliter juvabimus, et contra adversa tuebimur pro viribus, velut nostros. Conservet felicem sanctitatem vestram utilitati ecclesiae suae

usque ad festum Natalis Domini anno ejusdem Regis xviii. . . . Item, fratri W. de Hothum pro potura fratrum predicatorum in Capitulo provinciali apud Beverlak., C solidi.\*—*Liberationes Custodis Garderobae Reginae*, 14-18 Edw. I; Palmer, *Anglia Dom.*, IV. B. 474.

Deus per tempora prospera et longaeva ! Data apud Thorp, ix Kalendas Septembris, pontificatus, etc., [primo]."<sup>1</sup>

### HOTHAM IS ORDERED TO PARIS

The next recorded incident in Hotham's career is his presence at the General Chapter of Bordeaux, which began its sessions on May 25, 1287. At least, we may confidently assume that he was present, as his duty prescribed, for this legislative assembly was composed of the various Provincials of the Order. From the acts of this Chapter we learn that disturbance was rife in many of the French priories, where certain of the brethren, for some occult reason, busied themselves in spreading groundless accusations against the Master-General. Some of these individuals, mentioned by name, were awarded condign punishment, and the French Provincial was ordered to inflict similar or even graver penalties on other persons guilty of a like offence. The Paris community, in particular, was torn by dissensions of students and others, to such a degree that the Chapter directed the Master-General to send two delegates to hold an inquiry at Saint Jacques. These delegates were given wide powers. They were to visit the guilty parties with summary chastisement. If they thought proper, they might expel all the foreign students of the Order from Paris, and send them back ingloriously to the provinces from which they came. In like manner, the delegates were given a free hand as regards the French students and priests at Saint Jacques ; these they might transfer to other convents and dismiss from their offices, in case their guilt was proved.

The root of this Paris trouble may be found, very probably, in the grievances under which the foreign students chafed. For years past, it had been asserted, not without reason, that the Priors of international colleges of the Order were unduly favouring their own compatriots, and discriminating unfairly against students from other nations. The General Chapter of Vienna in 1282 had sternly discountenanced any favouritism of the kind ; but the evil, as it would seem, was not yet eradicated. Hence the Paris dissensions and the need for vigorous measures.

Towards the close of its deliberations, and almost as an afterthought, the Chapter of Bordeaux released Father William Hotham from his duties as English Provincial, and assigned him

<sup>1</sup> Raine, *Northern Registers*, p. 86. Canon Raine's most eminent pupil was the famous Scottish archivist, Joseph Stevenson, to whose industry and enthusiasm the magnificent Rolls Series was largely due. In later years he became a Catholic, and died as Father Joseph Stevenson, J. S.



to Saint Jacques as professor of theology.<sup>1</sup> It was probably felt that a man of his academic distinction and suavity of manner would exercise a calming influence upon the turbulent minds of the Paris students. If this hope was entertained, it was doomed to speedy disappointment. For some mysterious reason, Hotham stayed in England or in Gascony during most of the academic year, leaving his Paris chair entirely vacant. It has been surmised that he was detained by important affairs of State, but the public records do not confirm this view. At Saint Jacques there were two schools of theology, each under a regent or chief professor; and it would seem that the post intended for Hotham was that of regent of the foreign school. At this time, as we have seen, there was grave unrest among the foreign scholars, and this unrest may have disinclined or deterred Hotham from taking up his duties as regent.

Whatever the real cause of his absence may have been, no satisfactory explanation was forthcoming, and Hotham's attitude was viewed with grave displeasure as an act of insubordination. This displeasure found expression in the Lucca Chapter of May 16, 1288. Hotham was severely censured, and his correction was entrusted to the Master-General. His fault, indeed, was both uncommon and embarrassing. Owing to his absence, the Paris school had remained vacant for a long time, to the shame and confusion of the Order, and to the serious detriment of studies. To prevent a recurrence of such mischief, it was now ordained that the Paris regents should not absent themselves from the convent, even during vacation time, save for a period of three weeks or a month at most. For these brief holidays they should obtain permission from the Master-General or the French Provincial; and such permission was to be accorded only for grave reasons. In any event, the regents should never be absent simultaneously; one or the other should always be in residence.<sup>2</sup>

Hotham must have been a very well-known personage in England at this time. This is suggested by an incident, trivial enough in itself, which took place shortly before the opening of

<sup>1</sup> "Absolvimus priorem provincialem Anglie G. de Odone et assignamus eum conventui Parisiensi ad legendum."—Reichert, *Monumenta Ord. Praed.*, III. 242.

<sup>2</sup> "Cum propter absenciam fratris G. de Odone, qui non adquevit ordinacioni precedentis capituli Burdigale celebrati de se facte, (et) scola nostra Parisiensis diu vacaverit, in magnam ordinis confusionem et studii jacturam, eius correctionem magistro ordinis committimus faciendam; et volumus et ordinamus, quod magistri in theologia actu regentes Parisius non recedant de conventu nec mitti valeant tempore lectionum nec vacationum, nisi forte per tres septimanas vel per mensem ad plus; et hoc ipsis vacationibus pro causa necessaria et de licencia magistri ordinis vel prioris provincialis Francie, ita tamen quod alter eorum semper remaneat in conventu."—Reichert, *Monumenta Ordinis FF. Praed.*, III. 246.

the Chapter of Lucca. On March 10, 1288, the Bishop of Winchester collated to the rectory of Bishop's Waltham a cleric named Geoffrey de Hothom. This cleric is specially noted in the episcopal register as being "a nephew of Brother William de Hothom—*nepos fratris Willelmi de Hothom*." <sup>1</sup>

Geoffrey's distinguished uncle is supposed by some writers to have gone to Paris soon after he had become an object of animadversion to the Chapter of Lucca. Such is the opinion of Professor Tout, who surmises that "he then probably gave way, and taught a short time at Paris, with such success that he became well known to King Philip IV." <sup>2</sup> Such is also the opinion of Father Palmer, who confidently affirms that "F. William explained to the Master-General the pressing occasions of public affairs which had prevented him going to Paris, and then took upon himself the Lectorship. During his residence in France, he fell under the notice of the King, by whom he was much esteemed." <sup>3</sup> All this may be quite true, yet it rests on extremely slender evidence. There is literally no evidence, as far as I am aware, to show that Hotham was hindered by public affairs from going to Paris, and fulfilling his duties as regent at Saint Jacques, during the academic period of 1287-88. Even if he took up his post in Paris a few months after the Chapter of Lucca—which began, as we may remember, on May 16, 1288—and assuming that the post was still kept vacant in his favour, which seems extremely doubtful if not wholly inadmissible <sup>4</sup>—it is certain that his sojourn in Paris on this occasion, if he went there at all, was of brief duration. In March of the following year, long before the conclusion of the academic exercises in Paris, we find him in Gascony as a member of the suite of King Edward.

The only scrap of evidence in favour of this alleged sojourn of Hotham's in Paris is a passage from Walter de Hemingburgh or Hemingford, a contemporary or sub-contemporary writer who died in 1347, and was probably in his boyhood or early manhood at the time of Hotham's death. Hemingburgh's story of the negotiations between Edward I and Philip IV in 1297 begins in this strain: "Among the numerous magnates who accompanied our King was that prudent man, Brother William de Hothom, Elect of Dunblane (*sic*), who had gained the familiar friendship of the King of France and his nobles during

<sup>1</sup> Palmer, *Anglia Dom.*, III. A. 109.

<sup>2</sup> *Dict. of National Biography*, XXVII. 414-416.

<sup>3</sup> Palmer, *Anglia Dom.*, III. a. 109-112.

<sup>4</sup> The capitular Fathers of Lucca declare that, through Hotham's default, the Paris chair had remained vacant "for a long time (*scilicet nostra Parisiensis diu vacaverit*)," but they do not state that it had remained vacant throughout the entire academic year. They seem to imply that it had eventually been filled.



the many years which he had spent at Paris as a distinguished professor of theology."<sup>1</sup>

This passage is plainly inconsistent with the theory that the French king's friendliness towards Hotham dated from the brief stay which the latter is supposed to have made at Paris in 1288. On the contrary, Hemingburgh pointedly describes that friendship as having arisen during the many years which Hotham had spent as a famous professor of theology in that city. If we assume, as I have already done, that Hotham passed most of the years between 1270 and 1282 as bachelor or master at Saint Jacques, it is clear that he would have many opportunities, during that long period, of becoming well acquainted with the French monarch and his nobles. On the other hand, if we assume with Prof. Tout and Father Palmer that he taught again at Paris for a little time—say from September, 1288, until February following—it is incredible that a busy professor, during so short a sojourn in the university city, could find time to attend court, and to win the esteem and friendship of the King and magnates of France.

Besides, there is no record to show that Hotham was offered a chair at Paris after the Chapter of Lucca. He was censured by that assembly for declining to accept the chair assigned him, and the Master-General was directed to take disciplinary measures against him; but the acts of the Chapter suggest that the chair in question, after long vacancy, had been already filled. Moreover, if Hotham had gone to Saint Jacques as regent while he was thus under a cloud, he would assuredly not have been permitted to abandon his classes in the middle of the academic year, after four or five months' teaching. On the whole, therefore, I am strongly inclined to believe that Hotham's alleged sojourn in Paris, at this period, is nothing more than an unsubstantial myth.

But a curious difficulty still remains. Hemingburgh, as we have seen, represents Hotham as having gained the esteem and confidence of Philip IV and his court, in those bygone days when the English Dominican was one of the most notable theologians of Paris. Now, assuming that Hotham remained at his post in the university city until his election to the English provincialate in 1282, we are confronted by the unexpected fact that Philip IV, commonly known as Philip le Bel, was then only a boy of fourteen years of age. Between a princely lad of

<sup>1</sup> "Inter Magnates plurimos, qui cum Rege nostro aderant, affuerat ille discretus vir, frater Willelmus de Hothom, Dumblaniensis electus, qui noticiam familiaritatemque Regis Franciae, et Magnatorum ejusdem Regni, contraxerat, dum in Theologia Parisius multis et egregie rexerat annis. Erat enim de Ordine Praedicatorum et Natione Anglicus."—Walteri Hemingford, *Historia Edwardi Primi*, etc., ed. Hearne, vol. I. p. 148.

fourteen and a middle-aged or elderly professor, no very durable friendship, in the circumstances, was likely to be formed. Moreover, Philip le Bel was not then on the throne; his father, Philip III, or Philip the Bold, did not close his reign until 1285. It is quite evident that the English chronicler has tripped into a serious anachronism. In all probability the truth is that Hotham, with his customary diplomatic charm, became a *persona grata* with Philip the Bold and his courtiers, including the boy-prince, Philip le Bel; and that, fifteen years afterwards, Philip le Bel, then monarch of France, recognised in Hotham his old familiar acquaintance of boyhood's years.

### IN GASCONY WITH KING EDWARD

In March, 1289, ten months after the Chapter of Lucca, we find Hotham travelling through Gascony, in the suite of Edward I. About that time, the King, being abroad, pays £4 15s. to Elias, marshal of the Bishop of Agen, for a sorrel-bay palfrey purchased for Father William de Hotham. The King also pays 68s. 6d. to Hotham, who owes that sum to the Archdeacon of Norwich "pro uno equo ferrando empto ad opus suum . . . pro equitatura sua propria."<sup>1</sup> Shortly after March 25, the King pays the wages of a sick groom of Hotham's, for whom a substitute had to be hired: "Et cuidam garcioni Fratris Willelmi de Hothom infirmato apud Oleron. pro vadiis suis de Elemosina Regis, quia alius conductus fuit loco suo."<sup>2</sup> Between April 25 and May 11, the King, being abroad, gives an alms of 3s. to Father William de Hothom and Father W. . . ., his companion, for new shoes, in preparation for the journey to the Roman court.<sup>3</sup>

Hotham was now definitely launched on his congenial career as courtier and diplomatist, for which, indeed, he possessed talents of an uncommonly high order. To many churchmen of the Middle Ages such a career held out a dazzling and fascinating prospect. It was, for a man of skill and ability, the assured road to success in life. It was the *carrière ouverte aux talents*. It was an avenue to the highest offices in Church and State. Still, the achievements of those medieval courtier-churchmen are apt to leave us moderns cold, if not censorious. To us it seems that their talents might have been far more profitably employed in administering their dioceses, or in preaching the gospel to the poor, than in pursuing their personal ambitions.

<sup>1</sup> Rotulus Elemos. Regis 17-18 Edw. I; Palmer, *Anglia Dom.*, IV. B. 475. What appears to be equivalent figures in French currency are given in this document. Thus, £4 15s. od. = 26 livres in French money.

<sup>2</sup> Rotulus Elemos. Regis, 17-18 Edw. I; Palmer, IV. D. 614.

<sup>3</sup> Rotulus Elemos. *ut supra*; Palmer, IV. B. 475.



It cannot be denied, however, that the system had advantages of its own. The ecclesiastics who thus rose to power were among the ablest and most enlightened men of the realm. Authority was probably much safer in their hands than in those of their lay contemporaries. Both in character and education they were, as a rule, superior to most of the lay nobles of their time. On the other hand, these courtier-clerics were mostly time-servers. Unlike the territorial lords, they possessed no estates and could not afford to be independent. For their present position and future promotion they depended mainly on the favour of the King. They were "the King's men," creatures of royal favour, generally disposed to side in everything with the Crown, and ready to countenance the King's predatory schemes against Ireland, Scotland and Wales.

The incidents of Hotham's career suggest, clearly enough, that he was an ambitious courtier. He was willing to execute the King's commands on all occasions, and to advocate the King's cause against all opponents. Darlington had become a courtier against his will, in obedience to the wishes of his superiors. Hotham became one of his own free choice; and I suspect that he attached himself in some minor capacity to King Edward's court in Gascony,<sup>1</sup> during the year which he ought to have spent as regent in the convent of Saint-Jacques. His disobedience to the command of the Bordeaux Chapter, and the annoyance which his absence had caused to the Paris community, rendered an explanation imperative; and the fact that no explanation was offered, either to the General or to the Chapter of Lucca, points to the conclusion that no valid excuse existed. Besides, Darlington used his influence at court in a gracious and kindly spirit, to gain favours for all manner of distressed or deserving persons; but we search in vain through the records of Hotham's career for a single act of kindness. Not that his character was hard: his manners were remarkably genial and affable; among his brethren he was obviously popular as a ruler. Had he been in the service of a less imperious and selfish monarch than Edward I, he might have rendered many a kindly service to persons in need. Among other ambitions of a less exalted kind, he may have cherished the hope that his influence with Edward I would one day confer a boon upon religion, by softening the anti-clerical prejudices which that monarch entertained.

### *HOTHAM AS AMBASSADOR*

We have seen that Hotham was a member of the King's suite in Gascony some time in March, 1289. His promotion had been exceptionally rapid; he was now chosen as

<sup>1</sup> Edward was in Gascony from June, 1286, until August, 1289.

ambassador to the Holy See. In the words of Professor Tout, who has done much to elucidate the events of Hotham's career, "he was sent by Edward I with Otho de Grandison on a mission to Pope Nicholas IV. Their business included the procuring of a dispensation for the contemplated marriage of Edward, the king's son, to Margaret of Scotland, the settlement of the arrears of the one thousand marks of tribute due to Rome, and the arrangements about the crusading tenth granted to Edward ten years before."<sup>1</sup>

On May 1, 1289, Edward I was at Condom, an ancient city on the road between Nerac and Auch, in the modern department of Gers. On May 8 he was at Laverdac, whence he issued letters of credence for Grandison and Hotham as follows:

"DOMINO PAPAE. Sanctissimo patri in Christi ac domino reverendo, domino Nicholao Dei gratia sacrosanctae Romanae et universalis ecclesiae summo pontifici, Edwardus, etc., devota pedum oscula beatorum, cum omni reverentia et honore.

"Dilectos consiliarios et fideles nostros nobilem virum Othonem de Grandissono, militem, ac religiosum et discretum virum fratrem Guillelmum de Hothum, de ordine Praedicatorum, pro quibusdam negotiis nostris ad sanctitatis vestrae praesentiam destinantes, paternitatem vestram humiliter imploramus quatinus praefatos nuncios nostros solita benignitate recipere et eisdem, vel eorum alteri, super omnibus et singulis quae vobis ex parte nostra vivae vocis oraculo duxerint, vel duxerit, exponenda, indubitabilem fidem et firmam credentiam adhibere velitis veluti nobis ipsis; ac ea quae vice nostra petierint ad gratiam exauditionis admittere et prosequi gratiose. Vitam prosperam et longaeвам annuat vobis Deus, ad regimen ecclesiae suae sanctae et pacem totius populi Christiani.—Datum apud Laverdak, VIII die Maii, anno Domini MCC. octogesimo nono."<sup>2</sup>

Two days later (May 10, 1289), the ambassadors set out from Laverdac,<sup>3</sup> with a numerous retinue, on their journey to Rome. It was a gallant company, an imposing cavalcade, which rode forth on that May morning from the Gascon town. Otho de Grandison<sup>4</sup> and William de Hotham were the principal, or at

<sup>1</sup> *Dict. of National Biography*, XXVII. 414-416.

<sup>2</sup> Rev. J. Stevenson, *Historical Documents, Scotland*, 1286-1306, I. 90, 91. Similar letters were addressed to each of the Cardinals, to the King and Queen of Sicily, and to various other exalted personages.—*Ibid.* I. 90-93.

<sup>3</sup> Not "from England," as Prof. Tout erroneously states. The sources just quoted are decisive on the point.

<sup>4</sup> "The family of Grandison derived their name from the Castle of Grandison, now called Graunson, near Lausanne, which formed part of the ancient Kingdom of Burgundy, and subsequently of the Duchy of Savoy. Peter, Lord of Grandison (Sire de Grandison), who died before 1262, had several sons; the eldest was ancestor of the subsequent Lords of Grandison, several of whom were Ambassadors of the Kings of England to Foreign Sovereigns in the fourteenth and fifteenth centuries. Otho



least the most important figures. Besides these, there was Hotham's companion, a certain Father William; there were several knights, and a crowd of valets and lacqueys. Sometimes the cavalcade mustered as many as sixty horses, sometimes it dwindled to fifty, or even to forty-seven; <sup>1</sup> everywhere it distributed largesse to the Italian townfolk, striving to impress them, no doubt, with the idea that the King of England was a highly important and potent personage.

On their way through Italy, the envoys learned that the papal court had been transferred for the nonce to Rieti, and they accordingly proceeded thither. After a brief sojourn at Rieti, Grandison went off on some business to Apulia, and Hotham was left during the next three months (August 2 to November 2) to bear the brunt of the negotiations. During those three months, Hotham alone represented the English king at the papal court. On September 13 he obtained a concession for a son of the Earl of Oxford:

"Provision to Gilbert, son of Robert de Vere, earl of Oxford, of the church of Awelton [Alton], with its chapels, in the diocese of Winchester, void by the death of Master Richard, papal notary, investiture being given in his name to William de Hozun, a Friar Preacher, notwithstanding that he has the third part of Hothesdon [Waddesdon, co. Bucks], which, by dispensation now given, he is allowed to hold, as well as Awelton."<sup>2</sup>

It was soon afterwards discovered that Gilbert de Vere was dead, and the rectory of Alton was granted on September 25 to his brother Philip instead: "Provision, by way of transfer, to Philip, son of Robert de Vere, earl of Oxford, of the rectory of Awelton, with its chapels, held by his late brother Gilbert,

Grandison, a younger son, appears to have accompanied Eleanor, the Queen of Henry III, to England, and he became an English subject. He had two sons, [of whom one was] Otho Grandison, who was a Peer of Parliament in England, and Governor of Guernsey and Jersey, and the constant companion and attendant of Edward I, and who died abroad without issue in the 1st Edward III, and was buried in the Cathedral of Lausanne."—*Grandison Peerage Case*, p. 9.

<sup>1</sup> Among the Wardrobe Accounts of Edward I we find the costs of this embassy, from May 10, 1289, until March 8, 1290, prefaced by the following statement: "*Expensae Domini Otonis de Grandisono*. Domino Otoni de Grandisono, eunti ad curiam Romanam in solempnis nunciis domini regis ad impetrandum dispensationes super diversis articulis dominum regem tangentibus, et super contractu inter dominum Edwardum, filium regis primogenitum, et Margaretam, haeredem Scotiæ, et pro aliis pluribus negociis expediendis ibidem; habenti in comitiva sua fratrem Willelmum de Hothum, fratrem Willelmum socium suum, de ordine prædicatorum, et plures alios similiter milites et valletos sibi per regem specialiter deputatos, ipso aliquando existente cum xlvij equis, et quandoque cum l, et quandoque cum lx; pro expensis ejusdem domini Otonis et familie prædictæ a x die Maii anno xvij<sup>o</sup>, quo die recessit de curia regis versus curiam prædictam, usque diem Mercurii proximum ante medium Quadragesimæ anno xviii."—*Stevenson, Hist. Doc. Scot.*, I. 134.

<sup>2</sup> *Cal. Pap. Reg.*, I. 502.

who was thought to be alive at the date of the Pope's provision to him. The Pope has invested therewith John, Dean of Bayeux, papal vice-chancellor, in his name, with dispensation to retain the church of Hoddeleye [Hoathly, co. Sussex], in the diocese of Chichester, though he is not ordained and is under age."<sup>1</sup>

Hotham might have spent his time more usefully than in soliciting a dispensation for a lordly young pluralist who was not even ordained. In the meantime, no doubt, he sought to promote his royal master's interests to the utmost of his power. Up to October 7, he was with the Pope at Rieti, and then returned with him to Rome. On October 7, the day of his departure from Rieti, Pope Nicholas gave a detailed reply to the eight petitions of Edward I. This response must be regarded as the fruit of Hotham's diplomatic labours, his fellow-envoy being still absent in Apulia. Indeed, the Pontiff seems to have come to regard Hotham as the real head of the embassy; hence, in his reply, he gives priority of place to Hotham's name.

From this lengthy document it appears that Edward I was again playing the old game in which he had so often won, and which his father had played so profitably during many years. This consisted in deluding the Pope with ardent professions of crusading zeal, and then winding up with the inevitable demand for money. By this time it had become a threadbare device, a hoary confidence trick; yet it seldom failed of its purpose and did not fail now. The eagerness of the Popes to seize every opportunity of promoting the sacred cause of the Crusades made them easy victims of this royal artifice. Besides, the frequent changes in the papacy gave an unfair advantage to the designing father and son who ruled England between them from 1216 until 1307. In that period of ninety-one years, no fewer than nineteen Popes succeeded one another on the throne of St. Peter. The inexperience of a new Pope would naturally render him less able to cope with the wiles of a monarch who had outwitted one or more of his predecessors.

So it came to pass with Nicholas IV, who was now in the second year of his pontificate. King Edward laid siege to him with smooth excuses for past remissness and large promises of future achievement. Let the Pope select a date for the opening of the crusade; let him invite the co-operation of Christian Europe, and Edward would devote himself, heart and soul, to the holy cause. King Edward had hitherto been hindered by arduous business,—but he took care to gloss over the fact that this arduous business was a war of aggression against Wales, resulting in the spoliation of that gallant little principality, and the destruction of its independence.

To all this the Pope replied by observing that the King had

<sup>1</sup> *Cal. Pap. Reg.*, I. 503.



lately made similar promises to Martin IV and Honorius IV, and had failed to fulfil them. In deference to the King's request however, Pope Nicholas appointed June 24, 1292, as the day for the commencement of the long-desired crusade. On Edward's acceptance of the conditions expressed in the present letter, the Pontiff would hasten to solicit the aid of the Christian nations of Europe.

After this preliminary fencing came the real business of the embassy, which was to get possession of the greatest possible amount of crusade money. In his third petition, the King asked for all the crusade money already collected from England, Scotland, Wales and Ireland; he desired that one-third of the total should be handed over to him in each of the three succeeding years. To this Pope Nicholas replied that the King might have one-half on June 24, 1290, and the remainder a year later, provided that Edward would sign a prescribed form beforehand, pledging himself and his kingdom to make due restitution in case he should fail to take part in the crusade. In the fourth place, Edward demanded that all persons who had taken the cross, and were found fit for military service, should be compelled to embark with the Christian forces. To this the Pontiff gave a modified assent.

Fifthly, the English monarch demanded that all the crusade-money collected in lands whose rulers proved unwilling to join in the campaign, should be placed in his hands without unnecessary delay, so that he might equip as powerful an expedition as possible within the allotted time. Pope Nicholas stated in reply that this scheme was impracticable at the moment, for grave and obvious reasons; but that, in any case, he would provide the King, in due course, with as much money as should reasonably satisfy him, from crusade funds and other sources. In answer to Edward's sixth petition, the Pope promised to grant him six years' tenths from England, Scotland, Wales and Ireland; the collection to begin after he has embarked with a magnificent and powerful expeditionary force, such as befits a monarch of his standing and is requisite to grapple with the Moslem foe. Meanwhile, the Pontiff directs that the crusade tenths are to be collected in the ordinary way for the next six years; and once King Edward has set sail with an adequate force, the crusade money will be placed in his hands according as it is collected. The King's seventh petition was a request that, before setting out for the Holy Land, he should be given all the crusade funds already collected, and all that should be collected until then, from the lands whose rulers declined to take part in the enterprise. By way of reply to this modest proposal, the Pope repeated the answer already given to the third petition. Finally, King Edward pointed out that the success of such an enterprise would greatly depend on the

existence of peace and harmony among Christian princes and peoples; and he besought the Pope, therefore, to promote peace and concord, so far as might lie in his power. This, needless to say, Pope Nicholas cordially promised to do.<sup>1</sup>

The document closes with some formalities of which an idea may be gleaned from the meagre official summary: "To Edward I, requiring him to send a reply to the Pope's decisions on his petition, divided in seven heads, to each of which the Pope gave a separate answer. The King is to accept the Pope's decision according to a form enclosed, and under the royal seal. If this is not done, the whole matter returns to the disposition of the Roman Church, as if the concessions and answers given by the Pope had not been made. The King's petition and the Pope's answers are repeated in full."<sup>2</sup>

After dispatching this missive on October 7, Pope Nicholas returned to Rome with the dignitaries of his court, accompanied by Hotham. On November 2 the latter was rejoined by Grandison, who had returned from Apulia.<sup>3</sup> On November 4 the two envoys received the Pope's quittance for the six years' arrears of tribute which they had previously paid.<sup>4</sup> On November 7, Hotham set out from the Eternal City on his homeward journey, and reached London on December 31.<sup>5</sup> Meanwhile Grandison remained in Rome for another month or more, busy in procuring dispensations for his pluralist relatives and friends.<sup>6</sup> Three days after Hotham's departure from Rome, the Pope issued a document which showed, as we shall see later, that he

<sup>1</sup> Theiner, *Vetere Monumenta*, pp. 146-148.

<sup>2</sup> *Calendar of Papal Registers*, I. 504.

<sup>3</sup> In the Wardrobe Accounts of King Edward we find a statement of the expenses incurred by Hotham and his party—which must have comprised the major portion of the mission—at Rieti and Rome, from August 2 until November 2, 1289: "Eidem domino Otoni pro expensis fratris W. de Hothum et socii sui praedictorum, et aliorum plurimorum de hospitio suo morantium in perhendinatione apud Kyetam [Rieti] dum idem dominus O. fuit in Apulia circa alia quaedam negotia, a die Mercurii proxima post festum sancti Petri ad Vincula anno xvij, viz., secundo die Augusti, usque secundum diem Novembris proximo sequenti eodem anno." The expenses of Hotham and his numerous party, during those three months, amounted to £117 18s. 9d., or over £1,400 in modern money.—Stevenson, *Hist. Doc. Scot.*, I. 136.

<sup>4</sup> *Foedera*, I. 714, Record edition.

<sup>5</sup> This is clear from an item in the Wardrobe Accounts of King Edward, dated November 7—December 31, 1289: "Item, praedictis fratribus Willelmo de Hothum et socio suo recedentibus de curia Romana et de comitiva dicti domini Otonis die Lunae proxima post festum Omnium Sanctorum, viz., vii die Novembris, anno xvij, pro expensis suis, familiae et equorum suorum, a dicto die Lunae, in veniendo versus Angliam, usque ad ultimum diem Decembris anno xvij, quo die venerunt Londonias, utroque computato, per lx dies . . ."—Stevenson, *Hist. Doc. Scot.*, I. 136.

<sup>6</sup> *Calendar of Papal Registers*, I. 505-509. Grandison did not arrive in London until March 8, 1290.



had consulted the accomplished English Dominican upon matters scarcely less important in their way than the projected crusade.

On February 3, 1290, just over a month after Hotham's arrival, King Edward gave his formal and definite assent to the conditions laid down by the Pope. It must be noted, however, that the King's version of these conditions was distinctly more favourable to his own interests than the original had been :

"The King to the Supreme Pontiff, assenting to articles regarding the Holy Land contained in letters of his Holiness submitted to the King by Brother William de Hothun :—namely, that the term of the general passage should be fixed by the Pope's authority for 3 years after the ensuing feast of St. John the Baptist, namely, in the year 1293,<sup>1</sup> the general passage to be then made ; that the cross be preached throughout all parts of Christianity in aid of that land ; that the tithe<sup>2</sup> of 6 years, and the obventions collected in the kingdoms of England and Scotland and the lands of Wales and Ireland shall be assigned to the King in 2 moieties, the first at the ensuing feast of the Nativity of St. John the Baptist, and the 2nd at the same feast in the following year ; that a moiety of the tithe and obventions [to be] collected in the kingdoms of England and Scotland and the lands of Wales and Ireland [during the next six years] be assigned to the King before the time of the passage, and the remaining moiety after the King shall have crossed over ;<sup>3</sup> that the collection of the tithe and obventions shall be made by ecclesiastical persons of the kingdom ;<sup>4</sup> that all crusaders fit for arms, or otherwise useful to the Holy Land, shall be induced by monitions and efficacious persuasion, and compelled, so far as reasonably may be, to cross over at the passage. Of

<sup>1</sup> Here we have a pretty conflict of testimony. The Pope's letter, published in Theiner, distinctly fixes June 24, 1292, as the date of the "general passage." King Edward interpolates "3 years after the ensuing feast of St. John the Baptist," and thus arrives at a date of his own, a full year later than that selected by the Pope. It was a clever, if not very candid, means of gaining time—and it succeeded.

<sup>2</sup> More correctly, "the tenths." *Tithes* were paid by the people to the clergy ; *tenths* were paid by the clergy to the Pope or the King.

<sup>3</sup> Here again the King endeavours to force the Pope's hand. The Pope's offer was considerably less favourable than that to which Edward assents, as may be seen from the answer to the sixth petition above. Pope Nicholas must have felt that he had a slippery personage to deal with.

<sup>4</sup> Here Edward deftly introduces the words "*regni nostri*," in order to exclude the Italian collectors. The Pope declared his intention of having the collection made each year "in such manner and form as the Holy See may ordain." While pretending to assent to this proposal, Edward contrived to twist it into something quite different from the original. The Italian collector, Geoffrey de Veçano, had been nuncio in England for several years, and the Pope would naturally desire to utilise his services. This the King sought to prevent by a tricky interpolation.

tithes and obventions collected in lands whereof the lords do not cross over, such obvention shall be made to the King as may be satisfactory to him. The King of his own free will accepts, assents to, and promises inviolably to observe all the above articles.

"Further letters of the King to the Pope, undertaking to restore to the Pope and the Church of Rome, in case he should fail to cross over to the Holy Land at the appointed time, all money received from the tenth in the kingdoms of England and Scotland and the lands of Wales and Ireland."<sup>1</sup>

Strictly speaking, this agreement was irregular and invalid. The Pope had ordained, under pain of nullity, that a prescribed form of assent should be observed. This was disregarded by the King, who substituted a form of his own invention. Moreover, while affecting to give his royal assent to all the conditions laid down by the Pope, King Edward distorted or interpolated several of those conditions, with a view to his own greater advantage. In his better moments, perhaps, Edward may have resolved from time to time that he would take part in an expedition for the relief of the Holy Land; but his attitude towards the crusades and the crusade money (not in these negotiations alone, but from beginning to end of his reign), stamps him as a shifty, insincere, and grasping man.

The business of Hotham's embassy was finished when King Edward solemnly announced his willingness to go on crusade. This he did at Clipstone Palace, eight months later (October 14, 1290), in presence of Hotham and a distinguished company.<sup>2</sup>

<sup>1</sup> *Calendar of State Papers, Ireland, 1285-1292*, pp. 280, 281. Cf. Rot. Pat. 18 Edw. I. m. 40 schedula; Palmer, *Anglia Dom.*, IV. B. 634.

<sup>2</sup> The formal record of this proceeding runs thus: "Protestacio Regis facta super admissione seu acceptacione decime sibi in subsidium terre sancte concessa.—In nomine domini, amen. In presencia mei notarii et testium subscriptorum, Discretus vir magister Willelmus de Grenefeld, Canonicus Eboracen et illustris Regis Anglie clericus et consiliarius, in cujus ore idem dominus Rex posuit verba sua de speciali mandato ipsius ex parte et pro parte sua protestacionem fecit in scriptis, formam que sequitur continentem: In dei nomine, amen. Cum sanctissimus in Christo pater dominus N. divina providencia papa IIII, nobis E. dei gracia Regi Anglie, Domino Hibernie et Duci Aquitanie, decimam sex annorum prius collectam auctoritate Consilii Lugdunen. in Regnis Anglie et Scotie ac in terris Wallie et ybernie; Necnon decimam et obventiones sex annorum in dominicis regnis et terris pro futuro tempore colligendas pro terre sancte subsidio concesserit, adjectis in dicte concessionis litteris hujusmodi condicione sive modo: Postquam in statuto passagii termino duxerimus transfretandum prout magnitudinem nostram decebit et requirit negocium memoratum; Coram vobis venerabilibus patribus Bathonien et Wellen., Elyen., Londonien., et Karliolen. Episcopus, ac eciam dilectis et fidelibus nostris J. Duce Britan. et Comite Rychemundie, G. Comite Gloucestr., H. Comite Lincolnye, W. de Valencia Comite Panbrok., J. de Sancto Johanne, W. le Latimer, Magistro W. de Monteforti Decano Londonien., fratre W. de Hothun, J. de Lacy Cancellario Cycestren., ac insuper coram vobis fratre B. Episcopo



A public declaration of this sort seems to have been necessary in order that Edward might gain the object of his quest, namely, the crusade money. What he did with that money is another question. It would be interesting to learn what proportion, if any, of the crusade funds granted to Edward and his father, was ever restored to the Holy See. It is not unlikely that Edward's wars of aggression against Scotland and Wales were partly financed by the crusade money which had been collected from the Scottish and Welsh clergy. It is certain, at all events, that on this occasion Edward failed once more to lead an expedition to the Holy Land; and for this failure there was no very obvious or compelling reason, save that the death of Pope Nicholas in 1292, and the subsequent interregnum of two years and a quarter, furnished a convenient excuse for doing nothing.

### EDWARD I AS AN OPPRESSOR OF THE CHURCH

In the meantime another side of the picture had been rapidly developing. While Edward I was endeavouring to pose, in his cheap and insincere fashion, as the champion of Christendom, evidence was accumulating to show that he was a rank oppressor of the Church in his own dominions. In 1284, English Dominicans had taunted Archbishop Peckham with his unreadiness to suffer martyrdom in defence of the Church's liberties; they had drawn an unpleasant contrast between Becket's fortitude and Peckham's feebleness, thereby implying that Henry II and Edward I stood on an equal level as destroyers of the Church's rights. A year or two later, the English Bishops drew up a list of grievances under which the Church suffered in the existing regime.<sup>1</sup> In 1285, Peckham directed his Roman

Grossetan. sedis apostolice Nuncio, et aliis in nostro consilio constitutis; Necnon coram vobis Magistro Johanne de Cadomo apostolica auctoritate Notario publico; Protestamur et dicimus quod intendimus, legitimis impedimentis sublati, in terre sancte subsidium in statuto generalis passagii termino transfretare, prout decebit statum nostrum et requirit negocium memoratum, juxta nostram possibilitatem sive vires; Et a premissa protestacione non recedendo, dictam concessionem decimarum et obventionum a sede apostolica nobis factam, admittimus humiliter et devote.—Facta fuit suprascripta protestacio per supradictum Magistrum W. anno a Nativitate Domini m<sup>o</sup> C<sup>o</sup> C. Nonagesimo, Indiccione quarta, Pontificatus Domini N. pape IIII anno tercio, Quartadecima die Mensis Octobris apud Clypston Regis, In camera Palatii prefati domini Regis, Presentibus Nobilibus viris dominis Reginaldo de Grey, Nicolao de Segrave, Bogeno de Knoville, et aliis testibus supradictis. Et ego Johannis Erturi de Cadomo apostolice sedis auctoritate Notarius publicus, Hiis omnibus interfui, propria manu scripsi, et ad majorem evidenciam premissorum, Rogatus mei signi annotatione in hanc publicam formam redegei.”—Palmer, *Anglia Dom.* IV. D. 547, 548; *Foedera*, I. 741, Record edition.

<sup>1</sup> See *Articuli Episcoporum contra Regem, cum responsionibus eorundem*, and *Articuli, quibus videtur Ecclesia praejudicari per statuta domini Regis*

agent to lay a certain secret and weighty matter, intimately affecting the interests of the Church—by which probably he meant these grievances—before the Cardinals of the papal curia.

Finally, on November 10, 1289, three days after Hotham's departure from Rome, Pope Nicholas wrote to Edward I, complaining of these royal usurpations. The Pope had learned from many sources that certain acts, which tended to the subversion of the Church's liberties, were being done in England by the King's authority. Such acts were at once an injustice to the Holy See and an offence against the Almighty. Pope Nicholas and some of the Cardinals had availed themselves of Hotham's presence at the papal court to converse with him about these grievances. The Pope, having paternally and familiarly opened his mind to Hotham on the subject, desires the English Dominican to place his views dutifully before the King. In a letter, to be drafted later, the Pope intends to discuss these affairs in greater detail, and he will send a special nuncio to treat with King Edward in respect of the abuses aforesaid;<sup>1</sup> meanwhile, he prays the King to correct what is amiss.

The King turned a deaf ear to the Pope's remonstrances, and persisted in his usual policy of veiled, but real, hostility towards the Church. Accordingly, on May 20, 1290, Pope Nicholas addressed an eloquent and apostolic, not to say scathing, letter to Edward I, of which a rough translation may convey some idea:

"Regard our counsels and exhortations, dearest son, as a manifest sign of our fatherly affection, and accept them thankfully in the spirit of devotion. Through our beloved son, Brother William de Heudon [Hotham], of the Order of Preachers, we have caused our meaning and that of our brethren [the Cardinals] to be made plain to your Highness, in regard to the violations of ecclesiastical liberty which are said to be committed in your realm and by your authority, in the hope that salutary persuasion

*ultimo edito in suo Parlamento, anno Dom. 1285, in Wilkins, Concilia, II. 115-119.*

<sup>1</sup> "Sane per dilectum Fratrem Guillelmum de Houdon Ordinis Praedicatorum, Nuncium tuum, ad praesentiam regiam redeuntem, Apostolicas literas, quas super nonnullis petitionibus regis, negotium Terrae Sanctae tangentibus, nobis ex parte tua porrectis, et responsionibus nostris subsecutis ad eas confici fecimus, tuae celsitudini destinamus. Verum, fili carissime, latere te nolumus, ad audientiam nostram relatione multiplici pervenisse, quod nonnulla in partibus Anglicanis auctoritate regia committuntur, quae cedunt apertius in subversionem ecclesiasticae libertatis, non absque praelibatae Sedis injuria, et Divinae Majestatis offensa. Super quo per nos et aliquos ex Fratribus nostris, cum eodem Fratre Guillelmo colloquium habere curavimus, nostram ei super hoc, et fratrum nostrorum intentionem paterne ac familiariter exponentes, tibi per ipsum serius explicandam: nihilominus alias literas nostras et Nuntium specialem, ad tuam excellentiam destinare proponimus, ut et illarum serie, ac illius relatibus, eadem nostra et dictorum fratrum intentio tibi plenius innotescat." —*Bullarium Ord. Praed.*, II. 25, 26. Cf. *Cal. Pap. Reg.*, I. 511.



may lead you to prevent them. Hence, we are constrained by our own conscience, and by our special affection for you, to employ paternal admonitions, and other timely measures if necessary, for the correction of these abuses, until we ascertain that they have been finally abolished. In a former letter, conveyed to you by the said Friar, we intimated that we would adopt this course of action; that we would make our wishes known to you in a further letter and through a special nuncio. This is all the more necessary, as the abuses in question constitute an offence against God and a grave injustice to the Apostolic See. They hinder your own salvation. They are a blemish on your fair fame. They are an obstacle to the fulfilment of the good resolution which you, as a most Christian prince, have taken, namely, that of personally assisting in the relief of the Holy Land. The existence of these abuses is confirmed, not only by information which has reached us, but also by common report. Indeed, they are only too notorious. They are evident, undeniable, and of frequent occurrence.

"For instance, when letters are issued from the Holy See in reference to the business of the ecclesiastical courts—which is an everyday proceeding in all other Christian kingdoms, and has hitherto been such in your own realm—these papal letters cannot be safely presented to the church courts in England; or, if they are so presented, a royal writ is immediately issued, overriding them by threats and penalties. Those who make use of such letters, even though they be ecclesiastical personages, are placed under arrest. For slight offences, moreover, ecclesiastics are often thrown into prison, without regard to rank or condition, by the arbitrary power of the King and his officials. The same arbitrary power prevents ecclesiastics from leaving the kingdom when they are summoned, for any reason, to appear before the Holy See. Furthermore, the secular tribunals, in defiance of Canon Law, usurp the jurisdiction of church courts, by interfering in cases which undoubtedly belong to the ecclesiastical sphere. In many other ways, likewise, the liberties of the Church are trodden underfoot by the King's agents in the realm aforesaid.

"And now, O King, who judgest the earth, take heed and understand. Be led in these matters, not by the dictates of an arbitrary will but by the light of reason; and you will clearly perceive that these abuses are gravely reprehensible in the sight of Almighty God; that they involve a grievous offence against the Holy See, against ordinary justice, and against the Sovereign Pontiff. Any monarch whose minister has been thwarted in the lawful exercise of his jurisdiction, would naturally regard such obstruction as an indignity to himself and his representative. With much greater reason may we believe that our Redeemer is offended when insult is offered to Him, to His Apostolic See,

and to His Vicar. To the prince of the Apostles and his successors, Christ's Vicars on earth, were committed the supreme office of universal pontiff and pastor, the plenitude of power, the keys of the kingdom, and the sheep of the flock without distinction. When the powers thus given are so mischievously curtailed; when they are opposed on so vast a scale; when liberty and justice are not only trodden upon but overturned; when dishonour is brought upon the King's name by the imprisonment of ecclesiastics, of whom it is true that to their own Master they stand or fall,—when such abuses are practised, ecclesiastical jurisdiction is usurped, the offenders incur the censures of the Church, and they will discover to their cost that it is a greater crime to outrage the majesty of the Eternal God than to offend a temporal King.

“Observe, moreover, how perilous to your own salvation are these abuses, how inconsistent they are with the laudable resolution you have formed, and how utterly they are opposed to it. For that good resolution was taken with a view of gaining the prize of eternal happiness, while such abuses render the prize unattainable. It is not enough for a man to engage in good works, if he fails to abandon his sins and vices, and does not atone for his wrong-doing to the best of his power. Therefore, we ask your Serene Highness, and beseech you by the mercy of God and as a penance for the remission of your sins, that if the facts are as stated, you will prudently consider how unseemly and absurd it is that such detestable things should be perpetrated in so Catholic a kingdom, that such damnable things should be done under so orthodox a King. You will also bear in mind how dangerous such deeds are to the souls of those who either commit or permit them. In such things, length of time does not lessen or palliate, but only increases and aggravates the sin. Beware of relying, in this respect, on any past custom, which would be an abuse rather than a custom. By the ordinary canons of truth and justice, no lapse of time or length of use can hallow evil customs or justify evil devices.

“Look to your own salvation; be solicitous for your good name; and correct these abuses without delay, once and for all, by a general decree. Let them be forbidden and interdicted to all and sundry, so that you may completely banish them from your realm, and that your promptitude and good-will may merit the favour of the Most High. . . . Otherwise, we wish you to know that the vigilance of the Holy See cannot permit them to remain unnoticed, and that the guilty shall be visited with due punishment, as justice and prudence may direct. In fine, since the desires of the absent are better expressed orally than by letter, at least to those who are not versed in literary studies; and since the mind's meaning can be more effectively conveyed by the spoken than the written word, we are sending our venerable



brother B[artholomew], Bishop of Grosseto, a man of sterling virtue and probity, as the bearer of these presents, that he may express to you, and impress upon you, our wishes and those of our brethren, knowing that these wishes are assuredly adapted to the spiritual and temporal advantage of your Majesty."<sup>1</sup>

The Bishop of Grosseto did not begin his journey to England until after June 22, 1290, on which date Pope Nicholas again wrote to the English king, recapitulating his letter of May 20, "and urging him to correct and amend the abuse of which the Pope has heard in regard to the prohibition of appeals to the Pope, and of ecclesiastical censure by those having ordinary jurisdiction in the realm. The obligation insisted that prelates and clerks are to answer before a secular judge in regard to lands and possessions not feudal which belong to their churches; and also the detention of clerks and prelates for taking game in the King's preserves. B. Bishop of Grosseto is the bearer."<sup>2</sup>

On October 14 following, the Bishop of Grosseto was with Hotham at Clipstone Palace, when a numerous company of ecclesiastical and lay dignitaries witnessed the King's declaration of his willingness to go on crusade. The envoy appears to have died soon after; and King Edward, with characteristic rudeness, left the Pope's letters unanswered. That he also left the grievances of the English clergy unredressed, is clear from a letter of Pope Nicholas, dated February 18, 1291:

"To the [King], complaining that papal letters relating to ecclesiastical affairs are not allowed to be presented, and that bearers of them are seized, ecclesiastics imprisoned for light offences, and not permitted to be cited beyond the realm, and that ecclesiastics having ordinary jurisdiction are not suffered to exercise church censures; and prelates and clerks are forced to answer before lay judges in regard to non-feudal lands and possessions belonging to their churches, and other interferences with the liberty of the Church. The Pope's letters on these matters, sent by Bartholomew, late Bishop of Grosseto, have received no answer, although the King's envoys, John de Sancto Johanne and Roger, called 'Lestrange,' have declared that the King is at peace with the prelates and clergy of his realm, and is ready to do justice to all; the Pope therefore calls upon the King to rectify these things, and to give an answer to each particular."<sup>3</sup>

Edward continued to ignore the Pope's letters and protests

<sup>1</sup> *Bullarium Ord. Praed.*, II. 28, 29. Cf. *Cal. Pap. Reg.*, I. 526. Pope Nicholas IV and Bishop Bartholomew of Grosseto, in Tuscany, were both Franciscans.

<sup>2</sup> *Calendar of Papal Registers*, I. 527. This summary shows that the King's officials tried to prevent bishops from inflicting excommunication upon offenders.

<sup>3</sup> *Ibid.*, I. 556.

on this head, but did not cease to importune him for further concessions of money. Hence, on June 8, 1291, Pope Nicholas again wrote "to the [King], complaining that papal letters concerning ecclesiastical matters are not allowed to be presented, and persons cited are not permitted to leave the realm, and that in other ways ecclesiastical liberty is infringed; the Pope has already written to the King by Bartholomew, late Bishop of Grosseto, on this subject, and now tells him that such things cannot be passed over, and that as no answer has been made to the said letters, the King must correct and amend what has been done, and must also write to the Pope promising to do this, and to fulfil his intention with regard to the Holy Land."<sup>1</sup>

It is pathetic to find, side by side with these outspoken protests against regal tyranny, all manner of eager appeals and directions addressed by Pope Nicholas to the bishops and dignitaries of England, Ireland, and Scotland, urging and commanding them to collect money for King Edward's approaching crusade. Needless to say, Edward failed once more "to fulfil his intention with regard to the Holy Land." Nicholas IV died on April 4, 1292, and the Holy See remained vacant during two years and three months. Edward I was left to tyrannise over his clergy and to enjoy his ill-gotten booty.

It is greatly to Hotham's credit that, while acting as King Edward's ambassador to the papal court, he did not seek to screen or minimise the King's misdeeds. His character and abilities seem to have made a deep impression upon the mind of Nicholas IV, who instinctively singled him out as the real head of the embassy, though Grandison was its titular head. Pope Nicholas resolved to promote the English Dominican to the episcopate, and his promotion was not long delayed.

#### *HOTHAM AGAIN PROVINCIAL—APPOINTED TO LLANDAFF*

Meanwhile, the Dominican General Chapter of Ferrara, a Chapter composed of the Provincials of the Order, had been held on May 21, 1290. The English Provincial, Father William de Hereford, who had governed the province since 1287, died on his way home. The English Dominicans valued Hotham's government too highly to leave him altogether engaged in subordinate or foreign affairs. In the provincial Chapter of Oxford (September 8, 1290), they chose him for their Provincial a second time; and he was destined to hold the office for six years, until he was called to a still higher dignity.<sup>2</sup> In his capacity as Provincial,

<sup>1</sup> *Calendar of Papal Registers*, I. 555.

<sup>2</sup> Father Raymund Palmer in the *Antiquary*, August, 1892, and in



under the existing arrangement, he had jurisdiction over all the Dominicans of England, Scotland, and Ireland.

We now reach an episode in Hotham's career which has escaped the attention of all the standard authorities, including such painstaking and learned writers as Father Palmer, Prof. Tout, and Prof. Little. By a curious coincidence, eight days after his re-election to the English provincialate, Hotham was appointed to the bishopric of Llandaff. On September 15, 1290, Pope Nicholas, who was then at Orvieto, signed a document which attested his high opinion of the envoy who had left his presence ten months before:

"Appointment of William de Hothum, Bishop-elect of Llandaff, to that see, void by the death of William de Brequesie (Breuse). Robert, Archdeacon of Llandaff, John de Radenore, Master Philip de Stanton, Henry de Brane, Ralph de Pilia, Walter de Landeforde, and other Canons, elected Philip [de Stanton], but on the election being presented to the Archbishop of Canterbury [John Peckham] for confirmation, Bogo de Clara, Chancellor, Master Geoffrey Griffin, Treasurer, and David Legranbit, Canon, opposed it, and appealed to the Pope, which appeal the Archbishop himself presented; and on the Pope's appointing J., Cardinal of St. Mary's in Via Lata, to hear the cause, Philip, not appearing, lost his right in the election, on which the Pope makes the appointment as above.

"Concurrent letters to the Chapter of Llandaff, to the clergy and to the people of the diocese, to all vassals of the see, and to King."<sup>1</sup>

On the same day, Pope Nicholas issued a "mandate to the Archbishop of Canterbury, two or three other Bishops being associated with him, to consecrate William de Hothum, Bishop-elect of Llandaff."<sup>2</sup> Hotham, therefore, was Bishop-elect of Llandaff on October 14 following, when he witnessed the King's declaration of willingness to embark on the crusade. But Archbishop Peckham was not destined to consecrate his old antagonist and rival. Hotham was reluctant to accept the proffered bishopric, but the Pope would take no refusal. On April 26, 1291, nearly seven months after the original nomination, Nicholas IV addressed a "mandate to William de Hothum, a Friar Preacher, Bishop-elect of Llandaff, to obey the Pope's provision made to him of the see to which he is appointed, notwithstanding his having urged that he has been elected prior of the province, and is almost ignorant of the language of the diocese.—Indult to the same to retain his books, any

*Anglia Dom.*, III. A. 109-112; A. G. Little in *Eng. Hist. Rev.*, 1893, VIII. 519-525; Quétif-Echard, *Scriptores Ord. Praed.*, I. 459.

<sup>1</sup> *Calendar of Papal Registers*, I. 519.

<sup>2</sup> *Ibid.* I. 520.

constitution or privilege of the Friars Preachers notwithstanding."<sup>1</sup>

The reason last assigned—ignorance of the language of the diocese—was, in its way, entirely creditable to Hotham. He was unwilling to undertake the government of a see where he could not preach in an idiom "understood of the people." *O si sic omnes!* Shoals of mercenary English clerics, during the next two centuries, might have put forward a similar reason for declining their nominations to Irish sees, or canonries, yet they were careful to do nothing of the kind. At any rate, Hotham ultimately succeeded, by some means or other, in evading the intended dignity. It was only in 1296, after Hotham's promotion to the archbishopric of Dublin, that steps were at last taken to fill the see of Llandaff:

"Mandate to the Archbishop of Canterbury to consecrate Master John de Monemuta, doctor of theology, Bishop of Llandaff, that see being void by the death of W[illiam de Braose], and the provision having lapsed to Pope Celestine, he granted it to the Archbishop, who appointed John; if the said John is now dead, the Archbishop is to appoint and consecrate another, any papal indult to the contrary notwithstanding."<sup>2</sup>

### HOTHAM AND THE SCOTTISH SUCCESSION

While Hotham was thus governing his province and striving to escape the burden of a Welsh bishopric, he found himself involved in a thorny controversy respecting the succession to the Scottish Crown. A useful summary of this controversy and its antecedents may be quoted from a popular but scholarly writer:

"The relation of the Kings of Scotland to the Kings of England is one which has a perplexing history. Scotland, in the first place, did not contain a homogeneous nation, for it was divided into the Lowlands, where the people were mainly of English blood, and the Highlands, where the Celtic stock predominated. Many of the Scottish nobles were of Norman descent, and held lands in both countries. Moreover, two provinces of southern Scotland, Lothian and Scottish Cumberland, had been granted by Anglo-Saxon kings to the kings of Scotland. Since the Norman conquest the claim of the English Crown to overlordship had been persistently asserted, and recognition had been obtained by William I and William II. The claim had been expressly conceded by William the Lion at the Treaty of Falaise,

<sup>1</sup> *Calendar of Papal Registers*, I, 535.

<sup>2</sup> *Ibid.* I. 565. Peckham had died at Mortlake in December, 1292. The Archbishop of Canterbury here mentioned was his successor.



but Richard I had released William for a money payment. Lastly, the question was complicated by the fact that the Scottish kings held estates in England, and it was not clear whether they did homage to the English king as Kings of Scotland or as English nobles. Edward I was anxious to settle the question finally by a marriage between his son Edward and Margaret, the Maid of Norway, who was the heiress of her grandfather, Alexander III, but the death of the young queen frustrated his plans.<sup>1</sup>

"A large number of claimants to the Scottish Crown now came forward, but the decision clearly lay between the descendants of David, Earl of Huntingdon, brother of William the Lion. These were (1) John Balliol, grandson of Margaret, the eldest daughter of David; (2) Robert Bruce, son of Isabella, the second daughter; (3) John Hastings, grandson of Ada, the youngest daughter. At Norham the Scottish nobles submitted the case to Edward, and all three claimants formally recognised him as overlord of Scotland. A court of arbitration was set up, and in 1292, after a careful hearing, Edward decided in favour of Balliol, who at once did homage."<sup>2</sup>

We are here concerned only with the last phase of this controversy, from King Edward's intervention until the end. "In 1291," as Professor Tout informs us, "Edward summoned the magnates of both realms, along with certain popular representatives, to meet at Norham, Bishop Bek's<sup>3</sup> border castle on the Tweed. Trained civilians and canonists also attended, while abbeys and churches contributed extracts from chronicles, carefully compiled by royal order, with a view of illustrating the King's claims. On May 10 Edward met the assembly in Norham parish church. Roger Brabazon, the chief justice, declared in the French tongue that Edward was prepared to do justice to the claimants as 'superior and direct lord of Scotland.'" After sundry negotiations, in which the English king took a sinister advantage of the helplessness of Scotland at the moment, Edward "delegated the hearing of the claims to a commission, of whom the great majority, eighty, were Scotsmen, nominated in equal numbers by Bruce and Balliol, the two senior competitors, while the remaining twenty-four consisted

<sup>1</sup> It need scarcely be observed that the main object of these plans was the annexation of Scotland to the English Crown.

<sup>2</sup> E. Wyatt-Davies, M.A., *History of England for Catholic Schools*, 1903, pp. 106, 107.

<sup>3</sup> The reference, of course, is to Anthony Bek, the warrior-prelate, courtier, and statesman, who consecrated Hotham at Ghent in 1297. "The brothers Thomas Bek, Bishop of St. David's, and Anthony Bek, Bishop of Durham, [were] members of a conspicuous Lincolnshire baronial family. Both of these for a time strikingly combined devotion to the royal cause with loyalty to those clerical and aristocratic traditions which, strictly interpreted, were almost incompatible with faithful service to a secular monarch."—Tout, *Political Hist. of England*, p. 185.

of Englishmen, and included many of Edward's wisest counsellors." On August 12, the proceedings were adjourned for nearly a year, that is, until June 2, 1292. Eventually, "on November 17 [1292], the final scene took place in the hall of Berwick Castle. Besides the commissioners, the King was there in full parliament, and eleven claimants, who still persevered, were present or represented by proxy. . . . It was laid down that the kingdom of Scotland was indivisible, and that the right of Balliol had been established."<sup>1</sup>

In these deliberations, from beginning to end, Hotham was destined to play a leading part. The intervention of Edward I having been invited by the Scottish regents, the English king held a parliament at Norham in the quinzaine of Easter [May 6], 1291. To this parliament had been invited, by order of the King, clerics who were expert in civil and canon law, many of the religious, with their chronicles, several bishops, with the Archbishop of York, and the prelates and nobles of Scotland.

"Hotham advised and pre-arranged that Edward should begin the treatment of the Scottish succession by demanding that each of the claimants should recognize him as the suzerain of Scotland."<sup>2</sup> An astute courtier, keenly alive to his master's interests, would press forward this question of overlordship, particularly at a time when the hopelessly divided Scots lay at the mercy of the English king. Hotham did this and more. He seems to have been the real author of the address (delivered on May 10) in which Brabazon declared, thrice over, that King Edward was the "supreme lord" of Scotland. That address, at any rate, savours incomparably more of the clerical than of the legal or military style.<sup>3</sup>

<sup>1</sup> Tout, *Political History of England*, 1216-1377, pp. 180-183.

<sup>2</sup> Prof. Tout in *Dict. of National Biog.*, XXVII. 414-416.

<sup>3</sup> A Latin version is given by Hemingburgh, as follows: "Cum in Libro Sapiencie hiis, qui praesunt, primum et principale datum est praeceptum, ut diligent justiciam, qui judicant terram, et secundum Apostolicam doctrinam, hujus justicie fructus in pace seminatur, quae est tranquillitas ordinis, quo pares et impares locis sibi congruentibus disponantur, et apud mortales nichil pace desiderabilius concupisci, nichil jocundius valeat: [Porro] illustris Dominus Rex noster, paterno principatu hiis consulens, quibus eum praelit Princeps pacis, cujus imperium super humerum ejus, ut videlicet benigna pietate subditos subportet, non more reprobi Saulis, ab humeris et supra populo praeeminentis, et eundem populum tyrannice opprimentis, hanc pacem perturbari conspiciens in Regno Scocie per mortem Regis Alexandri et prolis suae, quae propinqua erat Domino Regi nostro, quod displicet multum ei, pro justicia omnibus facienda, qui in hereditate Regni Scocie aliquid de jure vindicare possint, et pro pace confirmanda in populo dictae terrae, Vos, Magnates, rogavit huc venire, et ipsemet de longinquis partibus personaliter huc accessit, ut per superiorem Dominacionem, quae sua est, omnibus justiciam faciat, et omnia impedimenta auferat, quae pacem dicti Regni possunt perturbare, nec intendit quicquam indebite usurpare, seu justiciam differre cujusquam, vel libertatem impedire seu minuire, sed omnibus justiciam exhibere, sicut Dominus supremus. Et ut istud



King Edward's ecclesiastics and lawyers were touchingly unanimous in affirming that the overlordship of Scotland appertained to the English king, unless some proof to the contrary should be discovered in the chronicles.<sup>1</sup> At the close of Brabazon's brief but pregnant discourse, extracts were read from chronicles, charters, and other records, all tending to show that the suzerainty of England had been repeatedly recognised by Scottish rulers. Thereupon, the Scottish nobles and prelates were allowed a short period for consultation among themselves. As they resented the demand thus suddenly forced upon them, the King swore by St. Edward that he would insist on the rights of his kingdom and on those of St. Edward's crown. He was merely their custodian; and if they were denied him, he would fight to death for them then and there. King Edward had taken the precaution of mobilising his army, so that he might instantly attack the Scots, in case they should refuse to acknowledge his overlordship. It was a characteristically unscrupulous manoeuvre, and it succeeded. In the circumstances, the Scottish nobles and prelates had no alternative but to submit to *force majeure*.<sup>2</sup>

After this came the appointment of an imposing array of commissioners, of whom Hotham was one. Soon, however, the twenty-four English commissioners doubled, or more than doubled, their number, while the eighty Scotch commissioners seem to have been almost entirely ousted from the deliberations. In various sessions, various pleas were considered. Hotham figures among the English dignitaries who attended the session of June 5, 1292. Immediately after the names of Robert of Bath

negotium ad finem debitum possit deduci, petit Dominus noster Rex vestrum benignum in recognitione superioris Domini assensum, et vult operari, de consilio vestro, ad justiciam perficiendam et servandam." This address is styled a "Petition" by Hemingburgh, who adds: "*Ista Peticio proposita fuit in Gallico per praedictum Militem [he means Sir Roger Brabazon], in praesencia Regis et Magnatorum utriusque Regni, et eam praordinaverat Frater Willelmus de Hothom, tunc Prior Provincialis Fratrum Praedicatorum Angliae.*"—Hemingburgh [or Hemingford], *Historia Edwardi Primi*, ed. Hearn, vol. I. pp. 32, 33.

<sup>1</sup> Hemingburgh, *ibid.* I. 31.

<sup>2</sup> The English chronicle seeks to throw a halo of national righteousness around this transaction, in a way that is curious and amusing: "*Recitati- que erant Articuli, à Cronicis, Privilegiis et aliis litteris Papalibus et Regalibus extractis, quomodo Reges Scotorum Regibus Anglorum homagia fecerant, et eos vocaverant Dominos suos, datusque est dies brevis ad consulendum et respondendum. Cumque in consulendo se difficiles exhiberent, attestavit Rex per Sanctum Edwardum, quod jus Regni sui et Coronae Sancti Edwardi, cujus ipse solummodo Conservator extiterat, vel habere deberet, vel illud proseguendo ad mortem ibidem occumberet. Convocaverat enim Anglicanam Miliciam, ut suam Petitionem, si eam forte frustrando negarent, magnifice declarando prosequeretur ad mortem. At illi Magnates, qui circa successionem Regni Scocie disceptabant, jus Regis Angliae luce clarius declaratum negare non valentes, praedictum Dominum eidem concesserunt.*"—Hemingburgh, *ibid.* I. 33.

and Wells, Anthony of Durham, William of Ely, and Ralph of Carlisle, "Bishops by the grace of God," we find that of Brother William de Hotham, provincial of the Friars Preachers of England. Hotham's name is at once followed by that of Brother William de Geynesburg, provincial of the Franciscans. Then come the names of the Dean of York, the Dean of Lichfield, and other prominent ecclesiastics; then we discover the name of William of Kilkenny, "professor of civil law," followed by those of other prominent notabilities, such as Roger Bygod, Earl of Norfolk and Marshal of England, Henry de Lascy, Earl of Lincoln, etc.<sup>1</sup>

Another decision was given at Berwick on the Friday before SS. Simon and Jude, that is, on October 24,<sup>2</sup> 1292. The commissioners rejected Bruce's plea that the decision should follow "the natural law by which kings rule"; they accepted, so far as suited themselves, Balliol's contention that they should follow the laws of England and Scotland. Forty-six Englishmen, including prelates and barons, besides the Papal Nuncio,—the eighty Scotch commissioners having been told to wait from day to day, until the English king should send for them—announced other verdict. All were patriotically unanimous in declaring that this Scottish question should be decided by English law. The Bishop of Winchester, John of Pontoise, gave the first judgment or expression of opinion. The tenth on the list was "Frater W. de Hozom, Prior Provincialis in Anglia et Scotia," followed by "Frater W. de Malmecestre, socius suus." At a later stage, the commissioners laid down that the law of succession to the throne was that of other earldoms and dignities. They further pronounced in favour of primogeniture as against proximity of blood. On Monday after All Saints' Day, that is, November 3, 1292, fifty-one of King Edward's counsellors, among whom were Hotham and his companion, declared that the succession should be governed by the principle of primogeniture. This was a declaration in favour of the issue of the elder daughter, though one degree more remote in descent.<sup>3</sup> It was, therefore, a declaration in favour of Balliol; and Balliol, accordingly, ascended the throne of Scotland. He soon found that King Edward regarded his overlordship as a substantial and decisive authority; whence followed a series of wars and invasions, with which we are not directly concerned here.

<sup>1</sup> New Rymer, I. 766; Palmer, *Anglia Dom.*, IV. D. 538, 539.

<sup>2</sup> Not October 14, as Prof. Tout says in his *Political Hist. of England*, p. 182.

<sup>3</sup> Rishanger, *Chronica et Annales*, Rolls Series, pp. 254, 255, 260; cf. Tout, *Polit. Hist. of Eng.*, p. 182.



## ALMS AND LEGACIES

While engaged in these high affairs of State, Hotham contrived to find time for the concerns of his province. In October 1290, shortly after his re-election to the provincialate, the King had made him a present of 10 marks, equivalent to about £80 in modern currency. Queen Eleanor of Castile, the consort of Edward I, died on November 28, 1290; and her heart was buried, at her own desire, in the Dominican Church of London. Several alms and legacies, left by the pious Queen, were bestowed through Hotham. Thus Queen Eleanor had bequeathed £5 each to the 35 Dominican priories of England; and these legacies, amounting to about £2,000 in modern money, were paid through the Provincial. The date of these payments is a trifle obscure, but it seems to be within the nine months' period between September 29, 1291, and June 29, 1292. During this period, also, the executors of Queen Eleanor gave £13 10s. 7d. as alms to the Dominicans, to defray their expenses in the forthcoming chapter.<sup>1</sup> It is by no means surprising, in view of their relations with the court, that Hotham and his brethren should have been zealous for the royal cause.

At this time also, we find mention of a generous bequest made to the General of the Dominicans. About October or November, 1291, "Geoffrey de la Mare, as executor of Luke de Tany, deceased, appeared before the Barons of the Exchequer, and acknowledged that he is bound, in his capacity of executor to the said Luke, to pay £80 to the General of the Dominican Order. He pledges himself to pay the said sum by regular instalments, through either Father William de Hothum or the Dominican Prior of London."<sup>2</sup>

## THE ARAGONESE CRUSADER

Apart from these incidents, the chief recorded events of Hotham's career in 1291-92 are the Pope's insistence on his acceptance of Llandaff, and Hotham's prominent part in the deliberations respecting the Scottish succession. Early in the following year we find mention of him in a somewhat pathetic

<sup>1</sup> Rot. (Garderoabae) Liberationum pro Regina, etc., 19-20 Edw. I; Palmer, *Anglia Dom.*, IV. B. 479. In his *Anglia Dom.*, I. ad an. 1290, Father Palmer represents this sum of £13 odd as given in view of the chapter of September 8, 1290, in which Hotham was re-elected. This theory is untenable: the Queen was not dead at the time. The Chapter for which her executors gave this money must have been one held in the summer or autumn of 1292.

<sup>2</sup> Rot. de Memorandis (Thesaur.) 18-19 Edw. I, m. 26 dorso; Palmer, *Anglia Dom.*, IV. B. 512.

letter from a Spanish crusader to Edward I. This soldier of fortune, whose name was Pedro Martinez de Luna, was willing to raise and command a company of one hundred men, for service in the crusade, which he fondly believed to be in contemplation. He and his men would fight under the banner of the English king, from whom they apparently expected nothing more than the ordinary rate of pay. The would-be crusader had repeatedly placed his offer before Edward I, through the English Dominicans, but had never received the favour of a reply. He now renewed his offer, and requested the King to send him a definite answer through Father William de Hotham, Provincial of England, so that he might know exactly what to do, and might have proper time for his military preparations. This letter was dated March 5, 1293.<sup>1</sup>

What reply, if any, was vouchsafed on this occasion to the Aragonese crusader, we do not know; most probably his application shared the fate of its predecessors. Edward I had no intention of embarking on a crusade; the Pope's demise had opportunely furnished an excuse for evading that duty. The King's professions of zeal for the Holy Places had triumphantly succeeded; his treasury was now well filled with crusade money. He was ready for quarrels with France and Wales, and for wars of aggression against Scotland; but he had cynically abandoned the idea of a campaign in aid of the Holy Land.

### A CONTROVERSY ON ANNUAL CONFESSION

Shortly after this, Hotham was involved in some gentle bickering with John Romain, the worthy Archbishop of York, whose cordial greetings to the Dominicans assembled at

<sup>1</sup> "Illustrissimo domino, Domino Eduardo, dei gracia Regi Anglie, Duci Aquitanie, principi Wallie, ac domino ybernie, Petrus Martini de Luna, de regno Arragonum, promptam obsequendi voluntatem in omnibus tanquam domino cui servire desidero sicut decet. Cum vestre serenissime majestati sepe notificatum fuerit per me, mediantibus venerabilibus Fratribus ordinis Fratrum predicatorum, quod deo sub vestro servicio seu stipendio intendebam cum Centum militibus servire in exercitu terre sancte. Vestre celsitudinis majestati duxi humiliter supplicandum quatinus super hoc mentem vestram mihi significare dignemini, et eandem exponere venerabili viro Fratri Wyllermo de Odone, priori provinciali Anglie, ut ipse michi significare valeat certitudinaliter quid super hujusmodi negotio facere me oportet, ut secundum vestre dignacionis imperium me possim tempore congruo cum prefatis militibus preparare. Valeat in domino semper vestra Regia celsitudo. Amen. Datum Caesaraugustae . . . quinta die Marcii. [Dorso] Illustrissimo domino Regi Anglie."—Palmer, *Anglia Dom.*, IV. D. p. 545. Father Palmer copied this note from the 12th volume of "Royal Letters" in the Public Record Office, but that collection has since been broken up. It is quite possible that the "centum milites" who were willing to serve with this Aragonese crusader, were knights and not private soldiers.



Beverley, seven years earlier, have already been quoted in these pages. The question now at issue between Hotham and Archbishop Romayn was relatively new; it had not yet become a hoary controversy of the schools. The Lateran Council of 1215 had ordained, by a memorable decree, that all the faithful of both sexes, after attaining the age of discretion, should confess their sins faithfully and in private, once a year, "to their own priest."<sup>1</sup> In process of time, this decree gave rise to a burning controversy among theologians. Such rigorists as William of Auxerre and William of Auvergne maintained that the *proprius sacerdos* was the parish priest alone, to the exclusion of the Bishop and even of the Pope. These rigorists held that neither the Bishop nor the Pope could hear a penitent's Easter confession and impart absolution validly, save by permission of the parish priest. This excessive rigorism could not be suffered to pass unchallenged; and soon the greatest men of the century—St. Thomas and B. Albert, St. Bonaventure and Alexander of Hales—were involved in the fray.<sup>2</sup> The solutions offered by these eminent doctors were, as we should now think, cautious in the extreme, when compared with later developments.

In 1274, after the Council of Lyons, St. Bonaventure and Blessed John of Vercelli, representing the Franciscans and Dominicans, had drawn up a concordat for the purpose of soothing the ruffled feelings of the secular clergy. One of the articles of this concordat provided that, for the sake of satisfying the parish priests and of living at peace with them, the Friars should, both in the pulpit and in the confessional, warn and induce the faithful to confess their sins once a year to their own pastors, as is required by the Constitution *Omnis utriusque sexus*.<sup>3</sup> In 1282, while according extraordinary powers and privileges to the Dominicans, Pope Martin IV was careful to add that those who confessed to them should still be bound to confess to their own pastors, at least once a year, in accordance with the decree of the General Council; and that the Dominicans should urge their penitents, diligently and efficaciously, to fulfil their duty in this regard.<sup>4</sup>

<sup>1</sup> "Omnis utriusque sexus fidelis, postquam ad annos discretionis pervenerit, omnia sua solus peccata confiteatur fideliter, saltem semel in anno, proprio sacerdoti . . . Si quis autem alieno sacerdoti voluerit iusta de causa sua confiteri peccata, licentiam prius postulet et obtineat a proprio sacerdote, cum aliter ille ipse non possit solvere, vel ligare."—Hefele-Leclercq, *Hist. des Conciles*, tom. V. deuxième partie, p. 1350.

<sup>2</sup> Vacant, *Dictionnaire de Theologie Catholique*, tom. III. 908, 909.

<sup>3</sup> "Pro habenda pace capellanorum et ad satisfaciendum eis, quod tam in predicationibus publicis quam in confessionibus privatis monebunt [Fratres] populum et inducent, quod semel in anno confiteantur sacerdotibus suis, prout dicit constitutio *Omnis utriusque sexus*."—Mortier, *Hist. des Maîtres Généraux*, II. 100.

<sup>4</sup> "Volumus autem quod hii, qui Fratribus confitebuntur eisdem, suis Parrochialibus Presbyteris confiteri, saltem semel in anno, prout generaliter

As usual, we have no means of ascertaining the precise attitude adopted by Hotham on this question. He seems to have argued, in advance of his time, that those who confess their sins to a Dominican are not bound to confess, even once a year, to their parish priest. There can be little doubt that, for the time being, Archbishop Romain had the best of the argument on grounds of positive law, though his other reasons were amusingly inconclusive. While rightly laying stress on Pope Martin's bull and on the decree of the Lateran Council, he proceeded to argue as follows: Every pastor is bound to know the face of his sheep. But a pastor cannot properly know the face of his sheep, except by hearing the confessions of the various members of his flock. Therefore, a pastor is bound to hear the confessions of his parishioners; and for this reason, the decree of the Lateran Council was enacted. On the other hand, if persons who confess to the Dominicans and Franciscans are not bound to confess to their own pastor, it will follow that the pastor is not bound to hear their confessions; and consequently, that he is not bound to know the members of his flock. So we arrive at the self-contradictory conclusion that a pastor is bound, and yet not bound, to know his sheep.<sup>1</sup>

Concilium statuit, nichilominus teneantur, quodque iidem Fratres eos ad hoc diligenter et efficaciter, secundum datam eis a Domino gratiam, exhortentur."—*Ballarium Ord. Praed.* II. i.

<sup>1</sup> The Archbishop's letter is dated Wycombe, December 10, 1293: "Suo suus salutem, gratiam et benedictionem. Quoniam in recessu nostro apud Wixebrigg dixistis quod cum fratre Hugone de Maincestre colloquium habituri nobis aliqua significaretis, dilectioni vestrae per experientiam multiplicem approbatae notum facimus per praesentes quod vobis, sicut diximus viva voce, de illa cedula missa apud Schardeburgh [Scarborough] occasione aliquorum falsorum nobis a Fratribus et Minoribus impositorum, quicquid cum honestate poterimus, dictante conscientia faciemus; verum quia, secundum quod nostis, ad observationem canonum in professione nostra sumus firmiter obligati, contra Constitutionem Generalem nihil ausi erimus attemptare. Et quia, argumento nostro ipso inaudito, nec etiam semiplene dicto, respondere voluistis, ipsum argumentum vobis scribimus ut super illo litteratorie nobis satisfacere valeatis. Et est argumentum tale. Supponamus quod curati teneantur curare modo sic. Quicumque tenetur curare, tenetur vultum pecoris sui cognoscere; sed vultum pecoris sui sufficienter cognoscere non potest nisi confessionem subditi audiendo; ergo, quicumque tenetur curare, tenetur confessionem sui subditi audire; et ideo, credimus quod *Omnis utrisque sexus* Constitutio facta fuit. Sed vos dicitis quod qui confitetur Fratribus vestris et Minoribus non tenetur confiteri proprio sacerdoti; ergo, proprius sacerdos non tenetur audire confessionem suam; sed, si non tenetur audire confessionem, non tenetur cognoscere vultum suum. Ergo, ad destructionem consequentis, non tenetur curare. Sed ex hypothesis in principio argumenti, curare tenetur. Ergo, tenetur curare et non tenetur curare; quae sunt contradictorie opposita. Et, ut utamur verbis doctoris nostri venerabilis Augustini, 'Non pigebit me,' inquit, 'sic ubi haesito quaerere, nec pudebit sic ubi erro discere. Quisquis ergo haec audit vel legit, ubi pariter certus est, purgat mecum; ubi pariter haesitat, quaerat mecum; ubi errorem suam cognoscit, redeat ad me; ubi mecum



Neither St. Thomas nor Hotham could have had much difficulty in unravelling this tangle of fallacies. The controversy was not finally set at rest until Clement X (1670-1676), by his Constitution *Superna*, declared that the faithful may satisfy their annual obligation by confessing their sins to any Regular approved by the local Bishop.<sup>1</sup>

In 1294 we hear nothing of Hotham's activities, but an event occurred in that year which was destined to link his name with Dublin for all time. John de Saunford, Archbishop of Dublin, died on October 11, 1294; and, a year and a half later, Hotham was chosen by the Pope to fill the vacant see. The incidents which led to this promotion have been commonly misunderstood, and we shall presently find it necessary to trace them in detail.

### HOTHAM PREACHES BEFORE KING AND CARDINALS

Meanwhile, Edward I had contrived to quarrel with his neighbours on every side. A very brief outline of these quarrels will suffice here: "Balliol soon found that Edward regarded his overlordship as a substantial authority to which aggrieved suitors in Scotland could appeal, in the same way as the Poitevins had appealed against John to Philip Augustus. Balliol was therefore summoned to defend a decision of the Scottish courts, a summons which he answered in person, but only to deny Edward's appellate jurisdiction. The Scots now turned for help to France. An informal warfare had been raging for some time between French sailors on the one hand, and English and Gascons on the other; and in 1293 this culminated in a pitched battle, in which the French were defeated, with great loss of life. Philip IV, surnamed 'the Fair,' summoned Edward to Paris to answer as Duke of Aquitaine for the conduct of his Gascon subjects, and on Edward refusing to appear, his duchy was declared forfeited [February, 1294]. In 1294, to avoid a war, Edward agreed to a temporary surrender of his Gascon fortresses as a sign of submission, but Philip refused to return

revocat me ad se, ita ingrediamur simul caritatis viam, tendentes ad Eum de Quo dictum est, "quaerite faciem Ejus semper." Et quia in Constitutione Martini continentur haec verba, 'Volumus autem quod hi qui Fratribus confitebuntur, iidem parochialibus presbyteris confiteri semel in anno, prout generale concilium statuit, nihilominus teneantur; et quod Fratres eos diligenter et efficaciter secundum datam eis a Domino gratiam exhortentur'; ac nos diximus in cedula quod secundum naturam privilegii sui ipsi Fratres sibi confitentibus injungant, seu eas moneant et inducant, quod semel in anno confiteantur proprio sacerdoti, quatenus a privilegio discrepat dictum nostrum parati erimus, si vobis placeat, revocare. Bene valete. Data apud Wycomb, III idus Decembris, pontificatus nostri anno octavo."—Raine, *Northern Registers*, 102, 103.

<sup>1</sup> Haine, *Theologia Moralis*, 1894 edit., I. 493.

them at the end of the six weeks as had been stipulated, and Edward was compelled to have recourse to arms. Philip at once concluded an alliance with Scotland."<sup>1</sup> Edward renounced his fealty to France; but, instead of attacking the French king, he marched against the Welsh, in November, 1294.

Shortly after his consecration, that singularly able and singularly unfortunate Pontiff, Boniface VIII., set himself to promote peace between England and France. On February 20, 1295, he addressed a somewhat fulsome letter to Edward, laying stress on the evil results of the existing hostility, and imploring him to make peace with his adversary. A similar epistle, no doubt, was directed to Philip le Bel, the masterful and unprincipled monarch who was destined to play so sinister a part in the tragedy of Boniface's career. Armed with these letters, two of the highest dignitaries of the papal court—Beraldo, Cardinal Bishop of Albano, and Simon, Cardinal Bishop of Palestrina—proceeded as heralds of peace, first to France and then to England. The nuncios or legates *a latere*—for they are called by both titles—arrived in England about the feast of Pentecost, which fell on May 22 in that year. King Edward had closed his military operations against Wales, but had not yet returned from the campaign. He directed that the Cardinals should be honourably entertained in London until the feast of St. Peter's Chains (August 1), when he would meet them there.

On the appointed day, King Edward "with all the magnates of his clergy and people, specially convened for the purpose," received the Cardinals with great pomp and rejoicing. During a lull in the acclamations, the Cardinals in turn delivered a discourse on the blessings of peace, ending in each instance with an appeal to the King, as a most pious prince and a friend of peace, to incline his ear to their plea for the cessation of hostilities. The official answer to these pleadings was that the King, by advice of his council, would return a reply on the third day following, which happened to be the feast of St. Dominic, August 4. One of the Cardinals had taken for the text of his Latin discourse, *Da pacem, Domine, in diebus nostris*; while the other, in like manner, had preached from the text, *Adaperiat Dominus cor vestrum in lege sua, et imperet sic et facere pacem*. On St. Dominic's day, in presence of the Cardinals and the assembled magnates, Hotham delivered a Latin sermon on the text, *Audiam quid in me loquatur Dominus, quoniam loquetur pacem in plebem suam*, in which he maintained that King Edward, as a true son of obedience, and a prince eager for peace, was ready to receive the commands of the Holy See, as though they had come straight from Heaven.

<sup>1</sup> E. Wyatt-Davies, M.A., *A History of England for Catholic Schools*, p. 107.



It was all, no doubt, a "feast of reason and flow of soul." But the unreality of these oratorical professions was soon demonstrated. At the close of Hotham's sermon, the King ordered a long statement to be read in French on the origin and progress of the war, detailing the wrongs which his subjects had suffered from Philip le Bel, and declaring that he could consent to a cessation of hostilities only on condition that the French king should simultaneously do likewise. Then Anthony Bek, Bishop of Durham, speaking on behalf of the King, informed the Cardinals that his royal master had lately made a treaty with the King of Germany, by virtue of which neither was free to make any peace or truce without the consent of the other. The Cardinals suggested that an embassy should be sent to request the assent of the German monarch to a peace, or even to a truce, with the King of France. This was agreed to, and the Cardinals returned to France, whence they had come. "But they did not return empty-handed," adds the malicious chronicler; "they had taken care to fill their purses in the meantime."<sup>1</sup>

One of these Cardinals returned in the following year (1296) to complete the negotiations for peace between England and France. He went to Berwick, where Edward I was then engaged on his Scottish war. Meanwhile the ambassadors who had journeyed to Germany returned with an uncompromising message from the German potentate, that "he desired no peace, nor any love"; and so the Cardinal returned home without accomplishing his mission."<sup>2</sup>

<sup>1</sup> "Sed non sunt reversi vacui, numo bursas vacuantes. Ex unoquoque enim Capitulo Cathedrali vel Collegiato per totam Angliam, nomine procuracionis et expensarum, sex Marcas Argenti habuerunt, et hoc ex concessione Papali, praeter alia multa. Et ubi Religiosorum pauperum vel sanctimonialium [bona], propter tenuitatem, non sufficerent per se, adjungebantur eis circum adjacentes Ecclesiae Parochiales, ad solutionem peragendam; ita quod Papale privilegium non remaneret vacuum, nec deficeret obolus in summa."—Hemingburgh, *Historia Edwardi Primi*, etc., ed Hearn, I. 66. In too many instances, the Italian nuncios of the Middle Ages bore a suspicious family likeness to the *Graeculus esuriens* of Horace. Hence, among the projects of reform laid before the General Council of Lyons in 1274 by the saintly Humbert de Romanis, lately General of the Dominicans, we find a proposal that no Apostolic Nuncios should be sent to Eastern lands in future, as the chief office of these diplomatists seemed to consist in enriching themselves at the expense of the nations to which they were accredited. Once the Greeks had accepted the Latin creed, Humbert would sanction the broadest toleration of their liturgical rites. He advocated frequent marriages between Latins and Greeks; in his enlightened and statesmanlike opinion, such marriages would prove vastly more effective, in maintaining the unity of faith, than all the efforts of ecclesiastical diplomatists.—Mortier, *Hist. des Maîtres Généraux*, II. 91.

<sup>2</sup> On these negotiations, from first to last, see Hemingburgh, *Hist. Edwardi Primi*, ed. Hearn, I. 61-66. In January, 1296, Edward I, having sent his envoys to Germany at the request of the Cardinals, wrote to

### HOTHAM BECOMES ARCHBISHOP OF DUBLIN

Hotham had earned many triumphs in his varied career as professor, courtier, diplomatist, and ruler. These triumphs were now to be crowned by the mitre of Dublin. It is true that, nearly six years earlier, he had been designated for the see of Llandaff. His objections, in due course, were overruled by the Pope, who commanded him to accept the position. Still Hotham refused, and the widowed diocese remained without a pastor for six years or more. This refusal may have been, and probably was, condoned; but it might easily have drawn down upon its author a very severe censure from the Holy See. In any case, we find in this refusal the second notable act of public disobedience which signalised Hotham's career. These incidents seem to show that, with all his charm and suavity of manner, Hotham was a headstrong and self-willed man.

His appointment to Dublin was the outcome of a curious train of circumstances, as we may infer from the papal and secular records. Archbishop Saunford had died on October 11, 1294. On December 20, the King issued a licence to the Dean and Chapter of St. Patrick's, and to the Prior and Convent of Holy Trinity (Christ Church), to proceed to an election. Before this licence issued, the Dublin dignitaries had "unanimously, and as it were by Divine inspiration," chosen Master Thomas de Chaddesworth, Dean of St. Patrick's, to be their future archbishop. The result of the election was publicly announced by the Prior of Christ Church; Master Thomas accepted the dignity bestowed upon him by the electors; and a formal record of this highly harmonious proceeding was laid before the Holy See.

Meanwhile, it was discovered that the election had been held prior to the issue of the royal licence. The electors were compelled to petition for a fresh *congé d'élire*, which was not granted until March 24, 1295. A second election took place; Chaddesworth again received the unanimous suffrages of the electors, who certified him to the King on April 28, 1296, after an unaccountable delay of a year or more. King Edward gave his royal assent, and certified the same to the Pope. But it was too late. Chaddesworth, being an archbishop-designate, was bound to present himself to the Pope for final approval within a specified period after his original election. This he utterly failed to do; even after the time had expired, he failed to appear.

various bishops and abbots, requesting prayers for peace. On January 12, he wrote to "Brother William de Hothum, prior provincial of the order of Friars Preachers in England, for prayers in each house of the order."—*Calendar of Close Rolls*, 1288-1296, p. 507. Edward, at that time, seems to have been genuinely anxious for peace.



Long after the appointed period had elapsed, Chaddesworth's clerical proctor, Master Richard de Coventry, essayed to excuse his principal's absence. These excuses, naturally enough, were rejected as frivolous and unworthy.

Boniface VIII resolved to take the appointment into his own hands. He annulled Chaddesworth's election, and appointed Hotham to Dublin on April 24, 1296, four days before Chaddesworth's second election was notified to the King.<sup>1</sup> In his brief of appointment, the Pope pays a lofty—indeed an extraordinarily high—tribute to Hotham's gifts and accomplishments. He speaks of him as "a man endowed with a vast fund of learning, a man of renown, conspicuous for piety, distinguished by elegance of manner, famous for his virtuous life and morals, prudent in spiritual as in temporal affairs,"<sup>2</sup> with much more to the same effect. The Pontiff expresses glowing hopes for the success of Hotham's administration in Dublin—hopes which, unhappily, were frustrated by death.

The Roman officials seem to have been more dilatory than usual in their handling of Hotham's affairs. Several months elapsed before his appointment was announced in England. Seven months after the date of his elevation, the King's assent was granted. It was only after the lapse of practically fourteen months from the date of his promotion that an indult was issued for his consecration. During a notable part of the intervening period, the see of Dublin was regarded as vacant. Thus, on September 10, 1296—nearly five months after Hotham's appointment—Edward I wrote from Berwick-on-Tweed, ordering his officials to send the corn of the archdiocese to Gascony: "The King commands the custodian of the Archbishopric of Dublin during vacancy to cause all the King's corn of that

<sup>1</sup> Compare the account in Theiner, *Vetere Monumenta*, 160, 161, with that given in Ware-Harris, I, 326. For some unknown reason, Professor Tout gives June 16, 1296, as the date of Hotham's appointment to Dublin by papal provision (*Dict. of National Biog.*, XXVII, 414-416). The true date is certainly April 24, 1296.

<sup>2</sup> "Nos itaque, prout pastoralis officii debitum exigit, de ordinatione ipsius ecclesie solliciti cogitantes, et cupientes illi iuxta cor nostrum de pastore idoneo providere, tandem post multe discussionis et deliberationis examen ad personam tuam, grandi utique dono scientie premitam, religione conspicuam, fama pollentem, elegantia morum insignem, conversationis et vite honestate praeclaram, in spiritualibus et temporalibus circumspicam, ac aliarum virtutum titulis insignitam direximus oculos mentis nostre, te, tunc Priorem provinciae ordinis Predicatorum in Regno Anglie, de fratrū predicatorum consilio et apostolice plenitudine potestatis eidem Dublinensi ecclesie preficientes in Archiepiscopum et pastorem, firma ducti fiducia, quod dirigente domino actus tuos, eadem ecclesia per tuam circumspectionem providam et providentiam circumspicam prospere dirigetur, ac salubria, dante domino, suscipiat incrementa."—Theiner, *Vetere Monumenta*, 161. Chaddesworth is erroneously called "Reddeworte" in this papal document. Chatsworth may be the modern form of the name.

Archbishopric, namely, wheat and oats, saving what is necessary, to be immediately thrashed and transmitted to Gascony, to the King's men there on account of their urgent indigence. The King had imparted his will to John Wogan, Justiciary of Ireland. The King will cause due allowance thereof to be made in his account to the custodian."<sup>1</sup>

The English monarch had now almost completed the first of his merciless campaigns of conquest in Scotland. On hearing of the Franco-Scottish alliance, Edward had demanded, with little or no justification, that the Scottish border fortresses should be placed in his hands. On this being refused, he invaded Scotland, towards the close of 1295. Edward captured Berwick in March, 1296; and a month later, the Earl of Surrey gained a decisive victory over the Scots at Dunbar. After this, Edinburgh and the other principal towns surrendered. In July, Edward compelled Balliol to renounce his crown, and threw him into prison. Balliol was afterwards allowed to retire to France, and Edward proclaimed himself King of Scotland. This unprovoked assault on the liberties of Scotland was part of a much wider scheme of conquest, which comprised a simultaneous invasion of France from north and south, from Flanders and Gascony. To invade France successfully it was first necessary to cripple Scotland. In the event, Edward's attempted invasion of France proved an utter fiasco; and his repeated invasions of Scotland ultimately came to naught. In the meantime we can understand his anxiety, at the close of his Scottish campaign, that all the available corn should be dispatched from the seelands of Dublin to Gascony. It was requisite for the provisioning of his troops there, in anticipation of their intended assault upon the territories of the French king. Doubtless, Edward had not the faintest scruple in confiscating the corn of the archdiocese for his own ambitious purposes. It was one of the worst evils of the feudal system that the Church's resources were despotically seized, diverted from their proper purpose, and often squandered upon ignoble schemes of conquest.

More than six months after his elevation to the episcopate we find Hotham still acting as Provincial of the English Dominicans, and sending several of his brethren into Scotland at the close of the conquest, doubtless with a view to the "peaceful penetration" of the Dominican houses of that country by English ideas. Two friars are specially mentioned; Robert de Winthorp, who was deputed to act as the Provincial's vicar over the Scottish priories, and Philip de Redmar, who was appointed vicar of the Dominicans of Berwick. At this time, the Irish and Scottish members of the Order were under the jurisdiction of the English Provincial, who usually appointed a

<sup>1</sup> *Calendar of State Papers, Ireland, 1293-1301*, pp. 147, 148.



vicar-provincial in Ireland and another in Scotland. This arrangement, so far as Ireland was concerned, was substantially modified in 1314, to the extent of enabling the Irish Dominicans to enjoy a large measure of autonomy. Meanwhile, on November 1, 1296, King Edward granted letters of safe conduct to the Dominicans whom Hotham was dispatching to Scotland; and in these letters the King took occasion to lay stress on his own "special affection and devotion" towards the Dominican Order.<sup>1</sup>

This is the last act of jurisdiction which we find Hotham exercising as English Provincial. Three weeks later, he entered upon his career as Archbishop-elect of Dublin. On November 23, 1296, King Edward, who was then at Bury St. Edmund's, issued the usual mandates and writs for the restitution of the temporalities:

"Mandate to Master Richard de Abindon, King's clerk, keeper of the archbishopric of Dublin, to restore the temporalities to William de Hothum, provincial prior of the Friars Preachers in England, preferred by the Pope to be Archbishop instead of Master Thomas de Chaddesworth, dean of Dublin, whose election, upon the death of J. the late archbishop, was quashed by the Pope.

"Writ *de intendendo* directed to the tenants of the archbishopric.

"*Vacated because otherwise below.*

"Mandate to the same to restore the temporalities of the archbishopric of Dublin to William de Hothum, provincial prior of the Order of Preachers in England, preferred by the Pope to be archbishop instead of Master Thomas de Chaddewurth, dean of St. Patrick's, Dublin, whose election in the church of the Augustinian Order [now Christ Church] at Dublin was quashed by the Pope.

"Writ *de intendendo* directed to the tenants of the archbishopric."<sup>2</sup>

<sup>1</sup> "Cum religiosus vir nobis in Christo dilectus Frater Willelmus de Hodem, Prior Provincialis fratrum ordinis predicatorum Anglie, Socie, et Hibernie, Religiosos viros fratres Robertum de Wynethorp, vicarium Scocie, et Philippum de Redmar, gerentem vices Prioris in Conventu Berewyci, duxerit deputandos, pluresque alios ejusdem ordinis fratres Anglicos in Sociam ordinaverat destinandos; Nos volentes ex sincere devocionis affectu quem specialiter ad eundem ordinem gerimus, et habemus ipsos fratres favore prosequi graciosi, Vobis mandamus quod prefatos vicarium, vices gerentem, et fratres alios, cum ad partes Scocie ipsos cum literis prefati Prioris Provincialis venire contigerit, habentes favorabiliter commendatos, quantum in vobis est protegatis, et defendatis eosdem in hiis quae ad suorum officiorum execucionem, juxta predictarum continenciam litterarum, videbitis pertinere. In cujus, etc., quamdiu nobis placuerit duratura. Teste Rege apud Thornhagh, primo die Nov." —Rot. Scoc. 24 Edw. I, m. 6; Palmer, *Anglia Dom.*, IV. C. 443.

<sup>2</sup> *Calendar of Patent Rolls*, 1292-1301, pp. 221, 222; cf. *Calendar of State Papers, Ireland*, 1293-1301, pp. 166, 167.

Nearly a fortnight later (December 5, 1296), the King granted Hotham a preference in the sale of ploughs, heifers, oxen, and other goods and chattels of his archdiocese, excepting the corn, which was to be sent to Gascony.<sup>1</sup> If this transaction may be regarded as typical, it sheds a startling light upon the manner in which the temporalities of a diocese were "restored" to the incoming bishop. In the circumstances, we may reasonably regard this Dublin instance as a mild, not a drastic, specimen of the general procedure. After Archbishop Saunford's death, the King's officials had seized all the lands, crops, live stock, and farm implements belonging to the archdiocese. All profits accruing from these temporal possessions in the interval between October, 1294, and February, 1297, were confiscated to the royal treasury. When the possessions of the see were restored after two years and a quarter, only the bare lands were given back to the incoming prelate. The crops of wheat and oats were appropriated to the King's use; and the new Archbishop, as a special favour, was allowed to purchase all the rest—crops, cattle, and farming appliances—"at a reasonable price." That a similar but severer procedure was adopted in other dioceses, can scarcely be doubted. The difficulties of a new bishop were thus enormously increased. As a rule, he was tardily placed in possession of his episcopal lands; and even then, he would find them stripped bare—the crops, cattle, farming implements, etc., having been sold for the benefit of the Crown. In view of this legalised plunder of his diocesan resources, with the heavy expenses which his appointment often entailed, the financial problem which confronted an Irish bishop must at times have seemed well-nigh hopeless.

Whatever Hotham's financial anxieties may have been, the customary writs were issued on his behalf by the King. Thus, on December 8, 1296, Edward I, who was then at Bures St. Mary, signified to the Canons of Penkridge, in Staffordshire, that Hotham had been provided to the see of Dublin, that the temporalities had been restored to him (they were not, in fact, restored until two months later), and that the said Canons were bound to receive him as their lawful Archbishop and lord:

<sup>1</sup> "Rex dilecto clerico suo Magistro Ricardo de Abyndon. nuper Custodi suo Archiepiscopatus Dublin. salutem. Quia volumus quod dilectus nobis in Christo frater Willelmus de Hothum, Electus Archiepiscopatus predicti, emptioni carucarum, affrorum, boum, et aliorum bonorum nostrorum infra eundem Archiepiscopatum in custodia nostra existencium ceteris preferatur, vobis mandamus quod, retentis ad opus nostrum bladis dicti Archiepiscopatus nunc in grangeis existentibus, que in Vasconiam mittere disposuimus, prefato Electo cetera bona nostra per vos ibidem vendenda, si ea emere voluerit pre aliis dimittatis per rationabile precium prout ad opus nostrum videris expedire. Ita quod de denariis inde provenientes nobis respondere possitis ad scaccarium nostrum Dublin. Teste Rege apud La Neylaund, v die Decembris."—Rot. Claus. 25 Edw. I, m. 25; Palmer, IV. B. 312.



"Writ *de intendendo* to the canons of the king's free chapel of Pencriz, in favour of William de Hothum, provincial prior of the Order of Preachers in England, preferred by the Pope to be archbishop of Dublin, instead of Master Thomas de Chaddewrth, dean of St. Patrick's, Dublin, whose election in the church of the Augustinian Order at Dublin was quashed by the Pope; the king having accepted the preferment of the said William, taken his fealty, and restored to him the temporalities."<sup>1</sup>

On the following day (December 8, 1296), Edward I granted Hotham the usual liberties: "The King notifies to justiciaries, escheators, sheriffs, ministers, and all bailiffs and lieges of Ireland, that he grants of special grace to Brother William de Hothum, elect of Dublin, that during his life he have the liberties and acquittances which he ought to have, and which the Archbishops of Dublin, his predecessors, were wont to have; that he may use and enjoy those liberties and acquittances as his predecessors were wont to do; and that, like his predecessors, he have all ordinary jurisdiction in the archbishopric which he ought to have, and use it freely and reasonably as they did. Mandate that the elect be not harassed contrary to this grant."<sup>2</sup> The same grant included "protection, with clause *volumus*, in Ireland, for one year, for Brother William de Hothum, archbishop elect of Dublin, staying in England."<sup>3</sup>

Again, royal letters patent of December 22, 1296, were granted to "William de Hothum, archbishop elect of Dublin, staying in England, nominating Robert de Hothum and Thomas Orgor of Hatfeld, his attorneys in Ireland for one year."<sup>4</sup> There is no ground, however, for Professor Tout's hasty assumption that about this time, Hotham "seems to have appeared in Ireland and taken part in some judicial business."<sup>5</sup> We shall presently consider the entries which have misled that very learned and judicious writer.

It was not until February 2, 1297, that the temporalities of Dublin were finally restored to the new Archbishop, as we learn from a document still preserved in the Irish Record Office: "Account of Richard de Abyndone of the issues of the archbishopric from the morrow of Michaelmas *a. r. xxiv* to the feast of the Purification of the B.V.M. next ensuing, when the temporalities were delivered to brother W. de Hothom, archbishop." As a specimen of the items which figure in this account, the opening paragraph, concerning "Swertes and its members," may be

<sup>1</sup> *Calendar of Patent Rolls, 1292-1301*, p. 225; cf. *Calendar of State Papers, Ireland, 1293-1301*, p. 168.

<sup>2</sup> *Calendar of State Papers, Ireland, 1293-1301*, p. 168.

<sup>3</sup> *Calendar of Patent Rolls, 1292-1301*, p. 225.

<sup>4</sup> *Ibid.* p. 224; cf. *Calendar of State Papers, Ireland, 1293-1301*, p. 130.

<sup>5</sup> *Dict. of National Biog.*, XXVII. pp. 414-416.

cited: "He accounts for various receipts from sale of herbage, market tolls, ale bowl, hay, troll mill, tidal mill, pleas and perquisites; flesh and skins of rabbits caught at Lambay, oats, etc., amounting to 94*l.* 5*s.* 4½*d.* Sums expended in wages, farming operations, works at Lusk and Woerne, farming implements, repairs of houses, mills, pools, etc., amount to 25*l.* 1*s.* 11½*d.* and he owes 69*l.* 3*s.* 5*d.*" Besides its extensive properties in the region of Swords, the Archdiocese possessed other lands at Finglas, Cullen,<sup>1</sup> Shankill, Clondalkin, Tallaght, Rathcoole, Ballymore-Eustace, etc., which duly figure in this account.<sup>2</sup>

On June, 16, 1297, nearly fourteen months after the original appointment, Boniface VIII granted an "indult to William de Othum, a Friar Preacher, archbishop-elect of Dublin, to be consecrated by any three or four bishops he may choose." On July 9 the Pope issued a "mandate to the bishops of London and Hereford, on petition of the said William, made by his proctors, Andrew de Sancto Albano and Peter de Othum, to confer on him the *pallium* sent by them, and to receive his oath of fealty." To the same date belongs a "monition and order to the said William to receive the *pallium*, and use it on those days expressed in the bull of privileges of his church." Finally, an undated document contains "forms of delivery of the *pallium* sent to the archbishop of Dublin, conferring on him the plenitude of the pontifical office, and of the oath of fealty to the pope taken by him."<sup>3</sup>

Leisurely as this procedure may appear to the modern reader, its comparative celerity did not escape the notice of the newly-elected Archbishop of York. Archbishop John Romayn had died on March 11, 1296, and Henry Newark had been chosen in his stead. On August 30, 1297, Archbishop Newark wrote to Roger de Mar, his proctor in Rome, urging him in very sharp terms to expedite his business at Rome. The business of the Archbishop of Dublin, he has heard, has been already expedited.<sup>4</sup>

Meanwhile, on July 28, 1297, Archbishop Hotham had obtained leave to purchase the entire wheat crop of his own episcopal lands. This transaction forms the subject of several entries in the State Papers:

"Brother William de Hodham, Archbishop-elect of Dublin,

<sup>1</sup> "In ancient times the district south of Dublin was known as Cualann, and the wood which covered a considerable portion of it was known as the wood of Cualann, or Cullen, while the most conspicuous glen in it was called Glencullen. By the colonists the district appears to have been called Nova Colonia, Boscus de Colonia and Colon (Dalton's and Ball's *Histories*), the latter name being probably an anglicised form of the native designation."—Weston St. John Joyce, *The Neighbourhood of Dublin*, 1912, p. 159.

<sup>2</sup> *Thirty-eighth Report of Deputy Keeper*, 1906, pp. 46, 47.

<sup>3</sup> *Cal. of Pap. Reg.*, I. 571; cf. Theiner, 163.

<sup>4</sup> Raine, *Northern Registers*, 134, 135.



appears and prays to have at a certain price payable to the King the crop of 695 acres of land of the archbishopric, sown with wheat by the custodian during vacancy, and being in the King's hand ere the King restored the temporalities to the elect. The barons, assisted by John de Drokenesford, keeper of the wardrobe, granted that the elect might have the crop for 3s. 6d. an acre, whereof the total is £121 12s. 6d. If there are more acres sown there, and their crops belong to the King, the elect shall have them at a similar price. Grant to the elect that he may give satisfaction at the Exchequer for £121 12s. 6d. before the feast of St. Laurence [August 10] next ensuing.

"The King's letters, notifying to Richard de Abindone, custodian of the Archbishopric of Dublin, that he had granted to William de Hotham, Archbishop of that see, the crop of 695 acres of land.

"Afterwards Richard de Abindone acknowledged before the Barons of the Exchequer at York on Monday next after the feast of St. Hilary, a.r. 28 [that is, on Jan. 18. 1300] that he had received after the death of the said Archbishop, lately deceased, by the hands of his executors, £121 12s. 6d. for the crop of 680 acres of land, and moreover 14s. for the crop of four acres, sown with wheat during vacancy of the see, and that he is bound thereof to acquit the deceased and his executors as against the King; and he says that he had accounted at the Exchequer, Dublin, before the Treasurer and Barons for that amount. William de Estdene, Treasurer of the said Exchequer, now present, acknowledges the same."<sup>1</sup>

### EDWARD'S DESIGNS AGAINST FRANCE—HOTHAM SAILS FOR FLANDERS

Edward I and Philip le Bel had now been at variance during the greater part of four years. To crush his formidable French rival was Edward's darling ambition, and most elaborate measures were adopted for the attainment of this end. At the first sign of active hostilities between France and England, the Welsh had risen, rather prematurely, in vindication of their independence. A campaign was undertaken against them, and they were effectually subdued. Scotland was the ally of France, hence it was necessary to crush the Scots before assailing the French. This also was done, and Scotland was annexed to the English Crown. The way was now clear for a great offensive against France. But Edward's resources, of which his ill-gotten crusade money formed a large part, had been almost exhausted by his Welsh and Scottish campaigns. To provide the sinews

<sup>1</sup> *Calendar of State Papers, Ireland, 1293-1301*, pp. 203, 204.

of war for the crowning enterprise of his life—his expedition against France—Edward was forced to have recourse to very heavy taxation, levied on the clergy and merchants and royal towns. The clergy, who had been bled white by Edward's former exactions, took the lead in opposing the imposition of fresh taxes in aid of the King's ambitious designs. Edward angrily retorted by pronouncing sentence of outlawry against the clergy, in case they should refuse to pay his taxes. Most of the barons, for reasons of their own, now joined the opposition. The greater part of 1296 and 1297 was thus consumed in acrid bickerings between the King and his clergy and nobles. A concordat with the clergy was followed by a still more important concession to the nobles and the nation at large. It was only on August 22, 1297, that Edward was able to set sail with his fleet for Flanders, whither he was accompanied by Archbishop Hotham.

While thus quarrelling with his clergy and barons, Edward had kept his main purpose steadily in view. He had succeeded in forming a formidable confederation against the French king. This confederation was composed of the Emperor Adolphus of Germany, the Dukes of Austria and Brabant, the Counts of Holland, Berry, Juilliers, Gueldres, Flanders, and Luxemburg. With the aid of these potent allies, the English king hoped to invade France from the north and east, while his Gascon levies assailed it from the south. But the expedition to Flanders lost its only chance of success through the events which retarded its despatch. While Edward was wrangling with his clergy and barons, Philip le Bel was smashing the confederation into atoms. Philip marched with an army into Flanders; he captured Lille, Douai, and Courtrai. Another of his armies, under the Count of Artois, inflicted a sanguinary defeat upon the Flemings near Furnes, causing them the loss of sixteen thousand men. When Edward landed in Flanders, he found the confederation shattered, the Flemings discouraged or hostile, and the French victorious everywhere.<sup>1</sup>

"Edward," adds a modern English historian, "advanced to Bruges, where he was joined by the Count of Flanders, but the disloyalty of the townsmen and the approach of King Philip forced the King and the Earl to take shelter behind the stronger walls of Ghent. Immediately on their retreat, Philip occupied Bruges and Damme, thus cutting off the English from the direct road to the sea. The Anglo-Flemish army was afraid to attack the powerful force of the French king. But the French had learnt by experience a wholesome fear of the English and Welsh archers, and did not venture to approach Ghent too closely.

<sup>1</sup> Touron, *Hist. des Hommes Illustres de l'Ordre de Saint-Dominique*, I. 605, 606.



The ridiculous result followed that the Kings of France and England avoided every opportunity of fighting out their quarrel, and lay, wasting time and money, idly watching each other's movements."<sup>1</sup>

While thus sheltered behind the strong walls of Ghent, Hotham at last received consecration from the warrior-bishop, Anthony Bek of Durham. Boniface VIII had expressly authorised his consecration at the hands of any Catholic bishop, assisted by two or three others, provided that the consecrator and his assistants were in communion with the Holy See.<sup>2</sup> For reasons which will presently appear, it would seem that Hotham's consecration took place in December, 1297, or very shortly afterwards. The assisting prelates remain unknown.

### HOTHAM AT THE EXCHEQUER—FATE OF A DISHONEST TREASURER—A CHRONOLOGICAL PUZZLE

In the Michaelmas term of 1297 and the Hilary term of 1298 (that is, roughly, between October 9 and November 19, 1297, and again between January 23 and February 13, 1298),<sup>3</sup> we find Hotham back in London, adjudicating, as a member of the Privy Council, along with the Barons of the Exchequer. It may, of course, be argued that Hotham had not really accompanied the King to Flanders in August, 1297, and that he did not sail for the Continent until after the Hilary term of 1298. But the most painstaking investigators of Hotham's history, notably Father Raymund Palmer and Professor Tout, are distinctly of opinion that the Archbishop-elect of Dublin accompanied King Edward to Flanders in August, 1297.<sup>4</sup> Above all, the contemporary chronicler, Nicholas Trivet, himself an English Dominican and well acquainted with Hotham's movements, speaks of his former superior as *cum Rege in Flandriam profectus*. Besides, it was not altogether impossible for Hotham to return to England in time for the Michaelmas sessions and again for the Hilary sessions of the Court of Exchequer. Moreover, his consecration, to judge by the phraseology employed, seems to have taken place between the two sessions. At

<sup>1</sup> Prof. Tout, *Political History of England*, pp. 210, 211.

<sup>2</sup> Theiner, *Vetera Monumenta*, 163; Trivet, *Annales*, ed. Hog., p. 364; Rishanger, *Chronica*, Rolls Series, 178, 179; Thomas Walsingham, *Historia Anglicana*, I. 79, Rolls Series. Rishanger and Walsingham seem to copy from Trivet, word for word. The *Chartularies of St. Mary's Abbey*, ed. Gilbert, II. 290, wrongly ascribe Hotham's consecration to the year 1296, but rightly state that he was consecrated at Ghent.

<sup>3</sup> Sir Harris Nicolas, *Chronology of History*, 385. To the author of this invaluable work, historical students are deeply indebted.

<sup>4</sup> Palmer, *Anglia Dom.*, III. A, 109-112; Tout in *Dict. of Nat. Biog.*, XXVII. 414-416.

Michaelmas, he is simply mentioned as "Brother William de Hothom," but in the records of the Hilary term he is expressly styled 'Brother William de Hothom, Archbishop of Dublin.' I am assuming for the moment that these records are correctly dated—a question which is open to serious doubt.

At any rate, if the date given in the *Calendar* be trustworthy, we find Hotham acting as assistant judge of the Exchequer at London during the Michaelmas term of 1297. The case in which he adjudicated was one in which he naturally took a special interest. It was a case affecting his own archdiocese of Dublin; and one of the personages involved was that dishonest ecclesiastic, Nicholas de Clare, who had acted as King Edward's custodian of the see immediately after Archbishop Darlington's death, and had misappropriated the goods and chattels of the archdiocese to the value of over £5,000 in modern money. At Michaelmas, 1297, William de Clare (or de Clere), brother of the peccant Nicholas, was ordered to stand his trial on a charge of falsifying the rolls of the Irish Exchequer.

"William de Clere, brother of Nicholas de Clere, formerly Treasurer of Ireland, submitted that whereas lately the King had been informed by J[ohn de Saunford], Archbishop of Dublin, deceased, late Justiciary of Ireland, that William had, under colour of the office of Nicholas, presumptuously taken rolls from the Exchequer of Dublin, and erased enrolments; that thereupon the King had commanded the Justiciary of Ireland and the Treasurer and Barons of the Exchequer, Dublin, to take into the King's hand all Nicholas' goods and chattels, lands, tenements, and ecclesiastical benefices until, etc.; and that this accusation ought not to injure William, because he was never convicted in the premises.

"It was thereupon agreed [in the Exchequer proceedings of Michaelmas, 1297] by the Treasurer and Barons (Brother William de Hothom and H[ugh] le Despenser, sworn of the Council, assisting them), that William find security personally to appear before the Justiciary of Ireland and the Treasurer and Barons of the Exchequer, Dublin, and stand his trial regarding the above accusation; and that meantime he have livery of his goods, chattels, lands, tenements, and ecclesiastical benefices. William thereupon found as mainpernors<sup>1</sup> Henry de Midleton of Surrey, Eustace de Staines of Middlesex, Gilbert de Wykford of Essex, and Gilbert de Thoghele of Berks. Mandate to the Justiciary, Treasurer, and Barons of Ireland, that if they find when William comes before them that he was convicted, or that any process was rightly carried out against him, they

<sup>1</sup> *Mainprize* is defined as the "delivery of a person charged with an offence into the custody of a person called the *mainpernor* upon security for appearance."—Wharton, *Law Lexicon*, 534.



shall proceed to judgment. If he has not been convicted, they shall do what justice may require. In the meantime they shall cause him to have possession of his goods, chattels, land, tenements, and ecclesiastical benefices, which have been taken into the King's hand and sequestered. They shall certify to the Treasurer and Barons here what they shall do in the premises."<sup>1</sup>

In the records of Hilary term, 1298, we find a tolerably complete outline of the case against Nicholas de Clere:

"Whereas Nicholas de Clere, formerly Treasurer in Ireland, in his account rendered here before the Treasurer and Baron, in the term of St. Michael, a. r. 20 [1292], was convicted of great transgressions against the King when he was Treasurer of Ireland, and of demanding undue allowances, against his oath to faithfully render his account, for which he was by judgment committed to prison, where he had remained until Thursday next after the feast of St. Matthias the Apostle (Feb. 27, 1298); and whereas on May 2, a. r. 22 [1294], the Archbishop of Dublin and the Bishops of Meath, Kildare, Clonmacnois, Clonfert, and Kilmacduagh, in Ireland, and the Bishop of Exeter in England, were commanded to put up to sale all his ecclesiastical goods and the fruits of his benefices,<sup>2</sup> and to cause until further orders the money therefrom to be delivered into the Exchequer of Dublin, in part payment of the arrears of that account, and the Treasurer and Barons of the Exchequer, Dublin, were also commanded to seize all his lay goods and chattels in Ireland, and put them up for sale.

"Nicholas now, namely on Thursday aforesaid,<sup>3</sup> appears before W[alter] de Langton, Bishop of Coventry and Lichfield, the Treasurer, Philip de Wylugby, the Chancellor, and J[ohn]

<sup>1</sup> *Calendar of State Papers, Ireland, 1293-1301*, pp. 208, 209.

<sup>2</sup> As might have been expected, this half-clerical, half-lay Treasurer was a rampant pluralist. His exploits in the annexation of benefices were condoned by Nicholas IV. In December, 1289, that Pontiff granted an "Indult, at the request of Odo de Grandison, to Nicholas de Clara, priest, archdeacon of Dublin, who has also since the Council of Lyons the churches of Loxoudi [Lough Sewdy] in the diocese of Meath, and Rathymegan [Rathangan, barony of East Offaly], in that of Kildare, without papal dispensation, and without being ordained priest within a year, to hold the said benefices and retain their fruits received, on condition of spending 100 marks sterling on them, and if they are not of lay presentation, the cure of souls not being neglected." From a later "dispensation and indult" of July, 1291, we learn that Nicholas de Clare was Archdeacon of Dublin, Canon of Kildare, rector of Youghal, rector of Lough Sewdy, and rector of Rathangan, all at the same time (*Cal. Pap. Reg.*, I. 509, 541; Theiner, I. 49, 156). His brother William, also a grasping pluralist, had "obtained the churches of Brafferton and Beauver, in the dioceses of York and Cork, and then a canonry and prebend in the chapel of Arbrekan [Ardraccan], in the diocese of Meath, to which the parish church of Galtrim is annexed, and held them for three years without papal dispensation."—*Cal. Pap. Reg.*, I. 550.

<sup>3</sup> That is, on Thursday, Feb. 27, 1298, immediately after his release from prison.

de Cobeham and his associates, Barons of the Exchequer (Brother William de Hothom, Archbishop of Dublin, assisting them), and granted that whatever was taken or levied out of his temporal or ecclesiastical goods, during the time aforesaid, should remain to the King, and for the above-named transgressions he made a fine of 500 marks. He was told to find security for the fine, and thenceforth his ecclesiastical benefices under sequestration would be restored to him. Afterwards, on Monday next before the Ascension [May 12, 1298], being told that unless he obtained security he would be committed to prison and the fine held as null, Nicholas answered that he could not find security unless in Ireland where his rents were. It was thereupon granted to him that 12 mainpernors should undertake that he should proceed to Ireland and find security there for the fine. To which he answered that he could not find mainpernors at present. It was thereupon granted to him that he should find them at York at the Exchequer on the quinzaine of the Holy Trinity, otherwise that he should then be committed. Afterwards, on Wednesday, vigil of the Ascension [May 14], Nicholas appears and finds 13 mainpernors who all give mainprise that Nicholas should appear before the Treasurer and Barons of the Exchequer, Dublin, on the feast of St. Peter *ad vincula* [Aug. 1] next ensuing, to find such security as the Treasurer and Barons of Dublin should approve of for the fine and arrears when he was Treasurer. The total arrears of his account, as appears in the roll of accounts of a. r. 22, are £717.—Mandate to the Treasurer and Barons of Dublin, to take such security, and to certify the same under the seal of their Exchequer to the Treasurer and Barons here."<sup>1</sup>

So far, I have assumed that Hotham's appearances as assistant Judge of the Exchequer are correctly dated in the *Calendar*. In truth, I have serious misgivings as to the correctness of the dates assigned. One document concerning him—namely, the writ which directed that Hotham should have preference as purchaser of the ploughs, etc., of his archdiocese—is wrongly ascribed to December 5, 1297, its true date being exactly a year earlier.<sup>2</sup> If, in like manner, the dates of these Exchequer proceedings could be shifted back a year, the result would harmonise admirably with the general chronology. If we could prove, for instance, that he first adjudicated at the Exchequer in Michaelmas term of 1296, instead of 1297, we could then

<sup>1</sup> *Calendar of State Papers, Ireland*, 1293-1301, pp. 221, 222. From these documents it is clear that, if Hotham took part in judicial business, he did so in London, not in Dublin.

<sup>2</sup> See *Calendar of State Papers, Ireland*, 1293-1301, where it is dated December 5, 1297. The regnal year, 25 Edw. I, shows at once that December 5, 1296, is the proper date. It is also the date prefixed to this writ in *Cal. Close Rolls*, 1296-1302, p. 4.



understand why he was simply styled "Brother William de Hothom" in the official record. In Michaelmas, 1296, his promotion to the see of Dublin was not yet publicly announced. Indeed, as the alleged record of judicial business in Michaelmas, 1297, is confessedly taken from the Memorandum Rolls of 24-25 Edw. I, it is *prima facie* possible that its true date may be Michaelmas, 1296. The same, however, cannot be said of the Exchequer record of Hilary term, 1298; the date assigned to that document corresponds exactly with the regnal year.

To understand the real chronological difficulty, we need only consider, in bare outline, the events of this momentous half-year of Hotham's life. On or after August 22, 1297, he followed the King to Flanders. On October 9, a brief truce was arranged between Edward I and Philip le Bel; and we have excellent reason to believe that Hotham was the chief negotiator on the English side. Between October 9 and November 19, we are asked to believe that Hotham was back in London, acting as assistant judge of the Exchequer. Then, on November 23, we certainly find him in Flanders, where he negotiated a further truce at Courtrai. In December, probably, if not earlier, his consecration, with its attendant preparations and festivities, took place at Ghent. On January 31, 1298, at Tournai, he took the lead in arranging, with the French ambassadors, a lengthy truce between the belligerent Powers. Immediately afterwards, between January 23 and February 13, he is represented as sitting in the Exchequer Court of London. On February 18, he was formally despatched from Flanders as the principal envoy of Edward I to Boniface VIII.

It was physically possible for Hotham, during those six anxious months in Flanders, to have crossed the sea to England on two occasions, apparently for no other purpose than to appear as auxiliary judge in the Court of Exchequer. But the supposition that he actually did so is at variance with the leisurely habits of great prelates in those days; it is equally at variance with the slow and uncertain modes of travel then prevailing, and with the ascertained chronology of Hotham's activities in Flanders. The dates assigned to his participation in judicial business are the sole cause of trouble; if these dates could be pushed back by a single year, all chronological difficulties would disappear from this portion of his history.

### HOTHAM AS DIPLOMATIST

Soon after his arrival in Flanders, Edward I realised that his elaborate plans and preparations had disastrously failed. The formidable confederation, which was to have crushed Philip le

Bel, was now scattered and broken. Edward himself had to retire with his army behind the stout walls of Ghent, and durst not offer battle to his enemy. The French king, on his part, seemed equally unwilling to hazard his fortunes in a decisive battle. "The only dignified way of putting an end to this impossible situation lay in negotiation. Edward's faithful servant, William of Hotham, the Dominican friar whom the pope had appointed Archbishop of Dublin, was in the English camp. Hotham, who had enjoyed Philip's personal friendship while teaching in the Paris schools,<sup>1</sup> was an acceptable mediator between the two kings."<sup>2</sup> A short truce was signed at "*Fines Seint Banoun sur le Lys, le jour de la Feste Seint Denys*"<sup>3</sup>—that is, on October 9, 1297. No names of ambassadors are mentioned in the text of this agreement; but we may take it as tolerably certain that Hotham was the leading diplomatist on the English side.

On November 23, the envoys of the opposing Powers met near Courtrai to discuss fresh terms of peace. By a document signed the same morning, King Edward had given his representatives power to prolong the existing truce. The French plenipotentiaries on this occasion were the Bishops of Amiens and Auxerre, the Count of Bretagne, the Count of St. Pol, and Raoul de Clermont, Constable of France. The plenipotentiaries on the English side were Archbishop William Hotham, Bishop Anthony Bek, the Count of Savoy, Aymar de Valence, and Otho de Grandison. Several conferences had been held between the envoys, prior to the signing of this temporary agreement. The truce was promulgated by both groups of envoys on the same day,<sup>4</sup> with an alacrity which suggests that both sides were equally anxious for the prolongation of peace. Finally, on January 31, 1298, a further truce between the two Kings, their allies being included as usual, was signed at Tournai. Hotham again took the lead in treating with the French ambassadors; and peace was guaranteed on both sides until January 6, 1300.<sup>5</sup>

<sup>1</sup> I have already shown that Philip was only a boy of fourteen, at most, when Hotham quitted the Paris schools. Philip was born in 1268, and Hotham's long residence in Paris closed in 1282, if not earlier.

<sup>2</sup> Prof. Tout, *Political History of England*, p. 211.

<sup>3</sup> Rymer, *Foedera*, 1727 ed., II. 795-796.

<sup>4</sup> *Ibid.* (1727), II. 799-802. The French envoys say: "Nous, plusours traitiz eus par plusours foitz, ovesque les gentz du dit Roi d'Angleterre, c'estassavoir mon Seigneur Guillaume Archevesque de Divlyn, mon Seigneur Antoine Evesque de Dureisme, Mon Seigneur Amez Conte de Sauvoie, Mon Seigneur Haymart de Valence, and mon Seigneur Othes de Graunçon, Chivalers (envoiez specialment a ceo depar le devantdit Roi d'Angleterre)."—Rymer, II. 799.

<sup>5</sup> *Ibid.* II. 804-807.



## THE EMBASSY TO ROME

Peace being thus secured for practically two years, the belligerents wisely agreed to end their quarrel by arbitration. All questions in dispute were to be referred to the judgment of Boniface VIII, "not as Pope, but as a private person, as Benedict Gaetano." This last stipulation originated with Philip le Bel, who was destined to play so sinister a part in the closing tragedy of the Pontiff's life. The very submissive letter addressed by King Edward to Pope Boniface, on this occasion, contains no hint of any such arbitrary limitation. In the day of his adversity, the English monarch had, perhaps, the grace to feel that nothing could be gained by adopting an overbearing attitude towards the Holy See.

Pope Boniface had done all that a Pontiff could well do towards securing a peaceful solution of this regrettable conflict. In 1295, while hostilities were still in their earlier stages, he had sent two of the leading Cardinals to France and England, in the hope of promoting a friendly settlement. That hope had been frustrated, partly by the haughty self-confidence of Edward I, but chiefly by the stubbornness of his worthless German ally. Events soon proved to King Edward that his German alliance was but a broken reed. Three days after Edward's sailing on his Flanders expedition, Pope Boniface again dispatched an embassy to proffer his mediation. The papal ambassadors were John de Murro, General of the Franciscans, and the saintly Nicholas Boccasino, then General of the Dominicans, soon to be elected Pope, and raised to the altars of the Church in our own time under the title of B. Benedict XI. Their letters of credence were dated Orvieto, August 25, 1297.<sup>1</sup>

At Creil, near Senlis, the legates met with a chilling reception from that ruthless and unprincipled monarch, Philip le Bel. Before allowing their credentials to be read, he proclaimed "that the government of the realm belonged to the king alone; that he acknowledged no superior; that he was not subject to any living man, in temporal affairs." He absolutely declined to accept the arbitration of Boniface VIII as Pope; but he was willing that the Pope, as a private individual, should adjust the differences between France and England. Having gained this ungracious and grudging concession, the legates proceeded on their mission of peace to Flanders, where they arrived on the feast of Holy Innocents, December 28, 1297.<sup>2</sup> The mild and conciliatory manner of the Dominican General may well have

<sup>1</sup> Rymer, *Foedera*, II. 791, 792.

<sup>2</sup> Mortier, *Histoire des Maîtres Généraux*, II. 348, 349; Palmer, *Anglia Dom.*, A, 109-112.

exercised a beneficent influence on the subsequent course of events.

A month after the legates' arrival, the truce of Tournai was signed and the mediation of Pope Boniface was accepted. Both Kings dispatched their ambassadors to Rome; and Hotham—who must have had numerous interviews with the Dominican General in Flanders—was again chosen as chief envoy. His companions were the Bishop of Durham, the Bishop of Winchester (John of Pontoise), the Count of Savoy, Otho de Grandison and Hugh de Vere. Their formal commission was signed at Ghent on February 18, 1298.<sup>1</sup>

In connexion with this truce of Tournai, Hemingburgh tells a story of Hotham, which may or may not be well founded. Hemingburgh is the original authority for the oft-repeated statement that Hotham had become very friendly with Philip le Bel in years gone by, when the English Dominican was a famous professor in Paris. The present anecdote seems to be inexact in several particulars; but I translate it as it stands:

"Among the numerous magnates who accompanied our King was that discreet man, Brother William de Hotham, Elect of Dunblane (*sic*), who had gained the acquaintance and familiar friendship of the King of France, and of the magnates of his realm, during the many years which he (Hotham) had spent in Paris as a distinguished professor of theology. He belonged to the Order of Preachers, and was an Englishman by birth. Sending word to the King of France, he feigned to be a pilgrim in his territory, and said he wished to travel to the Apostolic See, by reason of his promotion to the see of Dun-

<sup>1</sup> "Sanctissimo in Christo Patri, Domino B. divina providentia, Sanctae Romanae ac Universalis Ecclesiae summo Pontifici: Edwardus, eadem gratia, Rex Angliae, etc., devota pedum oscula beatorum. Consideratione sollicita nunc et alias attendentes, quod nil melius dissidentium filiorum corda sedabit, quam paterni providentia studii vigilans assidue circa illos; juxta preces et exhortationes vestras, nobis nuper directas, super discordiis atque guerris (inter Regem Franciae et nos dudum exortis) magnificae vestrae circumspectionis industria mediante sedandis, Venerabiles in Christo Patres, W. Archiepiscopum Dublinensem, A. Episcopum Dunelmensem; et Nobiles Viros A. Comitem Sabaudiae, consanguineum nostrum; Ottonem de Grandissono et Hugonem de Veer, Milites; exhibitores praesentium, pacis et concordiae zelatores, super praedicto negotio plene informatos, ad vestram praesentiam duximus destinandos. Quibus, una cum venerabili Patre J. Wintoniensi Episcopo, plenam super praemissis commissimus potestatem, Sanctitati vestrae devotis precibus supplicantes, quatinus eosdem Nuncios nostros benigne, de clementia solita, admittentes, ea sollicitudini promptiori circa commissi sibi negotia coram vestra beatitudine prosequenda; opportunum et salubre remedium dignemini adhiberi, quo maturiorem expeditionem exigunt et requirunt. Conservet vos Altissimus ad regimen Ecclesiae suae, per tempora prospera et longaeva. Datum apud Gandavum, 18 die Februarii, anno Domini 1297."—Rymer, *Foedera*, II, 808. In the modern reckoning, of course, the year is 1298. Similar letters of credence were addressed to the Cardinals—Ibid. II, 809.



blane (*sic*). He asked for letters of safe-conduct from the King, that he might safely appear before him and speak with him in peace. These being readily granted, he went to the presence of the King, and spoke to him words of peace—for he was a man of great heart and eloquence. He thus gained what he desired, namely that peaceful and prudent men should be sent from both sides, to meet at a certain place and time, and to arrange for a lasting peace, or at least for a truce. In effect, it was so done. The magnates of both kingdoms held various discussions and many conferences at different places during four days; finally, on the fifth day, they met at Tournai. On behalf of the King of France, there were present the Duke of Burgundy, the Count of St. Pol, the Count of Bretagne, the Sire de Nele, the Bishop of Auxerre, and many others. On behalf of the English king, there was the Bishop of Durham, with a great many more. These, having God before their eyes, like children of true light and peace, agreed upon certain preliminaries. A two years' truce was proclaimed, from the Epiphany of that year until the same festival two years later. Prisoners on both sides should be released, on condition that, if the truce were not followed by an abiding peace, they should be given back into custody, or at least that a pecuniary pledge should be forfeited. With their own consent, both Kings were bound by their envoys to submit themselves in all things to the judgment of Pope Boniface, who should hear and decide the questions in dispute, and thus bring the controversy to a proper end."<sup>1</sup>

### FAVOURS AND GRACES

On the eve of Hotham's departure for Rome, a sheaf of royal letters conferred sundry privileges and immunities on himself and his suite. Thus, on February 20, "the King commands John de Langelon, the chancellor, to cause W[illiam] Archbishop of Dublin (about to proceed on the King's affairs to the court of Rome) to have letters of protection for one year." On the following day, three grants were issued in his favour. Curiously enough, "letters of protection for 2 years" were signed on behalf of William, Archbishop of Dublin, "going to foreign parts by the King's order." Moreover, Archbishop William was empowered to appoint John de Hothum and Henry de Cumptone as his attorneys in Ireland for a period of two years. Further letters granted "respite, during pleasure, for W[illiam] Archbishop of Dublin (about to depart on the King's service by the King's order for the court of Rome) of all debts which he owes to the King at the Exchequer of Dublin.—

<sup>1</sup> Walteri Hemingford, *Historia Edwardi Primi*, ed. Hearn, I. 148, 149.

Mandate accordingly to the Treasurer and Barons of the Exchequer, Dublin."<sup>1</sup>

On February 24, several grants were issued in favour of various members of Hotham's suite. Roger de Marisco, going to Rome with William, Archbishop of Dublin, received power to appoint George de Acre as his attorney in Ireland for two years. Letters of protection for one year were granted to Andrew of St. Alban's, going to Rome on affairs of the Archbishop of Dublin. Similar letters for two years were signed on behalf of John de Hothum, parson of Marksbury, going to Rome with William, Archbishop of Dublin, by the King's order. Further letters of like tenor were granted to Richard de Ludham, Robert de Ousthorp, William Dalton, Roger de Marisco, Nicholas de Audeby, Peter de Hothum, and John de Ousthorp, going to Rome with the Archbishop of Dublin.<sup>2</sup>

On February 26, orders were given that Archbishop Hotham's corn should be kept safe until his return: "The King to John Wogan, Justiciary of Ireland, and the Treasurer and Barons of the Exchequer, Dublin. In order to provide for the indemnity of W[illiam] Archbishop of Dublin (who is about to depart for the court of Rome on the King's service by the King's order) the King commands that nothing be taken from the Archbishop's corn against his will, on pretext of the King's order to transmit corn and victuals into Wales and Scotland, but that the Archbishop be permitted to enjoy his corn and other chattels, and to make his profit thereout as he may deem expedient."<sup>3</sup>

While Hotham was on his way to Rome, his name was mentioned (March 24) in connexion with the royal chapel of Penkridge, of which he was ex-officio Dean: "Whereas on March 17 a. r. 26 [1298], the King had given to the free chapel of St. Michael of Penrith and to W[illiam] Archbishop of Dublin, dean thereof, a messuage, vill, and one virgate of land in Penrith (which formerly belonged to William de la More, and which the King had recovered by judgment against him before the justices itinerant in co. of Stafford) the King commands the Treasurer and Barons of the Exchequer to exonerate from the above day Master John de Caen, from payment of a yearly sum of 40s. thereout, for which sum the King had committed the messuage, vill, and land to him during pleasure."<sup>4</sup>

More than two years had now elapsed since Hotham's promotion to Dublin. In view of his continued absence from the see, and of the peculiar manner of his appointment, he may have dreaded some opposition from the clergy of Dublin. One of his first acts in Rome was to procure a mandate from the Holy See (June 17, 1298) to the chapters of Christ Church and

<sup>1</sup> *Calendar of State Papers, Ireland, 1293-1301*, pp. 227, 230, 231.

<sup>2</sup> *Ibid.* pp. 227, 228. <sup>3</sup> *Ibid.* pp. 231, 232. <sup>4</sup> *Ibid.* p. 232.



St. Patrick's, ordering them to receive him dutifully as their lawful pastor. This mandate, identical in substance with the original brief of his appointment, is thus summarised: "Mandate to the Augustinian prior and convent of Holy Trinity, and the dean and chapter of St. Patrick's, Dublin, on the appointment of William, prior provincial of the Friars Preachers in England ordering the said bodies to receive him as their pastor, and to render him due obedience."<sup>1</sup>

### THE POPE'S AWARD

Three days earlier (June 14, 1298), Hotham and his colleagues had drawn up and presented a formal document, in which they agreed, in the name of the English king, to accept the arbitration of Boniface VIII as a private person.<sup>2</sup> On June 30, they declined to accept the Pope as arbiter, save by consent of the Counts of Flanders and Berry and of the Burgundian nobles. This consent was immediately given;<sup>3</sup> whereupon, the Pope announced his award, which had been drafted three days previously.

This award was promulgated, apparently on June 30, in presence of a brilliant assembly. Its terms are thus epitomised in the *Calendar of Papal Registers*:

"To Philip IV and Edward I. Exemplification of the arbitration made by the Pope, assisted by Benedict Gaetano,<sup>4</sup> dated 27 June, 1298, laying down the terms of peace to be made between them. The chief points in order to a perpetual peace, and the observance of the recent truce, are: the marriage of the King of England to Margaret, sister of Philip, with a dower of 15,000 pounds of Tours, and of Isabella, Philip's daughter, now under seven years, to Prince Edward, now thirteen years of age, with a dower of 18,000 pounds of Tours; restitution of damage done before the present war, and the holding by Edward of the possessions in France assigned to him by the recent agreements, on terms to be fixed by the Pope, so that no new right shall accrue to either party; this arbitration was made in public consistory, in the presence of fifteen Cardinals, five papal notaries, two members of the Orsini family, and others named."<sup>5</sup>

<sup>1</sup> *Calendar of Papal Registers*, I. 576; cf. Theiner, *Vetera Monumenta*, 160, 161.

<sup>2</sup> Rymer, *Foedera*, 1727 ed., II. 823, 824.

<sup>3</sup> *Ibid.*, II. 818, 819.

<sup>4</sup> This misleading and ludicrous mistake occurs twice in the *Calendar*. Benedict Gaetano was the name of Pope Boniface VIII before his elevation. The award was made by the Pope as a private individual; hence he repeatedly speaks of himself as Benedict Gaetano.

<sup>5</sup> *Calendar of Papal Registers*, I. 579. For the full text of this award see Rymer, II. 819-822.

To the same date—June 30, 1298—we may ascribe three other documents intimately connected with this award :

“Annulment of the convention made between Edward I and Guy, Count of Flanders, that Prince Edward should marry the Count's eldest or second daughter.

“The Pope accepts the office of arbiter between the Kings of France and England, and grants letters in testimony [thereof] to the King of England's envoys and proctors ; the parties to the dispute submit to the Pope as arbiter, and are bound by him, as set forth in these letters, in regard to the composition made between the King of England and the Counts of Flanders and of Berry, together with other Burgundian nobles, not to make peace with the King of France. The King's proctors who appeared before the Pope, William, Archbishop of Dublin, John, Bishop of Winchester, Amadeus, Count of Savoy, Odo de Grandison and Hugh de Ver, Knights, at first refused to submit to arbitration without the consent of the said counts and nobles ; on the part of the King of France, his eldest son Robert, Philip of Flanders and John of Namur, sons of the Count of Flanders, Henry, Count of Berry, and Walter de Montfaucon, Knight, were ready, if the other side consented, to submit the dispute to the arbitration of the Pope, assisted by Benedict Gaetano [*recte*, as Benedict Gaetano], on which the King of England's proctors agreed to do so.

“The like in regard to the compact between Adolphus, King of the Romans, and Edward I, against consenting to make peace with Philip IV ; the Pope directs that the consent of Edward's proctors to submit to arbitration shall hold good, notwithstanding the absence and non-consent of Adolphus.”<sup>1</sup>

In his rapid narrative of these events, Professor Tout writes : “Both Kings dispatched their envoys to Rome, where, with marvellous celerity, Boniface issued, on June 30, 1298, a preliminary award. It suggested the possibility of a settlement on the basis of each belligerent retaining the possessions which he had held at the beginning of the struggle, and entering into an alliance strengthened by a double marriage. Edward was to marry the French king's sister Margaret, while Edward of Carnarvon was to be betrothed to Philip's infant daughter Isabella. The latter match involved the repudiation of the betrothal of Edward of Carnarvon with the daughter of the Count of Flanders. But all through the award there was no mention of the allies of either party. Boniface was too eager

<sup>1</sup> *Calendar of Papal Registers*, I. 579. These three documents appear in the Calendar under the inexplicable date of 2 Id. July, that is, July 14. One of them, as we know from Rymer (II. 818, 819) certainly bears, as its true date, 2 Kal. July, that is, June 30. There can be little doubt that the date of all three documents is June 30, and that 2 Id. July is a misreading for 2 Kal. July.



for peace to be over scrupulous as to the honourable obligations of the two Kings who sought his mediation." <sup>1</sup>

This version of events is distinctly unfair to Boniface VIII, who was not only a lover of peace but the greatest jurist of his age. In the first place, the Pope's judgment was not simply "a preliminary award," suggesting "the possibility of a settlement." It was a final, decisive award; it suggested, not the possibility of a settlement, but the immediate probability of an alliance, between the warring monarchs. This is abundantly clear from the documents in Rymer; and Rymer himself entitles the Pope's award, *Bulla Bonifacii super finali pronuntiatione et arbitrato*.<sup>2</sup> The English king, for one, had bound himself in advance, under penalty of an enormous fine and of the forfeiture of his kingdom, to abide by the Pope's decision. The very phraseology of the Pope's award shows clearly that it was meant to be, not a mere series of suggestions, but the binding sentence of a chosen arbiter. If anything were wanting to prove the finality of the Pope's decision we might add that it created a state of peace between France and England; that Edward I married Margaret of France; and that, in due course, Edward II married Isabella of France,—exactly as prescribed by the Pope's award.

Secondly, the annulment of the betrothal of Prince Edward with the daughter of the Count of Flanders cannot be fairly described as the repudiation of an honourable obligation. Prince Edward had first been betrothed to the eldest daughter of the Count of Flanders, but some obstacle afterwards arose—*et postmodum quia super hoc quoad dictam primogenitam certum praeestabatur obstaculum*. Thereupon, Edward I and the Count of Flanders agreed that young Edward should marry the Count's second daughter, if the aforesaid obstacle could not be removed. Neither Prince Edward nor either of the young ladies had given any consent to the espousals in question.<sup>3</sup> In point of fact, the English king's son was under thirteen years of age at the time, and his prospective brides were presumably still younger. The betrothal was simply a political affair, arranged for their own ends by the fathers of the young people—who were mere children, incapable of realising the responsibilities forced upon them by their elders. Boniface VIII was abundantly justified in annulling this informal betrothal, both on account of its informality and for the sake of a greater good, more especially as the Count of Flanders' representatives had already consented in advance to abide by the Pontiff's decision.

Thirdly, Professor Tout affirms that "all through the award

<sup>1</sup> Tout, *Political History of England*, p. 211.

<sup>2</sup> Rymer, *Foedera*, 1727 ed., II. 819.

<sup>3</sup> Ibid. II, 818, 819.

there was no mention of the allies of either party." The reason of this was sufficiently obvious: the terms of reference comprehended only such disputes as existed between the Kings of France and England. Nowhere do we find mention of any grievances alleged by the respective allies; nowhere do we find mention of any special claims pressed forward by any of these allies.

Lastly, it may be urged that King Edward lay under an honourable obligation to make no peace with Philip IV without the assent of the Count of Flanders and others, especially of the Emperor of Germany. The answer is, that the Counts of Flanders and Berry, as well as the nobles of Burgundy, were well aware of King Edward's anxiety to make peace with Philip le Bel; they offered no opposition to this policy; and when the policy in question was nearing its climax, they assented in advance to the Pontiff's award. Adolphus of Nassau, Emperor of Germany, stood on a different footing. The treaty made with him had been faithfully observed by King Edward, against his own will and to his own great loss, for three years and more, from before the middle of 1295 until quite the middle of 1298. Yet Adolphus had rendered no valuable assistance in the Flanders campaign; for nine months or more he had kept persistently in the background; and now he sulked, Achilles fashion, in his own territory, unwilling to take a frank and manly part in the negotiations. His attitude, reminiscent of the proverbial dog in the manger, was deservedly ignored; and his non-consent to the Pope's award was treated as irrelevant. Besides, by a curious coincidence, seven days before the publication of the Pope's judgment, Adolphus had been deposed by the Diet of Mainz, on June 23, 1298. He was defeated and slain by Albert I at Goelheim, or Spire, on July 2 following.<sup>1</sup>

### HOTHAM'S DEATH—HIS WRITINGS

The end of Hotham's varied and eventful career was now fast approaching. He had secured the greatest triumph of his life, an abiding peace between France and England, to be confirmed by marriage-alliances between the two reigning families. Soon after accomplishing his mission, he set out for England, doubtless to lay the fruits of his diplomatic victory at the feet of Edward I, and thence to pass to the quiet government of his Irish see. But Providence willed otherwise. Arriving in Burgundy in the month of August, he fell ill at Dijon, where he died on the vigil of St. Augustine (August 27, 1298),<sup>2</sup> to whom, as one

<sup>1</sup> Woodward and Cates, *Encyclop. of Chronology*, 1872, p. 12.

<sup>2</sup> Prof. Tout wrongly gives August 30 as the date of his demise.



writer says, he cherished a special devotion, and for whose doctrine he had, in former days, professed a genuine attachment.

His death inspired deep regret in many circles, for he was universally popular. It was felt, not by his countrymen alone but by strangers as well, that a great man had passed away. His remarkable abilities, combined with his rare qualities of mind and heart, seemed to promise a still more brilliant future. Men spoke of him as a prelate likely to be soon promoted to the Cardinalate; but it was not to be. King Edward, who must have keenly felt his loss, caused his mortal remains to be transported to London, where they were interred with the ashes of his brethren in the new church at Blackfriars, which had owed so much to his fostering care.<sup>1</sup>

Hotham was a man of extremely acute intellect, an eloquent speaker, a renowned theologian, a genial and successful ruler. Withal he was a consummate diplomatist; and, as Prof. Tout observes, "he combined attachment to Edward I and the Papacy in a very remarkable manner." As a scholastic writer he achieved no mean distinction, though his writings, like those of many another of his contemporaries, have been sadly neglected. One or two of his works may be ascribed to the eleven strenuous years which he spent as Provincial and diplomatist, but the more solid of his writings obviously date from his professorial period. In spite of recent researches, the best catalogue of his literary remains is that given by Echard:

I. *Commentarii in IV Sententiarum Libros*.—Countless commentaries on the Sentences of Peter Lombard are still preserved, and this work of Hotham's may be among them. Laurence Pignon, a French authority often cited by Echard, also mentions a treatise of Hotham's on the first book of the Sentences. This was, apparently, a distinct work; and Echard is of opinion that Pignon must have seen both the short treatise and the complete commentary.

II. *De Immediata Visione Dei Tractatus*.—This work and the following are mentioned by Pignon.

III. *De Unitate Formarum Tractatus*.—This treatise, if it be really Hotham's, was most likely written under the stress and strain of the controversy of 1284-86. It would be interesting to compare this work with Clapwell's treatise on the same topic; we could then see how far they deserved the whirling denunciations of Archbishop Peckham.

IV. *Lecturae Scholasticae*.

<sup>1</sup> "Hic Frater Guillelmus de Odone cum in Patriam rediret à Curia Legatus, Cardinalis futurus, apud Divionem Galliae, in vigilia Sancti Augustini, quem unice coluit, ex hac luce discessit, magna Ordinis ac bonorum multorum moestitiâ; cujus ossa in propria, petente etiam Anglorum Rege, delata sunt."—Sebastianus de Olmedo, ap. Quéatif-Echard, I. 460.

V. *Oratio de Jure Regis Gallice dicta et scripta*.—This, no doubt, was the discourse delivered in 1291 by Sir Roger Brabazon, of which a Latin version has been given in these pages.

The five foregoing compositions are ascribed to Hotham by John Boston of Bury, an early and accurate English bibliographer, who died in 1430. It is certain that Hotham was also the author of two further works :

VI. *In Tres Libros de Anima*.

VII. *Quaestiones Quodlibetales*.—This work, of which some account has already been given, was written at Paris in 1280, when its author had become an eminent Master of Theology in the first university of Europe.<sup>1</sup>

<sup>1</sup> Quétif-Echard, *Scriptores Ord. Praed.*, I. 460. On the Hotham family in general, *vide* Surtees Society, XXXVI. 336 ; Foster's *Yorkshire Pedigrees* ; Foster's *Visitations of Yorkshire*, 89 ; George Oliver's *History of Beverley*, 509 ; *History of Beverley*, by G. Poulson, 351 ; Dugdale's *Warwickshire*, 942.



## MARIANUS O'DONNAVER, BISHOP OF ELPHIN

THE subject of this memoir is one of the least known of our Irish Bishops. He was prevented by death from taking possession of his see; and it seems more than probable that, had he survived, he would have been excluded by lawless force from the government of his diocese. His name is commonly omitted from the succession of Elphin; yet he was elected in due form, and his election was confirmed by Pope Boniface VIII, who declared it valid and canonical. The fault of his exclusion from the long roll of Elphin's bishops—a rather excusable fault, under the circumstances—lies with the compilers of current episcopal lists, who usually had little inclination and less opportunity for comparing Irish Annals with Papal Registers and supplementing one set of records by means of the other.

Dr. Grattan Flood<sup>1</sup> is the only writer, so far as I am aware, who has unequivocally restored Marianus O'Donnaver to his rightful place in the succession of Elphin. It is true that, as far back as fifty years ago, Theiner<sup>2</sup> published a papal document which clearly and emphatically stated that O'Donnaver's election had been canonical, and as such had been confirmed by the Holy See; but while other portions of this papal letter have been extensively quoted and paraphrased, the passage relating to O'Donnaver has attracted little notice. It is also true that, some twelve years ago, Mr. Hubert Knox, while perpetrating a curious blunder, yet made mention of "the Pope's decision that Marianus had been elected."<sup>3</sup> For eccle-

<sup>1</sup> In *Irish Ecclesiastical Record*, June, 1914.

<sup>2</sup> *Vetera Monum. Hib. et Scot.*, Romae, 1864, p. 172.

<sup>3</sup> *Notes on Dioceses of Tuam, etc.*, by H. T. Knox, 1904, p. 113. Mr. Knox rightly says that William de Bermingham, the contemporary Archbishop of Tuam, "was always engaged in a quarrel with some one. In 1303 the Dean of Annaghdown was in Rome making complaints of his conduct. One was that William, for a bribe, appointed Malachy (O'Dondobuir) to be Bishop of Elphin, in spite of the Pope's decision that Marianus had been elected, and when Marianus died before taking possession, let Malachy take possession forcibly." All this is quite correct, save for a strange error of nomenclature. The two candidates were Malachy MacBrien and Marianus O'Dondobuir or O'Donnaver. The intruder was Malachy MacBrien, whom Mr. Knox robs of his surname,

siastics and laymen of the thirteenth century such a decision was final; it might be disobeyed for a time by corrupt and self-seeking men, but the right of the Holy See to determine such matters in the last resort was never questioned.

Of O'Donnaveer's early history nothing is known. That he was a Dominican is certain; he is expressly mentioned as such in the *Annals of Ulster* and in those of the Four Masters. It seems fairly probable that he belonged either to the Priory of Sligo or to that of Roscommon, both of which lay within the confines of the diocese of Elphin. It appears rather likely that he was one of the Dominicans of Roscommon Priory, which had probably been the home of another Dominican prelate, Maurice MacNeill O'Connor, who had ruled over the diocese for nearly twenty years, dying in 1284. Memories of Bishop O'Connor's beneficent rule may have blended with appreciation of O'Donnaveer's good qualities in the minds of the Canons, and thus inclined them to select the latter as their bishop. That O'Donnaveer was their first choice seems abundantly certain; that their election of him was regular and valid we know from the express decision of the Holy See.

Bishop Maurice O'Connor's successor was another member of the influential O'Connor family; Gilla-Isa Mac-an-Liathanaigh was the name by which he was generally known, his devout Christian name being rather inappropriately latinized as Gelasius. Bishop Gilla-Isa had been Abbot of the famous Premonstratensian monastery of Trinity Island in Loch Cé. He died in 1296, on April 11, "twenty nights before May-day," as the *Annals of Loch Cé*, peculiarly well-informed in such affairs, take pains to inform us.

Five months elapsed before Edward I issued his *congé d'élire* from Berwick-on-Tweed, where he was engaged in a temporarily successful assault on the liberties of Scotland. The document is dated September 10, 1296, and is thus summarised:

"Power to John Wogan, Justiciary of Ireland, to grant letters of licence to elect, directed to the Dean and Chapter of the Church of Elphin, to Trinotus Othomelty and Denys de Roscoman, canons thereof (who came to the King with news of the death of Gelasius, their late bishop) but without the letters patent sealed with the seal of the Chapter: and he is to give the royal assent to the election when made, and after confirmation thereof by the diocesan, to restore the temporalities to the person elected, after taking his fealty."<sup>1</sup>

The failure of the two Canons to provide themselves with

giving him instead the surname of his successful rival. Eubel, the distinguished German writer, is guilty of a somewhat similar error. Knowing that Marianus was the rightful Bishop, he inserts him in the succession as Malachy (Marianus) MacBrien! (*Hierarchia Catholica*, 12. 237.)

<sup>1</sup> *Calendar of Patent Rolls*, Edw. I, 1292-1301, p. 200.



proper credentials may have been simply due to inadvertence, or to a lack of acquaintance with the formalities prescribed by English law and custom. On the other hand, in the light of subsequent events, the Canons' action may be taken as evidence of an intrigue. It is quite possible that these Canons may have gone to England at the instigation of the Archbishop of Tuam and the Abbot of Boyle, ostensibly to procure the *cong   d'  lire*, but really to gain the support of Edward I and his Justiciary for the candidature of the Abbot of Boyle—and we know that such support was eventually given. It is also quite possible that the *major et sanior pars* of the Chapter of Elphin, knowing or suspecting that this intrigue was on foot, may have declined to grant the usual credentials to the Canons on their departure.

Be this as it may, the election was held in due course, doubtless in the first or second week of October, 1296; and the annalists are unanimous in assuring us that Marianus O'Donnaver was the person first elected. The *Four Masters* and the *Annals of Ulster* state, somewhat loosely, that Abbot MacBrien was also "elected" at a later time; but the *Annals of Loch C  *, compiled close at hand, are careful to use a more circumspect expression. It will conduce to clearness if we place the meagre entries of the annalists side by side, for purposes of comparison:

1297. "Melaghlin Mac Brian, Abbot of Boyle, was elected to the bishopric of Elphin; and Marian O'Donnaver, a friar of the order of St. Dominic, who had been elected [to the same see] before Melaghlin, repaired both to Rome, where Melaghlin died" (*Four Masters*, Dr. O'Donovan's translation).

1297. "Malachy Mac Brien, abbot of Boyle, was elected to the see of Elphin, and Marian O'Donnabair, a friar of the order of St. Dominick was also elected, and they both having gone to Rome, Malachy died" (*Four Masters*, Owen Connellan's translation).

1293, *recte* 1297. "Mael-Sechlainn Mac Briain, abbot of the Buill, was elected to the bishopric of Oilfinn, and Marian O'Dondobuir, a Friar Preacher, was elected before him and went to Rome to maintain [his election to] the same bishopric, and died on that journey" (*Annals of Ulster*, Dr. B. MacCarthy's translation).

1297. "Maelsechlainn Mac Briain, i.e., the abbot of the Buill, assumed the bishopric of Oilfinn; and Marian O'Donnabhair was elected previously, and went to Rome to contest the bishopric, and died on that journey" (*Annals of Loch C  *, W. M. Hennessy's translation).

A strong family resemblance runs through all these entries, yet on close perusal we find serious discrepancies and palpable errors. The *Four Masters* are obviously mistaken in stating

that MacBrien died in 1297. The mistake may be exposed, without further ado, from their own pages, for under date 1303 they inform us that "Melaghlin Mac Brian, Bishop of Elphin, died." On their own showing, therefore, the assertion that Mac Brien died in 1297 is false, and we know it to be false on a variety of other grounds. Again, it is incorrect to state, as the Four Masters do, that O'Donnaveir and MacBrien "repaired both to Rome"; MacBrien in reality remained at home. The erroneous statement of the Four Masters is based on a faulty manuscript of the *Annals of Ulster*; it is contradicted, not only by the careful compilers of the *Annals of Loch Cé*, but also by the genuine text of the *Annals of Ulster*, as edited by Dr. MacCarthy.<sup>1</sup> Owen Connellan's version not only reproduces this twofold error of the Four Masters, but also suppresses their positive affirmation that O'Donnaveir was elected before MacBrien. Eliminating these mistakes, we reach a solid substratum of fact. It is clear that O'Donnaveir was a Dominican; that he was the first choice of the Chapter; that he alone repaired to Rome, and died on the journey.<sup>2</sup>

In the thirteenth century and for many generations later, a journey from Ireland to Rome was an arduous enterprise. To an aged or infirm ecclesiastic it must have proved toilsome and exhausting in the extreme. In O'Donnaveir's case, the ordinary fatigues of the journey were intensified by anxieties and cares, for he well knew that intrigues and opposition were being fomented by powerful adversaries at home. The Archbishop of Tuam and the Abbot of Boyle were leagued against him; moreover, they had gained the support and influence of the English Crown. O'Donnaveir must have felt himself weak and helpless indeed, in face of so powerful a combination. But he trusted in the justice of his cause; he was ready to submit his affairs to the judgment of the Vicar of Christ.

### ARCHBISHOP BIRMINGHAM—HIS CHARACTER

The Archbishop of Tuam was determined, with all the obstinacy of an Anglo-Norman prelate, on securing the appointment of Abbot MacBrien to the see of Elphin. For this reason he had declined to confirm O'Donnaveir's election, and had

<sup>1</sup> Compare O'Donovan's remark (*Four Masters*, I. 467, 468) with Dr. MacCarthy's comment thereon (*Annals of Ulster*, II. 390, 391).

<sup>2</sup> Rev. Patrick Woulfe, C.C., Kilmallock, our best authority on Irish surnames, informs me that "the surname Ó Donnabáir is still extant. It was anglicised o Downever, o Donowre, and o Donnor in the Fiants of Elizabeth, and is now represented by Dooner, Dunner, and Donor. We had a priest of the name in this diocese, who died a few years ago, the Very Rev. Michael Donor, P.P., V.F., Shanagolden." O'Dondobuir is merely a variant of the name.



thrown all his influence into the scale in favour of MacBrien. The broad outlines of this Archbishop's career and character must be borne in mind, else we shall scarcely arrive at a right understanding of certain documents to be presently cited.

William de Bermingham, Archbishop of Tuam, was a younger son of Miler (or Milo) de Bermingham, lord of Athenry, from whom, apparently, the eastern and western branches of that once renowned family were descended. Miler de Bermingham was not only lord of Athenry, he was also lord of Carbury in Kildare, of Dunmore, and of other great territories. He had founded and liberally endowed the Dominican Priory of Athenry in 1241; his daughter Basilia, wife of Jordan de Exeter, may fairly be regarded as co-foundress of the Dominican Priory of Strade, where the ashes of Michael Davitt now repose.

Archbishop William Bermingham was a near relative, probably the uncle, of that Piers Bermingham who is branded in Irish history as "the treacherous baron," by reason of his complicity in the cold-blooded murder of the three O'Connors, princes of Offaly, together with some thirty Irish chiefs, who were his guests at Castle-Carbury in 1305. Archbishop William was also the kinsman of that Sir John Bermingham who became commander-in-chief of the English forces in Ireland, and was rewarded with the title of Earl of Louth after his decisive victory over Edward Bruce at Faughart in 1318.

Archbishop Bermingham, though doubtless a man of good parts, affords in his own person a remarkable example of the grasping tendencies of Anglo-Norman adventurers in Ireland. That the Anglo-Norman families could give ample proofs of generosity is undeniable; successive generations of Bermingham's own family were liberal and open-handed benefactors of the Dominicans of Athenry. On the whole, however, the munificence of the Anglo-Normans was more than counterbalanced by their insatiable greed of wealth and power. They clutched eagerly at every prize available, whether in Church or State; they were far from scrupulous as to the means of securing the coveted treasure. Thus it fell out that William de Bermingham, though the son of a powerful and opulent baron, was destined for the Church from his earliest years, presumably that he might annex its emoluments for the benefit of his family. This may seem an uncharitable assumption, but it is amply justified by the subsequent events of his career.

While still a boy of eleven William was appointed rector of the church of Knockgraffan, in Tipperary (diocese of Cashel), with cure of souls. Before he was twenty-three years old he had received an additional appointment to the rectory of Moydrisce, in Killaloe diocese, also with cure of souls. Later on, in defiance of the stringent canons enacted by the General Council

of Lyons in 1274 against absentees and pluralists,<sup>1</sup> he procured his own appointment to three fresh parishes, in addition to those he already held. These were the parishes of Athenry, Castleconor, and Tynachtin (Kilcolman), in the dioceses of Tuam and Killala, all with cure of souls. Though not yet a priest, nor even a deacon, he held the pastorate, and drew the revenues of five different parishes<sup>2</sup> in four separate dioceses. On his elevation to the see of Tuam in 1289, he had held all these benefices, except one, during many years; he had held them in open violation of Canon Law; he had held them without even the colourable excuse of a papal dispensation. His conduct had been simply lawless; and such conduct, generalised into a system, could lead only to lamentable results. Worthy priests, who had laboured long in the ministry, saw some of the best parishes of their diocese filched away by dilettante idlers, who had not even the merit of being priests, and who were often mere externs and absentees. The people found themselves abandoned by their titular pastors, who were little more than laymen, and were intent chiefly on appropriating the revenues of the parish; the spiritual wants of the parishioners were supplied by curates, who were often ill-paid, and whom a contemporary council stigmatises, at least in some cases, as "mercénaries."<sup>3</sup> When pluralism became rampant in Ireland through the introduction of Anglo-Norman customs, especially in the thirteenth, fourteenth, and fifteenth centuries, the only wonder was that the people preserved the faith at all.

It is not too much to say, therefore, that at the time of his appointment to the see of Tuam in 1289, William de Bermingham was a confirmed and rapacious pluralist. Nowadays an ecclesiastic of his type would be visited with the severest penalties of Canon Law, but in the thirteenth century it was not so. All his transgressions were condoned, and he was appointed to the highest ecclesiastical dignity in the province of Connacht. It is not surprising that he soon became the most lawless and turbulent prelate in the Ireland of his time.<sup>4</sup>

<sup>1</sup> See canons 13, 14, and 18 in Hefele-Leclercq, *Hist. des Conciles*, tome vi, première partie, pp. 193-197.

<sup>2</sup> In extenuation of these irregularities he assured Nicholas IV, in 1289, that he had as yet derived no profit from the benefice of Tynachtin, to which he had been promoted eleven months previously.

<sup>3</sup> Hefele-Leclercq, *ibid.* p. 223.

<sup>4</sup> Bermingham's record as a pluralist is set forth in a lengthy papal document in Theiner, p. 143. His election to Tuam was the result of a compromise. The Canons of the Archdiocese, unable to agree among themselves, deputed seven of their number to elect a suitable candidate. The seven deputies were John Major and Concord of Mayo, Archdeacons; John de Alatro, Precentor of Tuam; Nicholas de Hyndeberg, Treasurer of the Chapter; Thomas de Wacford, Chancellor of Tuam; Alan de Wells and Nicholas de Guarcino, Canons of the archdiocese. The names of



Boniface VIII penned a terrific indictment of Archbishop Bermingham's conduct, on July 20, 1303. The document begins, in a tone of just indignation, by stating that it is the duty of the Sovereign Pontiff to reform the morals of the clergy, and to keep a particularly vigilant eye on the nefarious acts of prelates. The misdeeds of such dignitaries, as the Pontiff points out, are specially deserving of condemnation, inasmuch as they give rise to evils of exceptional gravity, and set a pernicious example to others. Pope Boniface then proceeds to narrate how his beloved son Denis, Dean of Annadown, has come in person to the Holy See and has complained that the venerable Archbishop of Tuam—"if he, forsooth, deserves the title of *venerable*, who is seduced by blind cupidity," adds the indignant Pontiff—has betrayed an overmastering desire to seize upon the revenues of the diocese of Annadown. For this reason the Archbishop has arbitrarily and unrighteously taken possession of that diocese and its property, and still presumptuously holds them. In order to retain the see and its revenues in his possession, he uses all manner of arts and devices to prevent the appointment of a new bishop, and has succeeded in doing so for a long time past. For instance, when John de Uffort, Archdeacon of Annadown, was elected bishop of that see in the reign of Pope Alexander IV<sup>1</sup> [who died on

these ecclesiastics are a revelation of the strength which the foreign element had attained, even at this early period. These men, as a matter of course, chose an ecclesiastic whom they regarded as an Englishman; their choice fell upon William de Bermingham (Theiner, 142). Knox, in his *History of Mayo*, 1908, p. 92, briefly describes Archbishop Bermingham as "a turbulent man, who quarrelled with his clergy." For an account of Archbishop William and of his kinsman, the first Earl of Louth, see Dr. P. W. Joyce's articles in the *Dictionary of National Biography*, IV. pp. 372-3, 371-2. The benefactions of the Berminghams to the Dominicans of Athenry are set forth in O'Heyne-Coleman, *Irish Dominicans*, appendix, 79-81, and more fully in the *Register of the Friars Preachers of Athenry*, printed in the *Archivium Hibernicum*, I. 201-221. Valuable as this latter compilation is, there are gaps in its genealogical data. For instance, it seems clear that Myler de Bermingham, second lord of Athenry, and founder of Athenry Priory, was succeeded by his eldest son Piers, who died in 1254 (*Annals of Loch Cé*, I. 405). This Piers was succeeded by his son and namesake Piers, "the treacherous baron," who was the prime author of the massacre of Castle-*Carbury*, and is complacently described in Grace's *Annals* as "*nobilis Hibernorum domator*—the noble tamer of the Irish" (Grace's *Annals*, 1842 edit., p. 50). For the massacre of Castle-*Carbury*, see *Annals of the Four Masters*, ad an. 1305; there is a good account in Haverty's *History of Ireland*, under same year. The *Register of the Friars Preachers of Athenry* fails to note the distinction between the first Piers Bermingham and his treacherous son, who met his death in 1308. The documents from Theiner regarding Archbishop Bermingham are summarised in the *Calendar of Papal Registers*, I. 498, 610.

<sup>1</sup> Theiner reads "M. pape IIII predecessoris nostri." This must be a scribal error for "N. pape IIII." Pope Martin IV was elected February 22, 1281; he died March 28, 1285; several years before

April 4, 1292, thirteen years before the date of these complaints], Archbishop Bermingham promoted the bishop-elect to the post of Archdeacon of Tuam, in order to restrain him from enforcing his claim to the see of Annadown; and this was done at the very time when the question of John's election was under consideration by the Holy See. As a result of this proceeding, John resigned his claim, and the see remained without a pastor.

Moreover, the said Archbishop of Tuam has constrained all the parish priests<sup>1</sup> and canons of the diocese of Annadown to resign their dignities, parishes, canonries, prebends, and benefices into his own hands; and because the Dean of Annadown, who is also a Canon of the diocese, refused to resign as ordered, he was deprived of his deanery, together with his canonry and prebend, which were seized by the Archbishop, who has since pocketed their revenues. The same Archbishop has arbitrarily and illegally joined the Archdeaconry of Annadown to that of Tuam. Moreover, in the Franciscan Convent of Clare-Galway, diocese of Annadown, there was deposited for safe keeping a chest of copper belonging to the diocese, wherein were preserved the episcopal mitre, sandals, crozier, ring, and *liber pontificalis*, together with papal letters and indults, and other valuables appertaining to the see of Annadown. The Archbishop of Tuam caused this chest to be broken open and all its contents rifled and carried away; some of these he ordered to be torn up, and others to be burned. In like manner the same Archbishop seized upon the bishopric of Mayo with all its revenues, and has detained them ever since.<sup>2</sup>

This brings us to the passage which throws a flood of light upon the whole Elphin controversy, and upon the respective parts played by Marianus O'Donnaveer and his opponents. The facts are thus recited by Pope Boniface, following the testimony of the Dean of Annadown: On a former occasion [nine years earlier, to be more definite], Brother Marianus was canonically elected to the bishopric of Elphin, but the Archbishop of Tuam refused to confirm the election, whereupon Marianus appealed to the Holy See, by which august tribunal his election was confirmed. Then the aforesaid Archbishop of Tuam, well knowing that O'Donnaveer's election had been confirmed by the Sovereign Pontiff, had the temerity to appoint, or rather intrude, a simoniacal candidate of his own into the

Bermingham was in a position to interfere in the affairs of Annadown. John de Uffort must have been elected to the see of Annadown in the time of Nicholas IV, whose pontificate extended from February 15, 1288, to April 4, 1292. To Pope Nicholas belongs the dubious honour of ratifying Bermingham's election to Tuam in 1289.

<sup>1</sup> "Parsons" (personas) was the term used in Catholic times; it is now restricted to a very different class of incumbents.

<sup>2</sup> Theiner, 171, 172; *Calendar of Papal Registers*, I, 610.



diocese of Elphin, in open contempt of the authority of the Holy See. This candidate was Malachy, formerly Abbot of Boyle, who now poses as Bishop of Elphin, and who purchased the support of the Archbishop by paying him a certain sum of money. Before Marianus, the rightful Elect of Elphin, could reach his diocese—which he never lived to enter—Abbot Malachy had assumed the bishopric and has held it ever since.<sup>1</sup>

Before discussing the critical value of this testimony, it will be worth while to consider the remaining counts in the indictment drawn up against Archbishop Bermingham. That prelate, it seems, fell under sentence of major excommunication for certain misdemeanours; and while thus excommunicated he is reported to have taken part in sacred functions, as though he were a bishop in good standing in the Church. Moreover, he has taken the highly un-episcopal course of "throwing in his lot with malefactors"; slayers of clerics and other offenders, stricken with major excommunication, are freely and knowingly invited to his table, in flagrant violation of Canon Law, which forbids communication with such persons. On the other hand, the Archbishop's own subjects, whom he is bound to cherish with fatherly kindness, are perpetually ground down by oppressive fees and exactions. Elections he reduces to a farce; benefices he confers solely in return for hard cash. He plays fast and loose with appeals to the Holy See, to the grievous loss and detriment of persons involved in such appeals. He preaches publicly, especially when his suffragan bishops are present, that people had better not appeal against any decision of his, nor contest any appeal which he may lodge, inasmuch as perils of war render it exceedingly difficult for anybody to approach the Holy See. Finally, when a certain Canon Regular in priest's orders declined to allow the Archbishop's horse to be stabled in the private chapel of the Priory, where the Blessed Sacrament and the sacred vestments of the Priory were kept, the Archbishop caused the Canon to be arrested, thrown into prison, and afflicted with divers torments; he then compelled the Canon to swear that he would never reveal the matter to anybody.

<sup>1</sup> "Cumque quondam frater Marianus, tunc Electus Elfinensis, ab eodem Archiepiscopo, pro eo quod electionem de ipso ad Episcopatum Elfinensem de eadem provincia canonice celebratam renuerat confirmare, ad sedem appellasset predictam, ac eiusdem electionis confirmationem a sede obtinisset eadem: prefatus Archiepus, horum nequaquam ignarus, in eiusdem sedis contemptum Malachiam, tunc Abbatem Monasterii de Buellio Elfinensis diocesis, qui nunc pro Episcopo Elfinensi se gerit, recepta propter hoc ab eo quadam pecunie summa, in Episcopum Elfinensem non absque symoniaca labe preficere, quin potius intrudere non expavit: sicque eodem Electo antequam ad ecclesiam ipsam Elfinensem accederet, nature debitum persolvente, predictus Malachias occupavit eandem, et adhuc detinet occupatam."—Theiner, 172.

In view of this long series of exceedingly grave charges, Boniface VIII ordered Robert de Dundonyl, Bishop of Limerick, David MacMahon, Bishop of Killaloe, and Lawrence O'Lachnan (or O'Loughlin), Bishop of Kilfenora, to investigate these charges, and to effect an amicable settlement between the Archbishop and the aggrieved parties; failing which, the commissioners were to send a detailed report to the Holy See, and to cite both the Archbishop and the complainants to appear, within a specified period, before the Pope in person.<sup>1</sup> What steps, if any, were taken by the commissioners in pursuance of this mandate, we do not know.

Boniface VIII appears to have heard many other accusations against the Archbishop of Tuam, besides those formulated by the Dean of Annadown; the Pontiff expressly mentions "*alia plura, que non fuerunt per dictum Decanum de prefato Archiepiscopo nuntiata.*" The question now arises, what value are we to place on all this testimony? And, in particular, what value must we attach to the foregoing account of the Archbishop's attitude towards O'Donnavey?

The withering indictment drawn up by Pope Boniface VIII is obviously an *ex-parte* statement; it does not profess to be anything more. It contains a trenchant summary of the pleadings of the principal plaintiff, that is, of the Dean of Annadown. Unfortunately, we do not possess the Archbishop's reply, except on a single point; and on that point, unfortunately for the Archbishop, the reply is false, as we shall presently see.

On the other hand, the testimony of the Dean of Annadown fits in, to a nicety, with the facts which we glean from other sources—from independent and dissimilar sources—concerning the conduct of the Archbishop of Tuam. Whenever we can test the Dean's assertions, we invariably find them correct. Thus, Bermingham's lawless record as a pluralist predisposes us to expect that his career as bishop would be equally lawless. The leopard does not change his spots, except by a rare miracle. In the Dean's portrait of the Archbishop we recognise the well-known features of the pluralist of 1289. The picture, in each case, is that of an ambitious, grasping, unscrupulous man; a man disdainful of law, remorseless in his pursuit of wealth and power, a true Anglo-Norman.

The Dean's narrative also fits in with the fact that the dioceses of Annadown and Mayo were vacant for a long time at this particular period. Moreover, it receives unexpected confirmation from the records of the Justiciary's court in Ireland. These records show that Master Philip le Blund, Archdeacon of Tuam and commissary-general of Archbishop Bermingham, was indicted for being the actual perpetrator—

<sup>1</sup> Theiner, pp. 171, 172.



doubtless at the Archbishop's instigation—of the misdemeanour at Clare-Galway. On May 5, 1297, in the Court of Common Pleas at Dublin, before John Wogan, Justiciary,—

“The same Archdeacon being demanded, wherefore, when the bishopric of Enachdun had been vacant, and its pontificals placed in the house of Friars Minor at Clare, until a new bishop should be made, the Archdeacon took the chest forcibly with the things contained in it, from the Friars, broke it open in the doorway of the mother church, and with force took away the episcopal mitre, with the pastoral staff and other contents. He denied all contempt and injury.”<sup>1</sup>

What punishment, if any, the Archbishop's commissary suffered for this misdeed is not very clear; but the charge against him is a strong confirmation of the Dean of Annadown's testimony. The Dean's account of Archbishop Bermingham's violence and injustice derives additional verisimilitude from the extraordinary violence and injustice of which the Archbishop was guilty—very shortly after O'Donnaver's election—towards the Dominicans of Athenry, and for which he was compelled to make ample amends.<sup>2</sup> These headlong outbursts of turbulence, the outcome of a headstrong, overbearing temperament, show that Archbishop Bermingham was not lacking in some of the typical qualities of his race.

Boniface VIII, as we may judge from the opening passages of his letter, obviously believed that the charges against the Archbishop held a large measure of truth. They have been regarded as true by historians. Indeed, they are the common-places of Archbishop Bermingham's history; they form the staple of current accounts of his career.<sup>3</sup> External evidence, whenever we can find it, seems to be wholly in their favour.

### O'DONNAVER'S ELECTION \*

Perhaps the most notable instance in which the Dean of Annadown's testimony is corroborated by external evidence is afforded by O'Donnaver's election. Here the Dean's narrative fits in exactly with the facts which we glean from a close scrutiny of the Irish Annals. The annalists inform us that O'Donnaver was a Dominican, and was the first person elected by the Chapter of Elphin; that he went to Rome to maintain his election, but

<sup>1</sup> Mills, *Calendar of Justiciary Rolls, Ireland, 1295-1303*, p. 115.

<sup>2</sup> Ibid. pp. 108, 109, 114, 115.

<sup>3</sup> See Oliver J. Burke's *Catholic Archbishops of Tuam*, pp. 30-38; H. T. Knox, *Notes on Dioceses of Tuam, etc.*, pp. 111-113; Dr. P. W. Joyce, in *Dict. Nat. Biog.*, IV. 372, 373, devotes most of his space to an account of the Archbishop's quarrel with the Dominicans of Athenry.

died on the journey ; while in the same year, Abbot MacBrien "assumed" the position of Bishop of Elphin. The Dean of Annadown fills in the blanks of this meagre narrative—as Dr. MacCarthy suggests, its meagreness is perhaps intentional—by stating that Brother Marianus was canonically elected, but was refused confirmation by the Archbishop of Tuam, whereupon the Bishop-elect appealed to Rome, and had his election confirmed by the Holy See. Well knowing that O'Donnave's election had been confirmed by the highest tribunal in Christendom, Archbishop Bermingham had the audacity to intrude a simoniacal candidate of his own, from whom he had received a sum of money as a bribe, into the see of Elphin. Meanwhile, O'Donnave, the rightful bishop, died ; and Abbot Malachy, the simoniacal intruder, continued to pose as Bishop of Elphin, and retained possession of that see.

Such, in substance, is the Dean's version of what passed at Elphin ; and this version throws a flood of light on the dark spaces of the annalists' narrative. The Dean's account, moreover, harmonises admirably with that given by the annalist of Loch Cé ; for while the Dean and the local chronicler expressly state that Marianus O'Donnave was elected to Elphin, both are careful to avoid stating that MacBrien was so elected. In the one case the chronicler affirms that "ο ζαβάν (μας θμιν) εππουοιε ολερινν"—using a phrase which often implies aggression, violence, usurpation—in the other, he says significantly that "Μαριαν η. Οονναβαιρ ος τοζα μεμυριε,—Marianus O'Donnave was *elected* previously." The Trinity Island chronicler must also have been aware that MacBrien's candidature had been pushed forward before O'Donnave started on his journey to Rome, for he says that "O'Donnave went to Rome to contest the bishopric"—obviously to maintain his own right against the spurious claim of MacBrien. If we may regard this incident as typical, it seems clear that our Irish annalists, while adhering closely to the literal truth, knew a great deal more than they chose to tell ; and that, if we only had a fuller and franker version of the incidents which they relate, a startlingly new light might be thrown upon many portions of our history.

The Dean of Annadown would have been the most senseless of men, if he had given a false account to Boniface VIII of O'Donnave's election. That election had taken place before the close of 1296, when Boniface himself was already the reigning Pontiff. The broad outlines of O'Donnave's case may have been quite within the personal recollection of the Pope. In any event, it would have been the easiest thing in the world, by reference to very recent records, to convict the Dean of falsehood if O'Donnave's election had not been confirmed by the Holy See. Besides, if MacBrien had been recognised in



Rome as the rightful Bishop of Elphin, the Dean of Annadown durst not speak of him as a simoniacal intruder, who had been posing for years as a bishop. In either of these cases, the Dean's deception would have been easily detected, and he would have been forthwith branded as an audacious dealer in falsehoods.

We have seen that on September 10, 1296, Edward I issued his *congé* for the election of a new Bishop of Elphin; we know from a source to be presently cited, that on November 2 following, the same monarch gave his royal assent to the "election" of Malachy MacBrien. In view of this, it is reasonable to assume that the election, or elections, must have taken place in the first or second week of October, 1296. O'Donnaver, as we know, was duly and canonically elected at first; afterwards, some sort of conciliabulum must have been held in the Cathedral of Elphin, under the joint auspices of the Archbishop of Tuam and the Abbot of Boyle, in which, as a foregone conclusion, MacBrien was "elected." O'Donnaver applied to Archbishop Bermingham for confirmation of his election, and met with a peremptory refusal, whereupon he set out for Rome, without troubling to secure the assent or approval of the English king; the validity of his election, and its approval by the Vicar of Christ, were sufficient for him.

### TEMPORALITIES FOR MACBRIEN—HIS END

The Archbishop of Tuam, meanwhile, used all his influence to secure the royal favour for his simoniacal favourite; he speedily obtained King Edward's assent to the pseudo-election of MacBrien. Not content with this, he urged the English monarch, some three months later, to restore the temporalities without delay to Malachy MacBrien. In his petition to the King, on this occasion, Archbishop Bermingham was guilty of a monumental *suggestio falsi*—a fact which need not astonish us, in view of what we already know of Bermingham's character. In this petition, the Archbishop allowed himself to write contemptuously of "a frivolous postulation made by excommunicated persons of Brother Marian of the Order of Preachers," at the very time when the Vicar of Christ was deciding that the so-called postulation was a valid and canonical election. It is somewhat amusing to find Bermingham invoking "the statutes of the Roman Pontiffs" while the reigning Pontiff was deciding against him on this very question. The Archbishop's petition is thus summarised:

1297. February 27. "William, Archbishop of Tuam, to the King. Had received the King's letters directed to him, dated Dublin, 2nd Nov. a.r. 24 [1296], tested by J[ohn] Wogan, chief

justiciary of Ireland, Dublin, and herein set out in full, whereby the King gave the Royal Assent to the election lately made in the cathedral church of Elphin of Brother Malachy, Abbot of Boyle, as Bishop of Elphin. Having confirmed his election, the Archbishop prays the King to restore the temporalities, notwithstanding a frivolous postulation made by excommunicated persons of Brother Marian of the Order of Preachers, which postulation was not presented to the King, as is the custom, nor approved by the Archbishop, according to the statutes of Roman Pontiffs.—Tuam, the 3rd of the calends of March.” [*Royal Letters*, 3,601].<sup>1</sup>

This petition of Archbishop Bermingham’s was a bold and largely successful attempt to deceive the English king. It contains, of course, no hint as to the bribe by which Abbot Malachy had purchased the Archbishop’s favour; it disingenuously and unfairly belittles O’Donnave’s election as “a frivolous postulation by excommunicated persons.” The Holy See, when called upon to judge the affair in the last resort, took a widely different view of the so-called “frivolous postu-

<sup>1</sup> *Calendar of State Papers, Ireland*, 1293-1301, p. 175. The above-named collection of *Royal Letters* in the English Record Office has since been broken up; its contents are now distributed under various titles. Archbishop Bermingham’s letter now figures among the *Ecclesiastical Petitions*, file 12, No. 41. As it is probably the only extant letter from the pen of that redoubtable prelate, it is here printed for the first time:—

“Excellentissimo principi domino suo, domino Edwardo Dei gracia illustri Regi Anglie, domino Hibernie, et duci Aquitanie, Willelmus eadem gracia ecclesie Tuamen. minister humilis salutem, et de hostibus preoptatam reportare victoriam. Literas vestre maiestatis recepimus in hec verba:

“Edwardus Dei gracia Rex Anglie, Dominus Hybernice, Dux Aquitanie, venerabili in Christo patri Willelmo eadem gracia Archiepiscopo Tuamen. salutem. Sciatis quod electioni nuper facte in ecclesia cathedrali elfinen. de dilecto nobis in Christo Fratre Malachia, Abbate de Buellio, in episcopum eiusdem loci elfinen. regium assensum adhibuimus et favorem, et hoc vobis tenore presencium significamus, ut quod vestrum est in hac parte exequamini. In cuius rei testimonium has literas nostras fieri fecimus patentes. Teste J. Wogan, capitali iusticiario nostro Hybernice apud Dublin. secundo die novembris anno regni nostri XXIII.

“Nos vero Regium assensum prefate electioni facte de predicto Fratre Malachia, Abbate de Buellio, plenius fuisse prestitum attendentes, consideratis in omnibus et examinatis predictae electionis meritis, ac assensu regio et eligendum studio, eandem rite et canonice celebratam reperientes, ipsam de consilio iuris peritorum nobis assidendum duximus confirmandam, vestre excellencie humiliter supplicantes ac devote, quatinus eidem electo per nos canonice confirmato predictae ecclesie elfinen. temporalia si placet concedere dignemini, non obstante postulacione frivola ab excommunicatis de quodam fratre Mariano ordinis predicatorum, que vestre excellencie, prout moris est minime extitit presentata, nec nobis per se vel per alium, secundum Romanorum Pontificum statuta, aliquatenus fuerat demonstrata. In cuius rei testimonium sigillum nostrum presentibus duximus apponendum. Datum Tuamia, tercio kalendis Marcii, ab incarnatione Domini MCC nonagesimo sexto [Feb. 28, 1297].”



lation." Quite in harmony with this disingenuous procedure is the quibble on which the Archbishop apparently tries to ride off—he does not say that O'Donnaver's postulation was never presented to him for confirmation; what he does say is that it was never *proved* before him (*nec nobis fuerat demonstrata*). The Dean of Annadown distinctly states that the Archbishop refused to confirm O'Donnaver's election; and we have ample reason for regarding the Dean as a well-informed and reliable witness. Besides, from the nature of the case, it is most unlikely that O'Donnaver would have undertaken a long and laborious journey to Rome, in order to prosecute his appeal, if he were not smarting under the injustice of a rejection at the hands of his Metropolitan; his appeal to the highest court implied, almost of necessity, that he had suffered a reverse in the lower.

But, even if we assume that O'Donnaver did not formally demand confirmation of his election from the Archbishop of Tuam—though we have no real ground for any such assumption—still, the obvious explanation would be, that O'Donnaver knew very well, from the partisan and simoniacal action of the Archbishop, that any such demand on his part would prove absolutely futile.

Notwithstanding the Archbishop's entreaty, the English authorities seem to have felt that the circumstances of Mac Brien's "election" were of a dubious character. Some such scruple is indicated in the *Close Rolls*; and the temporalities were not restored to MacBrien until a time when the news of O'Donnaver's death must have been public property. The writ for their restoration is summarised both in the *Irish Calendar of State Papers* and in the *Calendar of Close Rolls*; as the latter summary is slightly the fuller of the two, it is here quoted:

1297. September 7. St. Paul's.—"To John Wogan, justiciary of Ireland. The record and process sent by him concerning the matter of the restitution of the temporalities to be made to Malachi, elect of Elphin, and the reasons of the said matter for which the justiciary has hitherto deferred restoring the temporalities, have been examined and fully understood before Edward, the King's son, who supplies his place in England, and the King's Council, and the reasons and causes are deemed insufficient. The King therefore orders the justiciary to cause the temporalities of the bishopric to be restored to the elect, in accordance with the tenor of the King's other orders to the justiciary, as the King has taken the fealty of the elect and restored to him the temporalities of the bishopric, since the Archbishop of Tuam has confirmed the election of Malachi, to whom the King had previously given his assent and favour, as appears by the Archbishop's letters patent directed to the

King, which the King retains in his possession. Witness, Edward, the King's son. [*Prynne, Records*, III. 775]."<sup>1</sup>

Harris is partly mistaken in stating that Malachy MacBrien "met with a good deal of Obstruction from William of Ross, Prior of Kilmainham, then Lord Deputy, in his Restoration to the Temporalities; and although his Election had been confirmed both by the King and his Metropolitan, yet he was obliged to sue out a second Writ of Restitution, before he could get Possession."<sup>2</sup> Prior William de Ros was never Justiciary of Ireland; he was merely the Lord Deputy's deputy, in which capacity he governed the country during Wogan's absence in 1296, 1297, and 1301.<sup>3</sup> We may readily believe that Prior William was the chief cause of obstruction to the ambitious plans of Malachy MacBrien; but for that obstruction Wogan, as Justiciary, was officially responsible, and to him the writ of restitution was directed.

Malachy MacBrien did not long enjoy his ill-won temporalities. Five years after gaining possession of them he died, leaving to historians the problem of deciding whether he was a true Bishop of Elphin or merely a simoniacal and schismatical intruder. The annalists, as we have seen, record his death in 1303, and he had certainly passed to his account some weeks before March 8 of that year. From the *Patent Rolls* we learn that on March 8, 1303, "Adam de Roches, bringing news of the death of A. [*sic*] bishop of Elphin in Ireland," obtained letters of licence to elect a successor. That successor was chosen without delay, for on June 28 following, the royal assent was given to the election of "Donatus, abbot of Buell, of the Cistercian order, as bishop of Elphin."<sup>4</sup>

Sir James Ware, followed by most writers of his school, asserts that Malachy MacBrien died in Rome; whence Dr. Grattan Flood, with over-hasty charity, infers that MacBrien was rehabilitated and died in peace and reconciliation with the Holy See. Dates prove this to be impossible. If MacBrien was pardoned and reconciled towards the close of 1302 or early in 1303, how comes it that he figures so discredibly, and is represented as still persevering in his wickedness, in the mandate of Boniface VIII, dated July 20, 1303? The Pontiff's words are decisive against the theory of MacBrien's reconciliation; they also tell strongly against the supposition of his death in Rome. For if MacBrien had spent his closing days in Rome he would doubtless have sought and obtained reconciliation; his death would have been known to the Pope; and

<sup>1</sup> *Calendar of Close Rolls*, Edw. I., 1296-1302, p. 60; see also *Calendar of State Papers, Ireland*, 1293-1301, p. 206.

<sup>2</sup> Ware-Harris, I. 651.

<sup>3</sup> Archdall-Moran, *Monasticon*, II. 95.

<sup>4</sup> *Calendar of Patent Rolls*, Edw. I., 1301-1307, pp. 121-147.



his successor would have been appointed by papal provision, not by election. Obviously, the news of MacBrien's death did not reach the Holy See until after July 20, 1303; in all probability, the Dean of Annadown had started on his journey to Rome in the preceding autumn, while MacBrien was still alive. Sir James Ware may have been misled by the *Four Masters*, or by the faulty copy of the *Annals of Ulster*, to which reference has already been made. There is every reason to believe that MacBrien died at home, and that O'Donnave's death had taken place, six years earlier, on his homeward journey.

# SIMON O'CURRIN, BISHOP OF KILFENORA

(1300-1302)

THE ancient and interesting diocese of Kilfenora comprises the baronies of Burren and Corcomroe in the north and west of Clare. Towards the end of the thirteenth century, this see was governed by "Congalach O'Loughlin, Bishop of Corcomroe, a man of learning, hospitality, and piety."<sup>1</sup> whose death is chronicled by the Four Masters under the year 1300. This date is accepted by Sir James Ware, who bears witness that Bishop O'Loughlin "left a good character behind him for Integrity and Probity."<sup>2</sup> The true date of this worthy prelate's demise is 1298, as we shall presently prove.

Meanwhile, from a valuable note by Dr. John O'Donovan, we may gain an outline of the history of the rugged but singularly attractive region. As O'Donovan points out, the Bishop of Corcomroe is quite correctly styled Bishop of Kilfenora,—

"for the original country of the people or tribe called Corcomroe was exactly co-extensive with the diocese of Kilfenora. In after ages, however, this territory was divided into two parts, between the rival chiefs O'Conor and O'Loughlin, and the eastern division, which was allotted to O'Loughlin, was called East Corcomroe, while the western, which fell to the share of O'Conor, was called West Corcomroe.—See the Irish work called *Caithreim Thoirdhealbhaigh*, at the year 1311, where the present barony of Burren, in the north of the county of Clare, is called East Corcomroe. But in process of time East Corcomroe began to be more generally called Burren, i.e., the rocky district; and O'Loughlin, its chief, who previously to the fourteenth century, had been styled chief of Corcomroe, was called O'Loughlin Burren. The extent of the western division of Corcomroe is now preserved in the barony of Corcomroe, while that of East Corcomroe is preserved in the barony of Burren. Thus we see the reason why the great abbey of Burren is, even to this day, called the abbey of Corcomroe. O'Loughlin retained all his

<sup>1</sup> *Four Masters*, ad an. 1300.<sup>2</sup> Ware-Harris, I. 623.



division of Corcomroe (namely Burren) till the time of Cromwell, but the entire of O'Connor's portion of it was granted to Sir Donnell O'Brien, in the reign of Elizabeth, except Ennistimon, which was left to O'Connor himself; but he lost it soon after."<sup>1</sup>

### THE FASCINATION OF BURREN

A veritable paradise for antiquarians, a precious museum of Irish antiquities, is this eastern half of Kilfenora diocese, over which the O'Loughlens—Princes of Burren, as they were proudly styled—held sway for the space of six hundred years. The whole region is dotted over with the castles of the O'Loughlens, fully a score of which were still held by members of that intrepid family in the days of Queen Elizabeth. Some of these picturesque keeps are even now in a fair state of preservation; others exist as mere ruins, mutely eloquent of better days; others, again, have been well-nigh blotted out by Puritan barbarism or ignorant vandalism. But Burren is rich in more than medieval castles. Cromlechs or dolmens abound in the district, while cahers and duns are almost innumerable. Relics of pagan and Christian ages stand side by side in unexampled profusion. Here one finds a tiny church, almost intact, dating back to an early period of Irish Christianity; there one comes across the fine ruins of a medieval church; further on, one may discover the venerable remains of some rude chapel which sheltered the faithful in Penal times.

Mr. T. J. Westropp, the greatest living authority on the antiquities of Clare and Limerick, writes with enthusiasm of Burren and its countless relics of the storied past:

"Embarrassed by the wealth of ancient remains, we have examined Inchiquin and the eastern districts of the ancient Corcomroes; to complete our survey of the principal cahers of Burren it only remains for us to explore that section 'in the arms of the sea.' A fresh, bright district of warm limestone—'the land of the green and the grey'—lies along the ocean. Its rocks are tufted with samphire and maidenhair, with countless flowers and ferns, and its hills are broken by deep valleys and bright brooks. It ever grows in fascination, whether its terraced hills reflect 'the glowing embers of the sunset' or lie shimmering beneath unclouded noon. Its great bluffs look across miles of waves to the Isles of Aran, 'poised in the golden west,' beyond which some writers fixed the garden of Hesperides, 'on the west side from Aran, where goes the sun to its couch.' 'Above, free winds and clouds, ranging at their will; brightness out of the north and balm from the south, clear in the limitless light

<sup>1</sup> *Four Masters*, O'Donovan's edit., ad an. 1300.

of arched heaven and circling sea.' The ancient inhabitants felt this beauty and sang of Aran in words equally descriptive of Burren—'The sea infringes on her very shoulders, skittish goats are on her pinnacles, soft blackberries are on her waving heather, blaeberreries and sloes of the dark thorn; her nuts hang on her forest hazel boughs, and there was sailing of long galleys past her; the seagulls, wheeling round her grand cliffs, answer one the other.'"<sup>1</sup>

The late Miss Emily Lawless, who combined the functions of historian and romance writer, has left us a graphic but sombre description of that "iron land," which she persisted in calling "The Burren"; her opinion of its prospects as a tourist-resort seems curiously unreal, in view of the multitude of tourists and health-seekers who flock year by year to Lisdoonvarna:

"Wilder regions there are few to be found, even in the wildest west of Ireland, than that portion of north Clare known to its inhabitants as 'The Burren.' Seen from the Atlantic, which washes its western base, it presents to the eye a succession of low hills, singularly grey in tone, deepening often, towards evening, into violet or dull reddish plum colour—sometimes, after sunset, to a pale ghostly iridescence. They are quite low, these hills—not above a thousand feet at their highest point, and for the most part considerably less. Hills of this height, whatever their other merits, seldom attain to the distinction of being spoken of as 'grand.' Their character is essentially 'mutton-suggesting.' You picture them dotted over with flocks of sheep, which nibble the short sweet grass, and frisk in their idle youth over the little declivities. If here and there a rib or so of rock protrudes, they merely seem to be foils to the general smoothness. But these Burren hills are not clothed at all. They are startlingly, I may say scandalously, naked. From their base up to the battered turret of rock which serves as a summit, not a patch, not a streak, not an indication even, of green is to be found in the whole extent. On others a thin sprinkling of grass struggles upward for a few hundred feet, and in valleys and hollows, where the washings of the rocks have accumulated, a grass grows, famous all over cattle-feeding Ireland for its powers of fattening. So, too, in the long vertical rifts or fissures which everywhere cross and re-cross its surface, maiden-hair ferns and small tender-petalled flowers unfurl, out of reach of the cruel blasts. These do not, however, affect the general impression, which is that of nakedness personified—not comparative, but absolute. The rocks are not scattered over the surface, as in other stony tracts, but the whole surface is rock. They are not hills, in fact, but skeletons—rain-worn,

<sup>1</sup> Westropp, *Journal of Royal Society of Antiquaries, Ireland*, March, 1901, pp. 2, 3. The last quotation is from *Silva Gadelica*, vol. II. p. 109.



time-worn, wind-worn—starvation made visible, and embodied in a landscape.

“And these strange little hills have an equally strange history. They were the last home and the last standing ground of a race whose very names have become a matter of more or less ingenious guesswork. Formorians? Firbolgs? Tuatha da Danaans? Who were they, and what were they? We know nothing, and apparently are not destined to know anything. They came—we know not whence, and they vanished—to all appearance into the Atlantic; pushed westward, like the Norwegian lemming, until, like that most unaccountable of little animals, they, too, sprang into the waves and were lost. Little change has taken place in the aspect of the region since those unknown races passed away. Their great stone-duns are even still in many places the largest buildings to be seen—the little oratories and churches which succeeded them having become in their turn, with hardly an exception, ruins like themselves, their very sites forgotten, melted into the surrounding stoniness. The Burren is not—in all probability never will be—a tourist-haunt, but for the few who know it, it has a place apart, a distinct personality—strange, remote, indescribable. Everything that the eye rests on tells us that we are on one of the last standpoints of an old world, worn out with its own profusion, and reduced here to the barest elements. Mother Earth, once young, buxom, frolicsome, is here a wrinkled woman, sitting alone in the evening of her days, and looking with melancholy eyes at the sunset.”<sup>1</sup>

As a welcome corrective to this over-drawn impressionist picture, we may quote the late Dean White's robust and homely account of the same locality:

“These Burren Hills [he writes] present a very strange appearance. They are composed of limestone ledges, rising one over the other to the very top, making them look like so many well-planned fortifications. No grass or vegetation appears on the surface; but in the interstices of the rocks herbage of the most nutritious kind grows. The sheep fed on it are coveted and prized because of the sweetness and flavour of their mutton. Within these rock-bound fastnesses are many monuments of the past—mostly ecclesiastical, and in a few instances very unique. In a gloomy, secluded valley, now bare but then thickly planted, St. Colman Mac Duagh lived his lonely life of hermitage for years, until his relative Gauaire, King of Connaught, becoming aware of his sanctity, insisted on his coming forth to do God's work among the people. The round tower and seven churches of Kilmacduagh, only a few miles away, in Co. Galway, remain as monuments of the energy of the Saint and the munificence of the King.

<sup>1</sup> *Hurriah: a Study*, by Hon. Emily Lawless, Litt.D., chap. i.

"Another better-known relic of the pious past in this region is the Abbey of Corcomroe, called in ecclesiastical records *de petra fertili*, 'of the fertile rock.' It was built for Cistercians by that most indefatigable of church-builders, Donal Mor O'Brien, A.D. 1193. It was connected first with the Abbey of Inislaunaght, on the Suir, in Co. Tipperary, but later on, strangely enough, with that of Furness in Lancashire. It had an off-shoot some ten or twelve miles south[-west], at Kilshanny. Had the monks anything to say to the growth of the famous oyster-beds at Pouldoody and Redbank, in their immediate neighbourhood?

"On the borders of the Arabia Petraea of Clare are the well-known though lately discovered Lisdoonvarna Spas. Sulphur, chalybeate, copper, and magnesia waters are here, quite close to each other, springing as if almost from the same source, and proving that minerals abound below the surface. The sea and mountain breezes sweep over this favoured locality. It is now regarded as one of the most famous health-giving resorts in all Europe. In the writer's Philistine mind the Burren mutton is credited with no small share of the recuperatory powers of the place."<sup>1</sup>

The barony of Corcomroe, though far less richly dowered than Burren, has yet a goodly share of historic monuments. It possesses the ugly but ancient cathedral of Kilfenora, begun in the thirteenth century and completed in the fifteenth, partly demolished by the Protestants, and now wrested to Protestant uses. Close by the cathedral is the famous high cross of Kilfenora, dating from the twelfth century, richly carved with frets and interlacings, and showing a long-robed figure of our Lord crucified. Further west is the fifteenth-century peel-tower of Ballinalacken, and further still the circular castle of Doonagore, each perfect of its kind. The castles of Dough and Doolin, the magnificent cliffs of Moher, St. Brigid's Well, and the ruined churches of Kilshanny and Kilmacreehy—these also claim a prominent place among the antiquarian and natural curiosities of Corcomroe. Unhappily, the olden traditions of scholarship seem to have faded away from Burren and Corcomroe. The great school of the O'Davorens of Burren—to which even Duald Mac Firbis came to complete his historical training—has utterly passed away, leaving no successor behind. Educated residents in this favoured region, and multitudes of tourists who yearly visit Lisdoonvarna, pass within easy reach of all manner of historic monuments, and know as little of them as the average Cook's tourist knows about the tombs of the Pharaohs.<sup>2</sup>

<sup>1</sup> Dean White, *History of Clare*, Dublin, 1893, pp. 9, 10.

<sup>2</sup> Mr. T. J. Westropp, the veteran scholar who has so long and lovingly studied the history and antiquities of Clare, gives an excellent bibliography



In all essential features, the diocese over which Bishop O'Loughlin ruled in the late thirteenth century, remains unchanged. Its population has decreased, the number of its parishes has diminished, its once handsome churches are replaced by structures of plainer or ruder design, but the faith of its Catholic people remains the same. Its castles are no longer inhabited by native chiefs; the descendants of those chiefs are no longer distinguishable from the mass of the people. A social revolution has come to pass; but the attempted religious revolution—the endeavour to estrange the people from their time-honoured Catholic faith—has been a dismal and conspicuous failure.

### ELECTION OF BISHOP O'CURRIN

Bishop O'Loughlin must have gone to his reward in the winter of 1298. On December 21 of that year, "Peter, Dean, and the Chapter of Kilfenora, [write] to the King, notifying the decease of Charles, formerly their Bishop. They send John, their brother Canon, bearer of these presents to the King, praying licence to elect. Given on the feast of St. Thomas the Apostle."<sup>1</sup>

The letters of the Dean and Chapter bore date of December 21, 1298, whence we may infer that Bishop O'Loughlin's death had occurred only a few days before. Four months later Edward I granted his royal licence for a new election. On April 24, 1299, the English monarch, who was then at Stockwell, gave his permission in fairly comprehensive terms:

"The church of Kilfenora, being vacant by the death of Charles, late Bishop thereof, the Dean and Chapter thereof had supplicated the King to give them licence to elect. The King grants licence accordingly, directing William de Hamelton, *locum tenens* of the Chancellor, to give them letters under the great seal. The King further directs the same to give power to John Wogan, Justiciary of Ireland, or his *locum tenens*, to admit the person to be elected if fit, to receive fealty from him in the King's name, and to restore the temporalities."<sup>2</sup>

On the same day also, Edward I addressed a writ under his privy seal to the Canons of Kilfenora. From this document, dated Westminster, April 24, 1299, we learn that Canon John O'Grady was the dignitary who had been dispatched to England to secure the *congé d'élire*: "The King to the Dean and Chapter of Kilfenora. John de Grade, their brother Canon, coming to

of books and papers relating to that county in the *Journal of the Royal Society of Antiquaries of Ireland*, December, 1900, pp. 449, 450.

<sup>1</sup> *Calendar of State Papers, Ireland, 1293-1301*, p. 273. "Charles" is a curious adaptation of the Bishop's Christian name of "Congalach."

<sup>2</sup> *Calendar of State Papers, Ireland, 1293-1301*, p. 300.

the King with letters patent of the Chapter, had prayed licence to elect in the room of Charles, late Bishop of that place, deceased. The King grants licence accordingly, commanding them to elect a Bishop devout, fit to rule their church, useful and faithful to the King and to Ireland."<sup>1</sup>

Likewise, on the same day (April 24, 1299), the King issued a writ from Westminster, under the privy seal, to his Irish Justiciary, in reference to the Kilfenora vacancy :

" 'The King to John Wogan, or his *locum tenens*, respecting election to the see of Kilfenora as above. The King, moreover, wishing to spare labour and expense to the Dean and Chapter, grants, of special grace, and gives power that, on election made, the Justiciary may give the royal assent when the Elect shall have been presented to him (if the latter is within the King's allegiance), signifying to the Diocesan to do what is his in this behalf. The King further wills and gives power that when it is proved by letters of the Metropolitan that he has canonically confirmed the election, the Justiciary may receive from the Elect the fealty due in this case, and restore the temporalities according to custom. He shall first, however, receive letters patent from the Elect, under his seal and that of the Chapter, that this grace shall not tend to the King's prejudice or disherison, nor hereafter be converted into a precedent.' "<sup>2</sup>

In the middle of May, 1300, the Canons of Kilfenora met to choose a worthy pastor for the see. Their choice fell upon Simon O'Currin, a Dominican who probably belonged to the Priory of Limerick, as no Dominican foundation existed in Thomond. O'Currin's subsequent choice of Limerick Priory as the place of his sepulture would seem to lend additional colour to the supposition that he was a member of the Limerick community. Between that community and the clergy of Kilfenora, rather cordial relations appear to have existed in the thirteenth and fourteenth centuries ; during that period, no fewer than three Bishops of Kilfenora were interred, doubtless in accordance with their own desire, in the Dominican Priory of Limerick.

That O'Currin was a native of Thomond we may suspect, from the fact that he was freely and spontaneously chosen by the Canons of Kilfenora to be their Bishop ; he may possibly have hailed from either Burren or Corcomroe. The fact—if it was a fact—of his being originally from Kilfenora diocese, in addition to his outstanding personal worth, would naturally

<sup>1</sup> *Calendar of State Papers, Ireland, 1293-1301*, p. 300.

<sup>2</sup> *Ibid.* p. 301. This document is also summarised by Mr. Mills, in his valuable *Calendar of Justiciary Rolls, Ireland, 1295-1303*, p. 347 ; but the date (1300) which he prefixes to it is wrong, as is clear from internal evidence and from Sweetman's *Calendar*. I say from internal evidence, because the date appended to this writ in Mills is " 24 April, a. r. xxvii," which is clearly equivalent to 24 April, 1299, not 1300.



predispose the Canons in his favour. That he was a Dominican is altogether certain from official documents to be presently cited. But it is a strange and curious circumstance that he is not mentioned as a Dominican by any Dominican writer, or by any ecclesiastical writer whatever, so far as I am aware.

The royal licence had been granted to the Canons of Kilfenora on April 24, 1299, as we have seen; yet no definite choice was made until more than a year later. It seems probable that differences of opinion existed among members of the Chapter, and that O'Curriu's election was the outcome of a compromise. We know that dissensions among the Canons reached an acute phase in 1303, and it seems reasonable to suppose that some germs of discord were present in 1299 and 1300. On any other theory, it seems hard to account for the protracted delay.

In the event, O'Curriu was elected on or about St. Brendan's day (May 16) in the year 1300. On May 17, letters patent were drawn up by the Chapter, requesting the royal assent to the appointment of O'Curriu. On June 27 following, Stephen O'Brogan, Archbishop of Cashel, issued letters in authentication of those drawn up by the Chapter of Kilfenora. These documents were presented in due course by O'Curriu to the Justiciary, whereupon the royal assent was accorded, Archbishop O'Brogan being notified to confirm the election, if he should find it canonical. On July 22, the Archbishop signified to the Justiciary that Bishop O'Curriu's election had been duly confirmed, whereupon the temporalities were handed over to the new Bishop of Kilfenora. All this is set forth in the style of the period, in certain passages of the *Justiciary Rolls*, which are summarised as follows:

"Brother Simon Ocurrin, of the order of Friars Preachers, with certain Canons of said place, proffered letters of Peter the Dean and the Chapter: Peter, Dean of Kilfenora, and the Chapter there, to the King. Kongulagh, late Bishop, having gone the way of all flesh, they have elected Brother Simon to be Bishop, and present him, praying the royal assent. Dated in their Chapter at Kilfenora, on the morrow of St. Brandon the Abbot, A.D. 1300.—He proffered also letters of Stephen, Archbishop of Cashel, authenticating the letters of the Dean and Chapter. Dated at Cashel, Monday after feast of St. John Baptist, 1300.

"It is signified to the Archbishop of Cashel that he do what is his in the matter.

"Afterwards, on Friday the feast of St. Mary Magdalen, the Archbishop sent his letters (*set out*) testifying that he had confirmed the election. Dated at Casselle. . . .

"Temporalities of the bishopric delivered." <sup>1</sup>

<sup>1</sup> Mills, *Calendar of Justiciary Rolls, Ireland, 1295-1303*, p. 347.

*O'CURRIN'S DEATH*

Bishop O'Curriu was not long spared to rule over Kilfenora. He died on Christmas Day, or perhaps a few days earlier, in 1302, after an episcopate of little more than two years. On December 26, 1302, letters patent were addressed by "Peter the Dean, and the Chapter of Kilfenora, to the King, notifying the decease of Simon, their late Bishop, and praying that the King will grant letters of licence to elect to Gilbert their brother Canon, bearer of these presents, whom they send to the King.—Church of Kilfenora, morrow of the Nativity of our Lord." <sup>1</sup>

Under date of March 16, 1303, we find an entry stating that "Gilbert de Clohon, Canon of Kilfenora, announcing to the King the death of S[imon], late Bishop of Kilfenora, has letters of licence to elect." <sup>2</sup> Ten days later, a royal mandate to the like effect is issued to the English Chancellor:

"The King to William de Grenefeld, his Chancellor. The King had learned by letters of the Dean and Chapter of Kilfenora that their church was vacant by the decease of Simon, the late Bishop thereof. The King sends the letters, and if the Chancellor finds them sufficient, the King directs him to give the Dean and Chapter letters of licence to elect under the Great Seal. Given under the Privy Seal." <sup>3</sup>

Peter the Dean, whose name has figured so frequently in these pages, was elected by some of the Canons, but he was not destined to wear the mitre. His election was opposed: the more influential portion of the Chapter voted for Maurice O'Brien. The Dean's election was quashed by the "official" of Cashel—the Metropolitan See being then vacant by the death of Archbishop O'Brogan—and O'Brien's election received the royal assent on October 8, 1303. <sup>4</sup>

*BISHOPS BURIED IN LIMERICK PRIORY*

Bishop O'Curriu was buried among his brethren in the Priory Church of the Dominicans of Limerick. There, under the green sward, beside an ivied wall of the ruined Dominican Church, in the grounds of the present Convent of Mercy, the bones of ten Munster prelates await the resurrection. The Priory of Limerick, before the Great Pillage under Henry VIII and Elizabeth, was a favourite place of burial. Many Bishops chose it as their last resting-place, and some of the noblest of the Geraldines, the O'Briens, the Macnamaras, the Roches, and the Ryans repose in its hallowed shade.

<sup>1</sup> *Calendar of State Papers, Ireland, 1302-1307*, p. 63.

<sup>2</sup> *Ibid.* p. 72.

<sup>3</sup> *Ibid.* p. 72.

<sup>4</sup> *Ibid.* pp. 87, 88.



Six of the prelates there interred are commemorated in some Latin verses, inscribed on a sepulchral monument which stood in the church, hard by the burial-place of the bishops, down to the period of the dissolution, when the entire pile of buildings was dismantled and destroyed. These verses were copied into an old calendar, whence they were transcribed by Father Quirke, O.P., in 1627, apparently for the benefit of Sir James Ware, who received his knighthood two years subsequently. They were eventually published by Harris, from whom they have been copied by several later writers.<sup>1</sup> Harris gives the verses as follows :

" Senos Pontifices in se locus claudit iste,  
 Illis multiplices te posco præmia, Christe.  
 Omnes hi fuerant fratrum laris hujus amici ;  
 Hubertus de Burgh, Præsul quondam Limerici ;  
 Donald, Mattheus, Pastores Laonienses,  
 Christan, Mauritius, Simon quoq ; Fenaborensis.  
 Ergo, Benigne Pater, locus hos non comprimat ater,  
 Qui legis ista, Pater dicas, et Ave reboa ter.  
 Centum namq ; dies quisquis rogitando meretur  
 Detur ut his requies, si pura mente precetur.  
 Qui legis hos versus, ad te quandoq ; reversus,  
 Quid sis, et quid eris, animo vigili Mediteris,  
 Si Minor his fueris, seu Major, ejusve sodalis,  
 Tandem pulvis eris, non fallit regula talis." <sup>2</sup>

These lines are more remarkable for practical piety and sound morality than for sublimity of thought or felicity of diction. The sneering Harris professes to regard them as "a singular Specimen of the Choice Poetry of that Age," and appends the following translation :

" Six Prelates here do lie, and in their Favour  
 I beg your Friendly Prayers to Christ our Saviour ;  
 Who in their Life time for this House did Work ;  
 The first of whom I name was Hubert Burk,

<sup>1</sup> Some obscurity attaches to the source from which these verses, and similar items of information, are said to be derived. That source is "the ancient calendar of the Dominicans of Limerick," in which the verses in question were placed "after the Rule of St. Augustine" (O'Heyne-Coleman, *Irish Dominicans*, app. 52, 53 ; Ware-Harris, I. 623, though Harris makes no mention of the Rule of St. Augustine ; *Collectanea de Rebus Monasticis Hiberniae*, a MS. compilation classed F. 1. 16 in T.C.D. Library, p. 381). But the Rule of St. Augustine did not usually find a place in calendars ; it was much more likely to be found in the *Liber Constitutionum*. Besides, the entries which are quoted from this so-called calendar are of the kind that we might expect to find in a martyrology, or more likely still, in a *Book of Obits*, such as was kept by the Canons of Christ Church, in Dublin.

<sup>2</sup> Ware-Harris, I. 423.

Who grac'd the See of Limerick, and Matthew,  
 With Donald, Bishops both of Killaloe;  
 Christan and Maurice I should name before,  
 And Simon, Bishops late of Fennabore.  
 Therefore, kind Father, let not any Soul  
 Of these good Men, be lodg'd in the Black-Hole.  
 You, who reads (*sic*) this, kneel down in humble posture,  
 Bellow three Ave's, say one Pater Noster.  
 Whoever for their Souls sincerely prays,  
 Merits Indulgence for an hundred Days;  
 And you, who reads (*sic*) the Verses on this stone,  
 Bethink yourself, and make the case your own;  
 Then seriously reflect on what you see,  
 And think what you are now, and what you'll be;  
 Whether you're greater, equal, less, you must,  
 As well as these, be crumbled into Dust." <sup>1</sup>

The original verses are not surpassed in good taste by Harris's translation. The six bishops named may be identified as follows: Hubert de Burgh, Bishop of Limerick, closed his chequered episcopate on September 14, 1250; Donald O'Kennedy, Bishop of Killaloe, died in "the hot summer" of 1252; Christan, Bishop of Kilfenora, died in 1254; Matthew O'Hogan, Bishop of Killaloe, closed his brief term of office in 1281; Simon O'Currin, whose career we have endeavoured to sketch, died in December, 1302; and Maurice O'Brien, Bishop Simon's successor in Kilfenora, died in 1321.

Quite a different recension of these verses is given by Dr. John Lynch, in his manuscript *History of Irish Bishops*, from a parchment volume belonging to the Dominicans of Limerick (*é membranaceo ejusdem conventus libro*). From this recension we glean some precious and original information, though the first half of the fifth line is, unfortunately, illegible, owing to the worn and faded condition of the manuscript; as Dr. Lynch says, "*quinti carminis primum Hemistichium in trito corrosoque autographo legi non potuit*." The interesting portion of these verses, as cited by Dr. Lynch, runs thus: the words or lines in which Lynch differs from Harris being italicised:

"Octo pontifices in se claudit locus iste,  
 Illis multiplices, te posco, premia Christe,  
 Omnes hi fuerunt fratrum laris hujus amici  
 Hubertus de Bourg, præsul quondam Limerici,  
     *pastor quoque Limericensis,*  
 Frater et Alanus, *præsul quoque Limericensis, [recte, Lisuorensis]*

<sup>1</sup> Ware-Harris, I, 624. The Latin verses published by Harris are identical with those contained in the Trinity College manuscript (F. 1. 16, p. 381), except that the latter has "de Burck," "Symon," etc.



Donald, Mathæus, pastores Laonienses,  
 Christan, Mauritius, pastores Finniborenses,  
*Archipastorem pastoribus adde Joannem*  
*Ograda Casseliae, hic in fratrum veste sepultus."*

The remaining lines in Lynch are exactly as in Harris, with the exception of the final couplet :

" Si minor his fueris, seu major, *eisve* sodalis,  
 Tandem pulvis eris, non fallit regula talis."

On the whole, it seems that Dr. Lynch's recension is the more exact one, and the more deserving of credit. In some grammatical details, it has a clear advantage over the recension published by Harris ; the additional information which it imparts is fresh and valuable, and could not have been invented. It furnishes the curious and unexpected information that Alan O'Sullivan, Bishop of Lismore, whose death is usually referred to 1253, lies buried in Limerick Priory. He is obviously the *Frater Alanus* commemorated in the sixth line, though Archdeacon Lynch was entirely in the dark as to his identity. Misled by the faulty reading, *Limericensis* for *Lismorensis*, Dr. Lynch vainly sought for Alan among the Bishops of Limerick,<sup>1</sup> and abandoned the enigma as hopeless.

Another valuable item of information is that which concerns Archbishop John O'Grady of Cashel. That distinguished prelate, who had formerly been Treasurer of Cashel, is described as " a man of great wisdom and industry, and a liberal benefactor to his church " ; he died at Limerick on July 8, 1345, and was buried in the Dominican habit ; his dust now mingles with that of his nine brother-prelates, amid the ruins of the Dominican Priory.<sup>2</sup>

It is not easy to fix the identity of the Limerick prelate whose name is missing from the fifth line. Very probably he was one or other of the following three : Robert (Neil) of Emly, died September 8, 1272, place of burial not named ; Gerald le Marechal, died February 10, 1302, burial-place not mentioned ; Maurice Rochfort, died in 1353, place of interment not specified. It is curious that no mention of Bishop O'Curry's name occurs in Lynch's recension. This I believe to be due to the fact that Lynch's line, beginning " Christan," etc., is corrupt, and that the true reading may be gleaned from Harris, as follows :

" Christan, Mauritius, Simon quoque, Fenaborenses."

<sup>1</sup> " Ille frater Alanus Dominicanus fuisse videtur, quod apud eos sepeliri voluerit ; illius tamen, aut eum in carmine praecedentis, nec Waraeus, nec alius quem videre me contigit, meminit."—Lynch, *De Praesulibus Hiberniae*, T.C.D. copy, II. p. 526.

<sup>2</sup> Cotton, *Fasti*, I. 88. The compiler of F. 1. 16, p. 382, places Archbishop O'Grady's decease in 1394, which is extravagantly wrong.

Be this as it may, Harris's lines have enabled us to establish the identity of six prelates whose remains lie interred in the ruined Priory of Limerick. To these, by the aid of Dr. Lynch, we can now add the following three: Bishop Alan O'Sullivan of Lismore; an unknown Bishop of Limerick; and Archbishop O'Grady, of Cashel. To these nine we can finally add a tenth, whose name is not recorded in either set of verses. Matthew MacGrath, Dean of Killaloe, was provided by the Pope to that diocese in 1389; he figures as Bishop of Killaloe in 1400, but the time of his decease is not known. His remains rest beside those of a goodly company of Munster prelates, in the Dominican Priory of Limerick.<sup>1</sup> *Pax super illos et misericordia.*

<sup>1</sup> Cotton, *Fasti*, I. 399; F. I. 16, p. 382. In his otherwise valuable edition of O'Heyne, Father Coleman has fallen into several inaccuracies as regards these Bishops (see O'Heyne-Coleman, appendix, p. 53), and has led Canon Begley astray. Bishop O'Currin died in 1302, not in "1303"; Archbishop O'Grady's Christian name was John, not "Maurice"; Matthew MacGrath was Bishop of Killaloe, not of "Kilfenora"; he did not die in "1391," as Father Coleman states, nor even in 1400. (Cf. Begley, *Diocese of Limerick*, p. 349.)



### XIII

## PRIMATE WALTER JORZ

(1307-1311)

WALTER JORZ was the third Dominican Archbishop of Armagh. His life-story is involved in no little obscurity, and the mistakes of historians in his regard have made confusion worse confounded. Happily, it is now possible, by the aid of recent publications, to rectify several current errors concerning him; and it is likewise possible, by the aid of documents hitherto unpublished, to throw fresh light upon the history of his career.

An Englishman by birth, Walter Jorz seems to have belonged to a family of some importance; he is described by Clement V as the scion of a noble house. Six sons of the family are commonly said to have entered the Dominican Order; but according to Pits, who appears to have been the first propagator of this tradition, the Jorz family gave seven sons to the Order of St. Dominic. Three of these certainly rose to high distinction. Thomas Jorz became Cardinal of S. Sabina;<sup>1</sup> Walter and Roland were appointed in turn to the primatial see of Ireland.

### THE SURNAME JORZ

The family surname is variously written in mediæval documents as Jorz, Jortz, Jors, Georce, Jorce, and Jorsz—the last three representing, as it would seem, the correct pronunciation

<sup>1</sup> "Apud probatos auctores scriptum legi hunc Thomam sex fratres habuisse germanos, hoc est, eodem patre et matre natos, omnes in eundem ordinem S. Dominici coaptatos, iisdem virtutibus ornatos, pari fere doctrina imbutos."—Pitseus, *De Illustribus Angliæ Scriptoribus*, Paris, 1623, p. 401. John Pits, or Pitseus, D.D. (1560-1616) was an English Catholic theologian and biographer, and a nephew of Dr. Nicholas Sanders. Pits, who was a Hampshire man, became a probationer-fellow of New College, Oxford, in 1578, when only eighteen years of age, and would have been admitted a perpetual fellow of that college in 1580, had he not left the University for conscience' sake, and gone beyond the seas as a voluntary exile. He eventually, after a varied and distinguished career on the Continent, became Dean of Liverdun, in the diocese of Toul, and died at Liverdun in 1616. His principal work is commonly referred to as *De Illustribus Angliæ Scriptoribus*; it was edited with a preface by Dr. William Bishop, Bishop of Chalcedon, and first published at Paris in 1619, three years after Pits's death.

of the word. Jorse appears to be a later variant; and most of the standard authorities, from the seventeenth century to the close of the nineteenth, seem to regard Joyce as the modern equivalent of Jorz and its medieval variants. The disreputable Bale, in the mid-sixteenth century, seems to have initiated the fashion of calling Primate Walter and his brothers by the surname of Joyce; and Bale's example in this matter was followed by a host of writers who disdained to follow his guidance in weightier questions.<sup>1</sup>

It may be rash to doubt the correctness of a view which enjoys the patronage of so many distinguished names. Still, the researches of recent writers on English nomenclature seem to throw considerable doubt on the possibility of correctly identifying Jorz with Joyce. In the first place, we may note that, while we find the surname of Primate Walter and his brothers written in a variety of ways in medieval documents, we never find it written in those documents as Joyce. Secondly, it is remarkable that the important letter *r* persistently recurs in practically all the medieval forms of Primate Walter's surname while that consonant is conspicuously absent from the word Joyce. Thirdly, Canon Bardsley, the leading modern authority on English surnames, informs us that Joyce as a surname, means "the son of Josse or Goce." The parent form Josse, he adds, became Jocey in course of time, and ultimately, through French influence, it developed into Joyce and Joycey.<sup>2</sup> In his *Romance of Names*, Mr. Ernest Weekley derives Joyce from the Latin *Jocosa*, merry;<sup>3</sup> doubtless, as Bardsley hints, through the French *Joyeuse*. By reason of this meaning, Joyce came to be used as a Christian name, especially for women; it also occurs, once at least, as an epithet or nickname for a man. So far as I am aware, Canon Bardsley and Mr. Weekley are the only professed writers on English surnames who discuss the derivation of Joyce, and it is remarkable that neither of them derives that name from Jorz or its variants.

We have positive evidence that the Jorzes were an old and respected family of Nottinghamshire, where they gave their name to the town of Burton Jorce, and where they flourished as early as the time of Henry II. A local antiquary of the seventeenth

<sup>1</sup> Bale's account of Walter Jorz, in his *Scriptores Illustres Majoris Britanniae* (Basle, 1557, p. 368), is a tissue of grotesque and scurrilous slanders. As Bale's libels are obviously at variance with fact, and as they are commonly ignored by decent Protestant writers such as Anthony à Wood, Sir James Ware, and Bishop Tanner (and usually even by Walter Harris), it were a waste of time and space to quote and refute them here. In mendacity and vituperation, Bale was a worthy second to Luther. It is true that Leland, from whom Bale derived most of his erudition, writes our Primate's surname as Joys; but Leland's work was not published until 1709. Bale, no doubt, expanded Joys into Joyce.

<sup>2</sup> Bardsley, *Dict. of English and Welsh Surnames*, 1901, p. 436.

<sup>3</sup> *The Romance of Names*, by Ernest Weekley, M.A., 1914, p. 94.



century gives an account, after the dry manner of his kind, of the early squires of Burton: "The Family of Jorz were ancient owners here, which gave the Town the distinction of Burton Jorce, which it yet retains. Galfr. de Georz, 30 H. 2, gave account of XXs that the Deed or Charter which he had of William de Georz concerning the Land of Littlebury should be read in the King's Court. Agnes, who had been wife of Geoffrey de Georz, 13 Joh. gave account of £16 13s. 2d. for the Custody of the Lands, etc. Galfr. de Jorz paid two Marks for one Knights Fee in Birton, in the former part of the Reign of Henry the third; afterwards Richard de Jorz was found to hold a Knights Fee of Oliver de Eyncourt, who held it of the King of the old Feoffment."<sup>1</sup>

Robert Jorz, a contemporary and possible relative of Primate Walter Jorz, was coroner for the county of Nottingham and verderer of Sherwood Forest in 1309.<sup>2</sup> Walter's brother, Cardinal Thomas Jorz is said to have been born of a good family in London; if so, Walter was probably also a Londoner by birth. But the assertion rests on dubious authority; and personally I prefer to think that Primate Walter and his brothers were Nottinghamshire folk. On the alleged Welsh descent of the family, we can only return a verdict of "not proven."

We have no information as to the year in which Walter Jorz was born, nor even as to the date of his admission into the Dominican Order. Tanner gives Anthony à Wood as his authority for affirming that the future Primate Walter made his studies as a Dominican in the convent of his Order at Oxford,<sup>3</sup> but Wood says nothing of the kind. What Wood really says is that Walter Jorz was one of the most notable men of his time, both for piety and learning, and that he taught for a brief period at Oxford before his elevation to the Archbishopric of Armagh.<sup>4</sup>

¶ Like his brother, Cardinal Thomas Jorz, he is doubtfully said to have been a pupil of Blessed Albertus Magnus, and a fellow-student with St. Thomas Aquinas. There seems to be extremely little truth in this story. That Walter Jorz was a rather juvenile contemporary of St. Thomas and Blessed Albert may be freely conceded. Still, when we reflect that Blessed Albert taught at Paris in 1245-1248, and that St. Thomas returned with Albert

<sup>1</sup> Thoroton, *Antiquities of Nottinghamshire*, 1677, pp. 283, 284, *et passim*. This work contains references to many members of the Jorz family, which must have been particularly strong in Notts. One branch seems to have died out in the reign of Edward III, and another in the time of Henry VIII; the name now appears to be extinct. Burton Jorce is now called Burton Joyce.

<sup>2</sup> *Calendar of Close Rolls*, 1307-1313, pp. 88, 108, 109.

<sup>3</sup> Tanner, *Bibliotheca*, 1748, p. 444.

<sup>4</sup> "Pietate et doctrina cum primis deprædicandus; qui cum hic aliquantisper docuisset, in Archiepiscopum Armachanum et totius Hiberniæ Primate[m] . . . emerit."—Wood, *Hist. et Antiq. Oxon.*, I. 64.

as professor to Cologne in 1248, it seems highly improbable that Walter Jorz could have been a fellow-student of the one, or a disciple of the other. The first ascertainable date in Primate Walter's life is 1300, as we shall see; and he was certainly alive and active in 1320, more than forty years after St. Thomas and Blessed Albert had been laid in their graves. He may have studied in the University of Paris, as so many English Dominicans did in those days, and his studies there may have furnished a basis for the legend of his connexion with Blessed Albert and St. Thomas.

It is interesting to note that, for some time before his elevation to the highest ecclesiastical dignity in Ireland, Walter Jorz taught in the schools of Oxford, where so many eminent Dominicans of the thirteenth century—among them John of St. Giles, Robert Bacon, Richard Fishacre, and Robert Kilwardby, afterwards Cardinal Archbishop of Canterbury—had been professors before him. In 1300, the first definite date in the history of his life, Walter received faculties to hear confessions in the diocese of Lincoln<sup>1</sup> where he was then probably residing in a house of his Order. He is said to have been confessor to Edward I or Edward II, but the evidence on this head is so obscure and unsatisfactory as to be practically negligible.<sup>2</sup> His preferment to the highest ecclesiastical position in Ireland would seem to imply that he was a favourite at court, in an age when such appointments were often decided by royal favour. In fact, however, Walter Jorz does not appear to have been either a royal confessor or a court favourite; and after his appointment to the episcopate, as we shall see, the demeanour of the King and of the crown officials towards him was distinctly unsympathetic and unfriendly.

Primate Nicholas Mac Mael Isa, a noble-minded and patriotic prelate, whose greatness has received very inadequate recognition from Irish historians, and who is described in the *Annals of Ulster* as "the most pious ecclesiastic in Ireland of his time, died on May 10, 1303."<sup>3</sup> On June 30 following, the *congé d'élire* was granted by Edward I at Perth to Odo O'Neill and Nicholas of Mellifont, Canons of Armagh, who had brought news of the decease of Primate Nicholas.<sup>4</sup> The English monarch was then engaged on his third attempt to crush the independence of

<sup>1</sup> Dalderby, *Regist. Memor.*, f. 20, quoted in Tanner's *Bibliotheca*, p. 444.

<sup>2</sup> See Father Raymond Palmer, "The Kings' Confessors," in the *Antiquary*, 1890, pp. 114-120, 159-161, 262-266, and Father Bede Jarrett, "Friars Confessors of English Kings," in the *Home Counties Magazine*, 1910, pp. 100-112. In these interesting and valuable articles, Walter Jorz does not figure among the English Dominicans who have been confessors to royalty.

<sup>3</sup> Stuart-Coleman, *Hist. of Armagh*, p. 96.

<sup>4</sup> *Calendar of Patent Rolls*, 1301-1307, p. 148.



Scotland. On October 20 he wrote from Dundee to Boniface VIII—of whose death, nine days earlier, he was still unaware—signifying his royal assent to the election of Michael, a “reader” of the Friars Minor of Armagh, to the vacant archbishopric.<sup>1</sup> This was Michael MacLaughlin, a lecturer or professor in the Franciscan Friary of Armagh. Doubtless, in accordance with the custom of the age, the Armagh Franciscans had a school of theology, attended by their own students and by aspirants to the secular priesthood.

### CONVENTUAL SCHOOLS

The Dominicans had been the pioneers of this system of conventual schools, which served at once as novitiates for the Order and seminaries for the secular clergy. With the Dominicans, from 1220 onwards, it was a fundamental rule that no convent should be founded without a doctor or professor, who was afterwards styled a “lector.” This doctor was the director of the conventual school. His pupils included religious from the convent and secular clerics from outside; his lectures were open to all. He interpreted the text of Holy Scripture, and used the sacred text as a basis for his theological teaching. As subordinate texts, he used such works as the *Sentences* of Peter Lombard and collections of “cases of conscience.” Scripture and theology were the subjects chiefly taught in these conventual schools. At the beginning of the thirteenth century, it was not customary for priests or religious to study philosophy and the natural sciences. It was only in the second half of that century that the study of logic became fairly common in the Dominican schools; and early in the following century, an elaborate course of philosophy was added to the programme.<sup>2</sup>

In Ireland, after the Anglo-Norman invasion, as Archbishop Healy observes, “a new era opened—an era of perpetual strife and bloodshed between the ‘English of the Pale’ and the ‘Irish Enemy.’” It was not a time favourable to the due education of the clergy, nor to the progress of the nation in any shape or form. Yet it was not without its own learning—a learning too, sometimes cultivated with ardour and success. It may be called the period of the *New Monastic Schools*—that is, the schools annexed to the Convents of the Mendicant Orders, then recently introduced into Ireland. The documents illustrating the literary history of this period are few and meagre; and it is with difficulty we can ascertain how the secular clergy were trained for the mission, especially in the remoter parts of the

<sup>1</sup> *Calendar of Patent Rolls*, 1301-1307, p. 161.

<sup>2</sup> Père Mandonnet in the *Catholic Encyclop.*, XII. 360, 361.

country. The system was, no doubt, to some extent the same both within and without the Pale, for the Mendicant Orders were not bound by the limitations of the Pale or its sanguinary and jealous laws. But the most flourishing of the new Convent Schools were within the cities and walled towns, to which free admission was by no means granted when the students came from the territories of the 'Irish Enemy.' . . .

"In trying to realise the state of clerical education in Ireland during the Anglo-Norman period, that is, from Henry II to Henry VIII, it is well to bear in mind that this was the period during which the great European universities like Paris, Oxford, and Bologna, were formally organised as universities, and attained, moreover, their greatest celebrity. . . . The new religious Orders, both Dominican and Franciscan, but especially the former, at once fell in with this new university system. Their object was to teach and to preach in the school as well as in the pulpit; and hence, before all things, they must be learned men. They were required to study 'by night and by day, at home and abroad.' No one could be professed as a cleric except he was *litteratus*, to the extent at least of knowing Latin well. It was also ordained that in every convent where there were 'juvenes,' or younger members, there should be a school, and one or more teachers to instruct them in the *trivium* and the *quadrivium*; that is, music, logic, rhetoric, grammar, mathematics, astronomy, and geometry. In all their literary exercises they were required to make use of the Latin language. When the novices were well grounded in these branches of knowledge in the conventual school, they were sent to the provincial college to study philosophy and theology. Then, having passed through the courses of the provincial college, the most promising students were sent to graduate in Oxford, Paris, Bologna, or Montpellier, where each Order had its own convent and some of its most distinguished members in the university chairs.

"It cannot be denied that this was an excellent system, and there is no doubt that this system was in operation in Ireland, at least to some extent, during the Anglo-Norman period, in the convents of the Dominican Order especially, both within and without the Pale. It must be remembered also, that lectures both in the conventual and provincial schools, as well as in the universities, were open to all comers. Lodging and maintenance were not provided, except for the temporary guests; but the lecture-hall of a monastic school was never closed against the poor scholar, no matter who he was, or where he came from, so long as he conducted himself properly. It was in this way that the secular clergy were mostly recruited. There was hardly any part of Ireland where there was not a convent school, in which any promising lad from the neighbourhood might learn the rudiments of the Latin language, and, moreover, make some



progress in the *trivium* and *quadrivium*. Then the Bishop took him up, and sent him to one of the provincial colleges, or perhaps to the university, where he learned philosophy and theology; and so, if he had a good character, he came to be ordained.

"It was not a very perfect system, but it was the growth of the times, and had some advantages to counterbalance its many serious defects. In some cases, too, there were cathedral colleges for the training of the clergy under the immediate inspection of the Bishop. For the most part, however, even in those cases, the professors were members of the regular clergy, who themselves had enjoyed the advantage of a university training in some of the world-famous universities of the time. This will help to explain what otherwise it is not easy to understand—why so many thousand students, from all parts of Europe, crowded to the more celebrated universities on the Continent and in England. It was that they might graduate—that they might have authority to teach; and then, crowned with their literary laurels, return to their college, or convent, or school, or parish, as licentiates or doctors in theology, qualified to teach, and authorised to teach."<sup>1</sup>

This picture of Irish clerical education in the Middle Ages may be taken, with some reservations, as a tolerably accurate representation of the state of affairs in Ireland in the thirteenth century. As Archbishop Healy observes, "the superior education received at this time [that is, in the Middle Ages generally] by the Regulars of the Mendicant Orders explains why so many of them were chosen to be bishops and professors in colleges." It also explains, at least in part, why Michael MacLaughlin was chosen by the Dean and Chapter of Armagh to fill the primatial see of Ireland. Some of the junior clergy of the archdiocese may have attended his lectures on theology and Scripture in the Franciscan Friary; and his virtue and learning were doubtless well known to the clergy in general. For some unexplained reason, MacLaughlin's election was set aside by Blessed Benedict XI, himself a Dominican; but the worthy Armagh Franciscan subsequently became Bishop of Derry, and ruled that diocese from 1319 until 1324.

Meanwhile, Benedict XI had provided Denis, Dean of Armagh, to the vacant primacy; but Dean Denis declined the honour and resigned his appointment into the hands of Thomas Jorz, Cardinal of Santa Sabina, and Peter Cardinal of San Vito in

<sup>1</sup> Archbishop Healy's *Maynooth*, pp. 10 et seq. See also an interesting article on "Ancient Irish Dominican Schools," by Dr. B. T. Russell, O.P., of Cork, in the *Dublin Review*, Sept., 1845. Mrs. Alice Stopford Green has amassed a fund of valuable information on Irish schools in her *Making of Ireland and its Undoing*; but she has overlooked the conventual schools, and she wrongly represents Primate Walter and Cardinal Thomas Jorz as Irishmen.

Marcello—these Cardinals having been specially delegated by the new Pope, Clement V, to receive the resignation in his name.<sup>1</sup> Afterwards, on August 27, 1306, Clement V provided John Taafe to the vacant see. Taafe is mentioned as Archbishop-elect of Armagh on October 12 following, when he was entrusted with a commission in favour of Richard de St. Leger, the Pope's nephew, who had been provided by his affectionate uncle to the Archdeaconsry of Dublin, and to a canonry and prebend in the same diocese, with dispensation to the favoured youth "on account of his being about fifteen years of age and having only the first tonsure."<sup>2</sup> John Taafe died soon afterwards at the papal court, "having never seen his diocese after having received the mitre."<sup>3</sup> Thus the death of Primate Nicholas Mac Mael Isa was followed by three abortive endeavours to fill the vacancy, which lasted for more than four years.

### PRIMACY CONFERRED ON WALTER JORZ

Finally on August 6, 1307, the Pope announced the appointment of Walter Jorz to the primatial see. We shall not be far wrong in surmising that the influence of Cardinal Thomas Jorz had a good deal to do with this promotion. If Clement V could provide so handsomely for his young nephew at the expense of Dublin, it was only natural that Cardinal Jorz should seek to advance his brother at the expense of Armagh.<sup>4</sup> Not that

<sup>1</sup> Theiner, *Veleva Monumenta*, p. 174.

<sup>2</sup> *Cal. Pap. Reg.*, II, 16-18.

<sup>3</sup> Stuart-Coleman, *Hist. of Armagh*, p. 104.

<sup>4</sup> The Papal Registers show that Cardinal Jorz helped himself and some of his kinsmen pretty liberally at the expense of the Church. On July 12, 1306, Clement V granted "to Robert, son of Richard de Jork, provision, at the request of his uncle Thomas, cardinal of St. Sabina's, of a benefice in the province of York, value 100 marks, he being under age and not in holy orders." £800 a year was a fairly comfortable allowance for a youth who was "under age and not in holy orders." On May 18, 1307, the Pope granted "to John de Sutton—who was dispensed by the bishop of Lincoln so as to hold the rectory of Tinford for seven years while continuing his studies, without being ordained priest—indult, at the request of Thomas, cardinal of St. Sabina's, whose kinsman he is, to retain the same for three years more on the same terms." On December 6 following, further favours were accorded to this fortunate student: "To John, rector of Twyforde, in the diocese of Lincoln. Dispensation at the request of Thomas, cardinal of St. Sabina's, to hold the church of Waretop, in the diocese of York, and a canonry and prebend of Lincoln, which he expects; with leave to resign one of those benefices and accept another." Meanwhile, Cardinal Jorz had not been unmindful of his own interests. Under date of March 13, 1308, we read: "To Thomas, cardinal of St. Sabina's. Decree that the benefices held by him in *commendam*, in England, Wales, Scotland, and Ireland, to the value of 1,000 marks, shall, on his death, revert to their original state, and that the Pope shall not exercise rights of patronage over them." The yearly income of Cardinal Jorz was, therefore, £8,000 from benefices alone; he was also a pensioner of the English king, and an unofficial but highly influential agent of that monarch



Walter Jorz was unworthy of the dignity to which he was thus raised. He had been an Oxford professor;<sup>1</sup> the Pope, in terms of unaccustomed warmth, pays tribute to his virtues and accomplishments; he obviously stood high in the estimation of his contemporaries; and serious historians of later ages have unanimously borne testimony to his piety and learning. Still, as Archbishop and Primate, he was by no means a shining success. An ecclesiastic of quiet and scholarly habits, he lacked the virile gifts of administration which his two Dominican predecessors, Primate Reginald and Primate O'Scannell, had so signally displayed.

It is clear that Clement V entertained a deservedly high opinion of Walter Jorz. The Pope describes how he had discussed the Armagh vacancy with the Cardinals of his court, and had at length resolved to entrust the government of the see to Walter Jorz, "a professed member of the Dominican Order, also a man of noble family, of laudable life and morals, endowed with the science of letters, eminent for piety, renowned among his contemporaries, prudent and circumspect in spiritual and temporal affairs."<sup>2</sup> Having thus determined to grant him the mitre of Armagh, and to place the spiritual and temporal administration of the see unreservedly in his hands, the Pope caused him to be consecrated by Nicholas, Cardinal Bishop of Ostia, and to receive the pallium from Landulf, Cardinal of Sant' Angelo. There can be no doubt that Walter's consecration was solemnised at the papal court in France, probably at Poitiers, whence Clement V issued his brief of appointment under date of August 6, 1307.<sup>3</sup>

at the papal curia. An indult which he obtained on July 1, 1309, affords an illustration of the disastrous policy pursued in those times by churchmen in high places: "To William de Thorritest, one of the King's clerks, who holds by papal dispensation the rectories of Kneshale, Walington, Fonstone, and Doderhulle, in the dioceses of York, Lincoln, and Worcester. Indult, at the request of Thomas, cardinal of St. Sabina's, to accept two other benefices, value 100 marks." This pluralist, who already held four benefices, was now entitled to add two more to his collection, and to swell his income by £800 a year. Finally, on Sept. 24, 1309, the Cardinal procured a rectorship for another of his hopeful nephews: "To William, son of Robert de Riseley. Collation, at the request of his uncle Thomas, cardinal of St. Sabina's, he being under age and in minor orders, to the rectory of Overy, in the diocese of Ely, void by the death of his brother Robert."—*Cal. Pap. Reg.*, II. 21, 29, 32, 48, 57, 62. There is little rashness in surmising that Cardinal Jorz had much to do with his brother Walter's elevation.

<sup>1</sup> He is described by Maclean (Pembroke College, 60) as a teacher at the Dominican Convent of St. Nicholas in Oxford. Cf. Mrs. Green, *Making of Ireland*, p. 289. But the Dominican school at Oxford was known as St. Edward's School.

<sup>2</sup> Theiner, *Vetere Monumenta*, 176.

<sup>3</sup> The abstract of this brief in *Cal. Pap. Reg.* II. 26 wrongly represents Walter on August 6, 1307, as about to be consecrated and about to receive the pallium. The text of the document (in Theiner, *Vetere Monumenta*,

A procession of writers, headed by the untrustworthy Bale, have erroneously regarded 1306 as the year of Primate Walter's appointment. Ware and Harris, De Burgo and Father Palmer have adopted this error. Sir John Gilbert, with unwonted inaccuracy for so careful a writer, affirms that "in 1306 Jorse was in Italy, and was there consecrated Archbishop of Armagh by Pope Clement V."<sup>1</sup> In this single sentence, there are at least four mistakes of fact. Walter Jorz was not consecrated by Clement V, but by the Cardinal Bishop of Ostia; his consecration took place in France, not in Italy. Clement V, during his reign as Pontiff, never once visited Italy; and there is not a particle of evidence to show that Jorz was in Italy in 1306. It is supremely improbable that he was appointed and consecrated in 1306, and that the announcement of his promotion was mysteriously and unaccountably deferred until August 6, 1307.

We know that his predecessor, John Taafe, Archbishop-elect of Armagh, figures as papal commissioner on October 12, 1306. Taafe may have died very soon afterwards, and he certainly died at the papal court; but Jorz was not at once appointed as his successor. The Pope expressly states that after Taafe's demise he began to consider the question of filling the vacancy, and it was only after consultation with the Cardinals that he at length (*demum*) chose Walter Jorz as a suitable prelate for Armagh. The whole phraseology of the Pope's brief shows clearly that the appointment was made without undue or abnormal haste after the death of John Taafe—and Taafe, for all we know, may not have died until the early months of 1307. There is no vestige of proof that Jorz was appointed in 1306; and there is not a shadow of reason for assuming that eight of nine months elapsed between his appointment and its formal announcement in August, 1307. Such delay would have been inexplicable and extremely unusual.

There is every reason to believe that Walter's nomination to Armagh, his consecration at the papal court, and his reception of the pallium, had all taken place shortly before August 6, 1307—the date on which his appointment was officially gazetted, to use a modern phrase. A week later (on August 13, 1307) he received permission from the Pope "to contract a loan of 4,000 florins to meet his expenses at the Apostolic See."<sup>2</sup> This sum was equivalent to something between £4,000 and £5,000 in our modern currency. Exorbitant as this toll may seem, it was mild by comparison with the enormous fine which Primate Walter was soon afterwards compelled to pay to Edward II and his underlings.

176) shows clearly that his consecration had already taken place, and that the pallium had already been conferred upon him.

<sup>1</sup> *Dictionary of National Biography*, art. "Walter Jorz."

<sup>2</sup> *Cal. Pap. Reg.*, II. 29; Theiner, 176.



TEMPORAL ADMINISTRATION—A KING'S QUARREL  
—SOME PAPAL PRECEDENTS

In the brief of Primate Walter's appointment there was one clause in particular which gave umbrage to that weak and dissipated despot, Edward II, then a young man of twenty-three, who had ascended the English throne only a month before. The offending clause was that in which Clement V announced the fact that he had confided the temporal as well as the spiritual administration of Armagh to Walter Jorz.<sup>1</sup> The King chose to regard the Pope's letter as an infringement of his royal rights, "especially because, by the letter aforesaid, the Lord Pope commits to Brother Walter the care and administration of the temporalities, which were then in the King's hand, and with which the Lord Pope had nothing whatever to do." This was the sole specific objection urged against Primate Walter's brief, as we shall see from an official instrument to be presently cited; and it was a strange objection indeed. It was rather startling to be told that the Head of the Church had "nothing whatever to do" with the church property of Armagh.

In point of fact, Clement V was merely following in the footsteps of his predecessors. For instance, in 1276, John XXI commissioned the Bishop of Clonfert, together with the Dominican Prior and the Franciscan Guardian of Dublin to confirm the Bishop-elect of Leighlin by apostolic authority, and to "place him in possession of the property of his bishopric," in case they were satisfied as to his personal merits and as to the canonical validity of his election.<sup>2</sup> Similarly, Nicholas III, setting aside the candidature of Fromond le Brun, provided John Darlington, an English Dominican and distinguished scholar, to the archbishopric of Dublin in 1279, granting him the spiritual and temporal administration of the see<sup>3</sup> in terms almost identical with those employed later by Clement V in favour of Walter Jorz. In like manner, when Nicholas IV confirmed the election of Stephen O'Brogan to the archbishopric of Cashel in 1290, he stated expressly that he had committed to Stephen "the care and administration of the see, both as to spiritualities

<sup>1</sup> "Curamque et administrationem ipsius in spiritualibus et temporalibus tibi plenarie committendo."—Theiner, *Vetera Monumenta*, 176.

<sup>2</sup> "Si electionem ipsam inveneritis de persona idonea canonice celebratam, eandem auctoritate nostra confirmantes, ac ipsum electum in possessionem bonorum ipsius Episcopatus inducentes, faciatis eidem munus consecrationis impendi."—Theiner, 117.

<sup>3</sup> "Predicte Dublinensi ecclesie de fratrum eorundem consilio, et apostolice plenitudine potestatis, in Archiepiscopum preficimus et pastorem, tibi administrationem eiusdem ecclesie spiritualiter et temporaliter plenarie committentes."—Theiner, 119.

and temporalities";<sup>1</sup> and the phraseology employed on this occasion by Nicholas IV agrees, almost word for word, with that used later by Clement V. In 1295, Boniface VIII used the same formula when providing Master Thomas to the bishopric of Ross in Scotland.<sup>2</sup>

In 1296 Pope Boniface made use of a similar formula when confirming the Bishop-elect of Caithness, as likewise in confirming the election of the new Bishop of St. Andrews in 1298, and also when confirming the Bishop-elect of Moray in 1299. Again, in 1299, Boniface VIII had recourse to the same stereotyped form of words when appointing Richard de Feringes to the archbishopric of Dublin, and when placing the Dominican, Andrew, in the bishopric of the Orkney Islands. The same formula again occurs in 1301, in the brief by which Boniface VIII raised Abbot Nicholas to the bishopric of Dunblane. Precisely similar terms were used by Blessed Benedict XI in 1303, when appointing Maurice MacCarwill to the archbishopric of Cashel; by Clement V in 1306, when nominating John Taafe to the see of Armagh and, finally, by the same Pontiff on July 10, 1307,—two days after Edward II's accession—when appointing Richard de Haverings to the archbishopric of Dublin.<sup>3</sup> Even in the bulls of appointment signed by earlier Popes, it is always clearly implied that the new bishop is entrusted with the temporal as well as the spiritual administration of his see. Therefore, when Clement V conferred the spiritual and temporal administration of Armagh upon Walter Jorz, the Pope was merely doing what his predecessors had expressly or implicitly done, and what his successors have firmly persisted in doing ever since.

In this customary and harmless proceeding, Edward II discovered an invasion of his royal prerogative, an assault upon his crown and dignity. The young and misguided monarch was obviously riding for a fall. He was soon worsted in a series of violent conflicts with his barons, and was ignominiously defeated by Bruce at Bannockburn in 1314. Deposed from the kingship in 1327, he was murdered in Berkeley Castle before the close of that year.

#### ENGLISH KINGS AND THE IRISH CHURCH—NO IRISH NEED APPLY

It may be asked, by what right or title did Edward II and other English sovereigns presume to meddle with Irish church

<sup>1</sup> "Demum presentata nobis electione huiusmodi de te facta . . . eam de fratrum nostrorum consilio confirmavimus, preficientes te in Archiepiscopum Cassellensi ecclesie supradicte, curam et administrationem illius tibi in spiritualibus et temporalibus committendo."—Theiner, 152.

<sup>2</sup> Ibid. 159.

<sup>3</sup> Ibid. 164, 165, 167-170, 173-175.



property? The answer must be that they had no real claim in justice or equity; they had privileges, however, which they had won from the complaisance or wrested from the weakness of Roman pontiffs. The Irish dioceses had been founded by Irish saints, and endowed for the most part by Irish princes and people, at a time when the ancestors of England's kings were heathen worshippers of Odin and Thor in the forests of Germany and Scandinavia. But when the invasion of Ireland was sanctioned by Adrian IV and Alexander III, it was inevitable that the Irish Church should fall under the feudal yoke of the invader. Henry II and his successors, accordingly, proceeded to impose their pretensions upon the Irish Church to the utmost of their power.

Magna Charta itself, the famous charter of liberty, was a statute of slavery for the Irish Church. That great Charter of 1215 allowed the English king to retain custody of the revenues of each see during vacancy; it ordained that the diocesan electors should seek the king's permission before holding an election, and afterwards present their chosen candidate to the king for confirmation. This arrangement was made applicable to Ireland, and was enforced with unrelaxing persistence and tenacity, whenever circumstances permitted, down to the era of the Reformation. It was an arrangement adroitly used by English monarchs in furtherance of their sinister designs against the Church and people of Ireland.

England's policy was bluntly expressed by Henry III in two decrees of 1215, commanding that for the future no Irishman should be elected or promoted in any cathedral of his native land. This iniquitous policy was sternly condemned, on account of its "unparalleled audacity and unfairness," by Honorius III in 1220, and again in 1224; yet its spirit survived during the next three hundred years. It is not too much to say that it was the settled policy of Englishmen, in those ages, to secure that nobody should be appointed to an Irish see save an Englishman or a cleric devoted to English interests. Thus in 1226, despite the spirited protests of Honorius III, Henry III granted his *congé d'élire* to the electors of Cloyne, on the express condition that they should elect an Englishman. Sometimes an English cleric was forced upon an Irish see, as when Robert Travers was intruded into Killaloe by the illegal violence of Geoffrey de Marisco, Justiciary of Ireland. It is more than probable that the Limerick priest who was intruded into Ardfert, some years earlier, by the same Justiciary, was also an Englishman; and it is significant that Geoffrey de Marisco was the Justiciary to whom Henry III had addressed his anti-Irish decrees in 1215. Like master like man; the Justiciary was acting in the spirit of his orders.

English prelates, once installed in Irish sees, might be trusted to fill their Chapters with compatriots of their own. This they

often did, as the lists of diocesan dignitaries in Ireland, during the thirteenth and later centuries, bear eloquent witness. Besides, when a canon or other beneficed clergyman died during a vacancy of the see, the English sovereign claimed and exercised the power of filling the vacant canonry or benefice by a nominee of his own. Thus the diocesan Chapters, being largely composed of Englishmen, would provide a succession of English bishops for the government of the see, as was actually the case in many dioceses. Moreover, when a contested election came before the Pope for consideration, English agents were usually at hand to suggest the appointment of an Englishman as an independent outsider. Finally, in the fourteenth and fifteenth centuries, when the free canonical election of Irish bishops was almost wholly superseded by a system of papal provisions, the floodgates of political and private intrigue were thrown wide open, and Irish ecclesiastical posts were lavishly bestowed upon Englishmen.

Everything worth having in the Irish Church was to be the perquisite of some Englishman; no Irish cleric need apply for any ecclesiastical dignity in his own land. Such, in letter or spirit, was the policy of the English in Ireland from the beginning of the thirteenth century until the close of the fifteenth. Happily for religion and humanity, this ruthless policy often failed of its end. A large number of Irish ecclesiastics were appointed to bishoprics, canonries, and benefices in the course of those three centuries. But it is sadly true that religion and morals suffered incalculable harm from the policy of Henry III and his successors. Places of power and emolument in the Irish Church were filled, whenever possible, by Englishmen, that is, by alien bishops and dignitaries, who were unable to speak the language of the people to whom they were supposed to minister. Not only were these alien ecclesiastics utterly out of sympathy with the Irish people; many of them were absentee pluralists, intent only on drawing the revenues of their Irish benefices. The moral disorders to which this system gave rise are writ large in the *Calendars of Papal Registers*; they form the blackest chapter in the history of Irish morals.

### IMPOVERISHMENT OF THE IRISH CHURCH

The Irish Church, under this oppressive feudal system, was impoverished in a variety of ways. Its revenues, which should have been largely devoted to works of charity and religion, were sometimes devoured by absentee Englishmen, whose chief concern was to fleece, not pasture, their Irish flocks. Besides, the Church suffered grievously from the interminable wars and raids which wasted the country, and for which Irish and English



were equally to blame. The revenues of the Church were further depleted by royal and papal exactions, which were sometimes intended for the financing of the crusades, but which usually went to replenish the English exchequer. Exorbitant fees were sometimes demanded from Irish prelates at the time of their consecration, and enormous fines were sometimes imposed upon them by the English king. Thus, immediately after his appointment, Walter Jorz found it necessary to borrow 4,000 florins, in order to pay his expenses at the papal court; and he was presently constrained to pay a fine of £1,000 to Edward II for an imaginary offence. The vast total, amounting to something between £16,000 and £17,000 in modern currency, would naturally have to be paid in the last resort by the archdiocese of Armagh.

Again and again, in royal and papal documents, we meet with references to the poverty of Irish dioceses in the Middle Ages. One of the most potent causes of the impoverishment of Irish sees was the feudal practice, introduced by the English and sanctioned by Magna Charta, whereby the English king was permitted to retain custody of the revenues of each see during vacancy. As soon as the demise of a bishop became known, the lands and possessions of his diocese were seized by the escheator; as the phrase ran, they were "taken into the King's hand." The revenues, arising from rents, farm produce, and the like, were confiscated to the English Crown until such time as the temporalities were restored to the incoming prelate. In those days, vacancies in Irish sees often lasted from two to six years, and a glance through the Pipe Rolls of the period will suffice to show the vast sums withdrawn from the proper purposes of religion, in several Irish dioceses, for the benefit of the royal exchequer and of the grasping officials of the Crown.

The temporalities of an Irish see were often withheld from the new bishop for months, and sometimes even for years, after his appointment. The religious and charitable institutions of the diocese might languish and decay; it was of little consequence to the king's officials, intent only on their pound of flesh. The bishop's temporalities might be seized, or threatened with seizure, for some real or alleged offence in the course of his administration, as happened to Archbishop MacKelly of Cashel. The bishops were often dragged into the secular courts and heavily fined for some real or fancied misdemeanour, as we shall have occasion to see more than once in the life-story of Walter Jorz. One might compile a long and necessarily incomplete list of fines and amercements inflicted upon Irish bishops in the Middle Ages; and such a list would furnish rather interesting and significant reading. It would suggest the conclusion, which is re-inforced by many other considerations, that the freedom and the security enjoyed by Irish bishops at the present day is

immeasurably greater than that which fell to the lot of their predecessors under the feudal regime.

In feudal times, it is true, bishops were placed, by a legal fiction, in the same category with barons and other territorial magnates. Most of the genuinely Irish bishops must have regarded this feudal status as a species of gilded slavery. Its advantages were few and shadowy, while its disadvantages were numerous and galling—above all, they were ruinous to the interests of religion. At the best of times, the privileges which bishops were supposed to enjoy were little better than a mockery and a snare. The English king was pleased to regard the bishop as a feudal lord, and was thereby enabled to lay hands upon his revenues, as unceremoniously as upon those of a helpless baron. The majority of Irish bishops seldom showed an inclination to attend the petty parliaments of the Pale—the only parliaments to which they were accorded admission. Most of the Irish Primates in those ages, even though of English birth or extraction, absented themselves habitually from these local parliaments, on account of the ambitious opposition of the English Archbishops of Dublin.

#### AN APOLOGY FOR REGALISM

The reasons in favour of this feudal subjection of bishops are plausibly, if not convincingly, stated by English writers. These writers are almost exclusively concerned with the conditions existing in their own country; they overlook the fact that in Ireland the position of affairs was essentially different. They remind us that<sup>1</sup> "in early and medieval times the bishop had a national as well as a diocesan side, national as well as diocesan responsibilities. He was a feudal lord, seised of extensive lands, upon the vassals of which the king was often dependent for his troops and service."<sup>2</sup> The Crown bestowed on the Church endowment of lands and even cities, for the maintenance of the bishoprics in Saxon times—witness the case of Birinus of Dorchester,<sup>3</sup> and of St. Edward of Winchester. Prelates, too, often held posts of national trust and influence at the court, consequently their selection was a matter of national, not merely of ecclesiastical, importance. It would have been unjust and unwise had the choice been left entirely to a small group of monks or canons who might form the diocesan chapter, and could hardly be expected to see beyond local interests. The

<sup>1</sup> Bishop Brownlow, *Short History of the Catholic Church in England*, 1895, pp. 251, 252. Cf. "The Method of Appointing English Bishops before the Reformation," by Canon Moyes (*Tablet*, December 2, 1893).

<sup>2</sup> Stubbs, *Constitutional History*, II. p. 292.

<sup>3</sup> Bede, bk. III. ch. 7.



king, therefore, very properly required that such a functionary should not be elected without his knowledge and approval, so that he might see that at least no person hostile to his interests was raised to a post which would give him lordship over his subjects and a seat in his council. Hence the right of granting a *congé d'élire*, and of royal assent as the lawful part of the sovereign in filling up episcopal vacancies."

This line of reasoning is not without its perils. It involves a tacit admission that the Pope was invading a "right" of the English monarch whenever (as in the case of Walter Jorz) he appointed a bishop without the knowledge and assent of the king. The Popes recognised no inherent rights of the kind; they regarded them merely as privileges, which they were at liberty to abrogate when occasion arose. That episcopal elections in England, as a rule, were largely under the control of royalty is a fact which can hardly be regarded as a blessing to religion. What seemed good to the king was not necessarily good for the Church or for the realm. In any event, this feudal arrangement provided England with too many complaisant prelates, from the bishops who sided with Henry II against St. Thomas à Becket down to the subservient prelates of Henry VIII's reign.

The pleas put forward in justification of English regalism have little validity when applied to Ireland. The position of the English in Ireland was that of ruthless invaders in a partially conquered territory. From the inhabitants, whom they too often despoiled and massacred, they could neither expect nor deserve loyalty. In Ireland, as a rule, the English monarchs had endowed no bishoprics with lands or cities; what they generally granted in this country was something which was not theirs to give. If an Irish bishop in the Middle Ages had national as well as diocesan responsibilities, his modern successor still bears the burden of the same two-fold responsibility, which he is able to discharge with greater freedom and efficiency because he is no longer the henchman of a feudal autocrat. The Irish bishop in medieval times was a feudal lord, not by free choice but by forced necessity. For the most part, his flock consisted of people who were regarded as the "Irish enemy," and who were outside the pale of English law. His only vassals, as a rule, were the descendants of English adventurers and swashbucklers who had secured a footing in Ireland, and whose followers might be mobilised from time to time, usually in order to carry fire and devastation into the territories of the "Irish enemy." Apart from a few Englishmen who occupied sees in this country, no Irish bishops were ever allowed to hold "posts of national trust and influence" under the English Crown. If the whole of Ireland formed an integral part of the English dominions, and were under settled and orderly rule, it might be *prima facie* desirable that no person hostile to the

interests of the English king should be appointed to an Irish bishopric. But, as we know, over a great part of Ireland the authority of the English monarch was either null or merely nominal; and such authority was scarcely a sufficient warrant for interference in episcopal elections. When, moreover, the interests of the English Crown were diametrically opposed to those of the Irish Church and the Irish nation, the case was still more radically altered. It was the interest of the English king to fill his treasury at the expense of Irish sees, and to fill the leading positions in the Irish Church with English ecclesiastics. No amount of special pleading can excuse the pernicious policy of packing the Irish episcopal bench with alien and incompetent prelates—with men who were unfitted, by temperament and education, for the task of ministering to their Irish flocks.

One of these was Walter Jorz, though he belonged to the best class of these imported prelates. Personally he was a devout and scholarly man, who had been raised to the primatial see through English, though not through royal, influences.

#### *A PORTENTOUS FINE—PRIMATE WALTER RENOUNCES PAPAL CLAUSES*

Primate Walter did not prolong his stay in France after August 6, 1307, when the letters announcing his elevation to Armagh were signed by Clement V. In the following month we find him in England, where his reception had been anything but friendly. On September 21, Edward II, who was then at Clipston, granted a "remission to Walter Jorz, Archbishop of Armagh, of payment of the fine of £1,000 made by him to the King upon his preferment to the archbishopric by the Pope."<sup>1</sup> Here we have the earliest record of the infliction of this enormous fine (amounting to some £12,000 in modern money) on the unfortunate Primate. As the record shows, the fine was actually paid—from what sources it were useless to inquire. It was remitted by the King, and presumably refunded to the Primate, but it had a curious subsequent history, as we shall presently see.

On September 29, Primate Walter was the central figure in a scene which took place in the King's chamber at Lenton Priory. Among the notabilities present were Edward II; Anthony Bek, Bishop of Durham and titular Patriarch of Jerusalem; John Langton, Bishop of Chichester; the Earls of Lincoln, Hereford, and Lancaster; Father John de Lenham,<sup>2</sup>

<sup>1</sup> *Calendar of Patent Rolls, 1307-1313*, p. 10.

<sup>2</sup> Edward II vainly begged the Pope to make him a Cardinal. See letter of February 15, 1311, in Rymer's *Fœdera*, III. 249.



the King's Dominican confessor ; and various other personages of note, who had been specially summoned for the occasion. The assembly was called to witness the signing by Walter Jorz of a formal document, whereby he renounced all and sundry of the clauses in the Pope's letters which might be regarded as prejudicial to the rights of the English king, particularly the clause which related to the temporal administration of Armagh. Primate Walter meekly signed the formula, as other prelates had done before him, in accordance with a practice lately introduced by the English monarch. The pliancy of these prelates created a precedent which was followed for hundreds of years. Had they been men of high spirit and independent character, free from undue deference to the caprices of royalty, they would have resigned their bishoprics rather than sign a formula which none of their predecessors had been asked to sign, and which was in itself an affront to the Holy See.<sup>1</sup>

The document drawn up on this occasion is one of the earliest of its kind now surviving ; and we may regard it as the prototype of many similar renunciations. An inspection of its text will show that the only clause to which specific objection was taken by the King and his advisers was the clause relating to the temporalities :

"In Dei nomine, Amen.—Per praesens privilegium, sive publicum Instrumentum, omnibus appareat evidenter, quod, praesentatis per Venerabilem virum, fratrem Walterum de Jorze, Archiepiscopum Ardmachanum, Excellentissimo Principi Domino Edwardo, Dei gratiâ, Illustri Regi Angliae, litteris

<sup>1</sup> Over a fortnight earlier, a similar renunciation was made by the new English Archbishop of Dublin. On September 13, 1307, the temporalities were ordered to be delivered to Richard de Havering, preferred to Dublin by the Pope, "he [Richard] having renounced the papal letters, so far as they may be to the prejudice of the King's crown and dignity, and the King having, in consideration of his petition, and not on account of the Pope's letters, accepted fealty from and restored the temporalities to him."—*Calendar of Patent Rolls*, 1307-1313, p. 6. There was no explosion of royal wrath when Richard de Havering was appointed by papal provision, nor was he condemned to pay a crushing fine. In truth, when the Pope appointed a prelate at the instigation of the English king (as he too often did), the proceeding was tolerable, if not regular ; but when the newly-provided prelate did not happen to enjoy the good graces of the king, his appointment to the temporal administration of his diocese constituted a grave prejudice to the king's crown and dignity. Happily, this feudal rubbish is now relegated to the lumber-room of antiquity. The clergy of every Irish diocese are now free to elect their candidates, as they may think proper ; and the Pope may select whomsoever he deems fittest for the government of the see. The temporalities are no longer at the mercy of royal and secular rapacity ; the prelate chosen by the Pope is no longer a helpless victim of royal caprice and official malevolence.

It seems that Edward I, an anti-clerical, over-rated, and tyrannical personage, was the first to introduce the custom of compelling prelates to renounce the papal clauses relating to the temporal administration of their respective sees.

Sanctissimi Patris Domini Clementis Papae quinti, inter caetera continentibus, qualiter idem Dominus Papa praefecit eundem fratrem Walterum in Archiepiscopum Armachanum, totius Hiberniae Primatem, curam et administrationem sibi in spiritualibus et temporalibus committendo.

"Perpendit Dominus Rex memoratus ipsas litteras Apostolicas sibi et juri suo Regio fore praejudiciales, eo maxime quod Dominus Papa committit, per easdem, eidem fratri Waltero curam et administrationem temporalium, quae in manu ipsius Domini Regis tunc fuerunt, et de quibus ad ipsum Dominum Papam nichil omnino pertinuit.

"Quibus quidem litteris, quoad illum articulum et omnes alios, in quibus dicto Domino nostro Regi et juri suo Regio fuerunt, vel esse potuerunt, quoquomodo praejudiciales, praedictus frater Walterus, in praesentia Domini Regis, mei, Notarii publici, et testium subscriptorum, in camera Regis in prioratu de Lenton, tertio Kalend. Octobris, Anno ab Incarnatione Domini millesimo trecentesimo septimo, Indictione sexta, personaliter constitutus, omnino renunciavit, sub verborum sententia, quae sequuntur:

"Ego, frater Walterus, per Sanctissimum Patrem Dominum Clementem, divina providentia Papam quintum, in Archiepiscopum Armachanum praefectus:

"Illi particulae litterarum Apostolicarum, de mea promotione, vobis illustri Principi Domino Edwardo, Dei gratia, Regi Angliae et Domino Hiberniae, directarum, in qua michi ipse pater praefatus temporalium ad meum Archiepiscopatum spectantium, curam et administrationem committit, et omnibus aliis ipsarum Litterarum ac tenori, quatenus praejudicant, vel praejudicare poterunt, regio juri vestro Coronae, vel Regiae dignitati vestrae, palam renuncio et expresse:

"Ipsaque temporalia praedicta non virtute litterarum Apostolicarum, set ex vestra regia gratia (cui me submitto totaliter in hac parte), me fateor recepturum."

"Acta fuerunt omnia haec, die, anno et loco supradictis: praesentibus Domino nostro Domino Rege; Dominis,

A. Patriarch. Iherosolom.

J. Cicestr. Episcopo.

H. Comite Lincoln.

V. Comite Herf.

T. Comite Lancastr.

H. le Despenser,

W. Inge,

J. de Benested, Clerico,

Fratre J. de Lenham,

W. de Melton,

A. de Osgoteby,

R. de Bardelby,

"Testibus ad hoc specialiter vocatis et rogatis.



"Et ego, Rogerus de Staunford, Clericus Lincoln. Diocesis, publicus, auctoritate Romani Imperii, Notarius, praemissis omnibus, cum dictis testibus, praesens interfui, et ea omnia scripsi, et in hanc publicam formam redegi, meoque signo consueto signavi rogatus." <sup>1</sup>

TEMPORALITIES RESTORED TO PRIMATE WALTER  
—ENGLISH RAPACITY

On the following day (September 30, 1307), the King issued from Lenton a "Mandate to the Justiciary of Ireland to deliver the temporalities of the archbishopric of Armagh to Walter Jorz, preferred to that see by the Pope upon the death of Archbishop John, he having renounced the papal letters, so far as the same may be to the prejudice of the King's crown and dignity, and paid a fine of £1,000; in consideration of which fine, and not on account of the Pope's letters, the King accepted fealty from and restored the temporalities to him.—Writ *de intendendo* directed to the knights and other tenants of the archbishopric." <sup>2</sup>

The original may be here quoted, as it seems to be the earliest document of its kind now existing, in which mention is made of the renunciation of papal clauses by a bishop of the Irish Church.

"Rex Justiciario suo Hibernie salutem. Cum dominus summus Pontifex ecclesie Cathedrali Armachen. per mortem bone memorie Johannis, nuper Archiepiscopi illius loci, pastoris solacio destitute, de persona religiosi viri Walteri Jorz de ordine fratrum praedicatorum providerit, ipsumque in Archiepiscopum loci illius prefecit et pastorem, sicut per litteras ipsius summi Pontificis bullatas, nobis inde directas, plenius apparet :

"Nos, quia predictus Walterus predictis litteris, quatenus corone seu dignitati nostre regie prejudiciales existunt, coram nobis renunciavit omnino, gratiam nostram humiliter supplicando, et per finem Mille librarum quem idem Walterus fecit nobiscum, pro gracia nostra in hac parte optinenda, cepimus fidelitatem ipsius Walteri, et temporalia Archiepiscopatus predicti cum pertinentiis, per finem illum de gracia nostra et non virtute litterarum predictarum, restituimus eidem. Et ideo vobis mandamus quod eidem Waltero temporalia Archiepisco-

<sup>1</sup> Rymer, III. 181. Strictly speaking, it seems inaccurate to say that Primate Walter "signed" this form of renunciation, but the expression may be allowed as a serviceable figure of speech. His verbal renunciation, couched in the terms above quoted, was embodied in the formal document drawn up by a notary.

<sup>2</sup> *Cal. Pat. Rolls*, 1307-1313, p. 4.

patus predicti cum pertinenciis liberetis in forma predicta. Teste Rege apud Lenton. xxx die Septembris.

"Et mandatum est militibus, liberis hominibus, et omnibus aliis tenentibus de Archiepiscopatu predicto quod eidem Waltero tanquam Archiepiscopo et domino suo, in omnibus que ad Archiepiscopatum predictum pertinent, intendentes sint et respondentes in forma predicta. Teste, ut supra."<sup>1</sup>

More than a month passed before the temporalities were actually restored to Primate Walter. The date of their restoration was November 3 following, as we learn from the account of Walter de la Haye, escheator of Ireland, of "wardships and escheats in the King's hand, from the morrow of Souls *a. r. xxxiv* Ed. I to Tuesday after the octave of St. Hilary, *a. r. i* Ed. II"—that is, from November 3, 1306, until the Tuesday after January 20, 1308. In the escheator's account, this significant item occurs:

"Armagh Archbishopric.—He accounts for £103 13s. 0½d. rent of the demesnes, meadows, etc., of the manors of Tarmefechyn, Drumeskyn, Nerny, Ruschat, Nobre, Kilmon, and Newtown, in the King's hand by the death of Nicholas the late Primate, from feast of St. Peter ad Vincula, *a. r. xxxiv* Ed. I, to 3 Nov., *a. r. i* Ed. II, when the temporalities were delivered to Walter Jorz, Archbishop-elect, etc. Receipts, £268 18s. 1½d."<sup>2</sup>

It seems, therefore, that in the fifteen months between August 1, 1306, and November 3, 1307, the escheator had managed to extort a total sum of £268 odd, or about £3,200 in modern money, from the archdiocese of Armagh. I have not seen the accounts of the earlier period which followed the death of Primate Nicholas Mac Mael Isa—that is, from May 10, 1303, to August 1, 1306. But if we assume, as we may reasonably do, that the Crown officials were normally active during that period, they must have netted a total amount of £8,300 in those three years and a quarter. Thus the grand total of English extortions from the archdiocese of Armagh, during the four and a half years of vacancy—from May 10, 1303, until November 3, 1307—was about £11,500 in modern currency. It must not be imagined, however, that the appalling rapacity of English officials was exercised only in times of vacancy. Pretexts were easily invented for its exercise while the occupant of the see was still alive and active. One of the last transactions in which Primate Nicholas was involved with the Crown officials, ere he passed to a better world, is thus succinctly stated: "The Archbishop of Armagh accounts for £35 for contempt in not having

<sup>1</sup> Rot. Pat. 1 Edward II, p. 1, m. 20, Public Record Office, London. I have copied this from Father Raymond Palmer's manuscript *Anglia Dominicana*, IV. B. 148, now in Haverstock Hill Priory.

<sup>2</sup> *Thirty-ninth Report of Deputy-Keeper of Public Records in Ireland* 1907, p. 23.



executed the mandate of the King, as in roll *a. r. xxix*; £40 because he came not when summoned; 70 marks fine for himself his archdeacon, and clergy."<sup>1</sup> Thus we find the Archbishop and clergy of Armagh fined in various sums amounting to £1,600 in modern currency, on various pretexts, in the space of a few years. We shall presently see the same odious system of legalised oppression and plunder directed with equal malignity against Walter Jorz.

### SHARP PRACTICE OF CROWN OFFICIALS

Meanwhile, it is worthy of note that though the crushing fine imposed upon Primate Walter is officially said to have been remitted (after payment) by Edward II, yet more than thirty years afterwards we find the English officials in Ireland, with characteristic unscrupulousness, demanding payment in full from one of Primate Walter's successors. Primate David Mageraghty (or O'Hiraghty), the prelate in question, was not disposed to submit tamely to this extortionate demand. He appealed to Edward III, who thereupon issued (on June 20, 1341) the following mandate from the Tower of London:

"To the Treasurer and Barons of the Exchequer, Dublin. Order to inspect the rolls and memoranda of that exchequer, and if they find thereby or by inquisition or otherwise that David, Archbishop of Armagh, is not an heir, mainpernor, or executor of Walter Jorz, the late Archbishop, and does not hold any lands which belonged to Walter, except such as are of the temporalities of the archbishopric, then to supersede the demand which they make on the Archbishop for £1,000, provided that the £1,000 are levied of the heirs, mainperors and executors of Walter's will and of tenants of lands which belonged to Walter in fee, and not of the said temporalities, as David has shown the King that although he is not heir, executor, or mainpernor of Walter, yet the Treasurer and Barons exact of him £1,000, by which Walter made fine with the late King, because the Pope provided Walter with the cathedral church of Armagh, then void by the death of John, the late Archbishop, and appointed him Archbishop, and Walter renounced the Pope's letters appointing him, as prejudicial to the King and his Crown, whereupon David has besought the King to provide a remedy."<sup>2</sup>

In the customary way of English measures, this specious mandate was by no means as liberal as it seemed. It was quite

<sup>1</sup> *Thirty-eighth Report of Deputy-Keeper of Public Records in Ireland*, 1906, p. 72. The roll *a. r. xxix* (*ibid.* p. 52) vouchsafes no information as to the nature of this mandate of Edward I.

<sup>2</sup> *Calendar of Close Rolls*, Edw. III, 1341-1343, p. 182.

possible, and even highly probable, that there were no surviving heirs, mainpernors, or executors of Primate Walter's will, nor any tenants of lands which had belonged to him in fee, upon whom the £1,000 fine could be levied. In that case, the exorbitant fine would have to be paid by Primate David, and its remission by Edward II would be conveniently ignored.

### *WALTER HARRIS AND HIS ERRORS*

The account given of these transactions by Walter Harris is an extraordinary tissue of blunders and misrepresentations. Adopting Ware's erroneous date of 1306 for the new Primate's appointment, Harris proceeds to discourse on Pope Clement's Bull in this strain :

" This provisional Bull contained some Clauses derogatory to the Crown ; and therefore the King refused to give him restitution of the Temporalities, until he has renounced those prejudicial Clauses, particularly the Pope's Claim to dispose of a vacant see, when the late Bishop dies at his Court ; and he entered into a Recognizance to pay £1,000 for his offence. It was upwards of Four Years after, and just before his Resignation, that he was restored to the quiet Possession of the Profits of his see. He died before the Recognizance was levied. . . .

" It was the Pope's Usurpations that caused so heavy and unusual a Fine to be laid on this Prelate. For he tells the King in plain terms ' that no Body but he had a right to provide for the Church of Armagh ; having, in the beginning of his Apostolate, reserved the Provision to all Churches, both Archbishopal and Cathedral, to the Holy See ; and decreed everything Fruitless and Vain, that should be ignorantly or knowingly attempted to the contrary by any Power whatsoever. That he had adorned Archbishop Jorse with the Pall, taken from the Body of St. Peter, the ensign of the Pontifical Office ; and therefore exhorts or rather commands the King to restore the Temporalities without any Delay, which during the Vacancy had been kept in his and his Father's Possession.' This Bull was the true Cause of the long Delay given to this Prelate's Restitution ; and of the heavy Fine as aforesaid. In 1308, before his Restitution to the Temporalities, he petitioned the King," etc.<sup>1</sup>

Nearly every sentence of this precious narrative is an egregious mis-statement of fact. In the first place, Harris is wrong as to the date of Primate Walter's appointment. There is not a scintilla of evidence to show that he was promoted to Armagh in 1306. Secondly, Harris is wrong as to the clause

<sup>1</sup> Ware-Harris, I. 71, 72.



to which objection was raised by Edward II and his advisers. The formal record of Primate Walter's renunciation is the sole extant scrap of evidence on the subject; and that record lends no support to Harris's assertion. On the contrary, it shows clearly that the only clause to which specific objection was made was the clause which conveyed the temporal administration of Armagh to Walter Jorz. The clause regarding reservation, on which Harris lays such undue and misleading stress, was passed over without mention or comment, and excited no opposition. Both clauses, in point of fact, were eminently justifiable on principles admitted alike by the Pope and the King. It was the inherent right of the Supreme Pontiff to appoint a cleric of his choice to any ecclesiastical benefice, episcopal or otherwise, within the borders of the Catholic Church. It was likewise his right to confer the spiritual and temporal administration of the benefice on the person so appointed. It was his right, moreover, to reserve to himself the faculty of appointing a proper person to any ecclesiastical benefice which might fall vacant later. The most that Edward II could plead was that the Pope had allowed a contrary custom, in favour of royalty, to take root in the English dominions; that such custom had been sanctioned by time and strengthened by privileges expressly accorded by the Holy See. It was admittedly, on Catholic principles, within the competence of the Pope to abrogate a custom of the kind, to revoke such privileges or suspend their operation, whenever he deemed such action advisable.

Harris is entirely mistaken in saying that Primate Walter entered into a recognisance to pay the £1,000 fine, and died before the recognisance was levied. Official documents already cited prove beyond question that the fine was promptly paid, and then remitted; and that, after a period of more than thirty years, the Crown officials sought to exact payment afresh. But Harris's most whimsical blunder is his discovery that "it was upwards of Four Years after [Primate Walter's appointment], and just before his Resignation, that he was restored to the quiet Possession of the Profits of his See." We know, from official records quoted above, that the order for restitution of the temporalities of Armagh was issued on September 30, 1307, and that they were actually restored to Primate Walter's representatives on November 3 following, that is, less than three calendar months after the date on which his promotion was publicly notified by the Pope. This monumental mistake on the part of Walter Harris, Esq., was based on a curious mis-reading of the escheator's account for 1311 and 1312. The escheator's name was Walter Istlep, and his account proves the direct opposite of what Harris imagined, as we shall see when treating of Primate Walter's resignation.

Harris's Protestant rhetoric against "the Pope's Usurpations" is contradicted by the official record, which shows that the crux of the dispute was not the reservation clause, as he imagined, but the clause conveying the temporalities to the new Archbishop. Harris was a zealous Protestant, obsessed with Erastian and unscriptural notions of the King's supremacy in ecclesiastical affairs. Such notions would have been repudiated with equal heartiness, and denounced as heretical, by Edward II and Clement V. But Edward conceived—wrongly, as the facts show,—that he had acquired a certain right by custom and privilege, to wit, the exclusive right of conferring the temporalities on a newly-appointed bishop. He ignored the fact that the temporalities had often been bestowed upon such prelates, by pontifical diploma, during the lifetime of his own father, and that no objection had been raised. Clement V, on the other hand, insisted upon the inherent rights of his office, among which was admittedly included the right of entrusting the temporal administration of a diocese to the newly-appointed prelate.

A very few words will suffice to dispose of Harris's distortions of the meaning of Pope Clement's letter to Edward II. That document may be read in Rymer;<sup>1</sup> except for the opening paragraph, it is practically identical with the Bull addressed to Primate Walter himself. Its text proves that Clement had not "reserved the Provision to all Churches, both Archiepiscopal and Cathedral, to the Holy See," but only such churches as might fall vacant through the death of their bishops at the papal court. Finally, the Pope's letter shows that he is eager to persuade and induce, instead of "commanding," Edward II to restore the temporalities of Armagh to the newly-created Archbishop. Harris's mistakes in regard to Primate Walter were largely the outcome of his avidity to have a fling at what he called "the Pope's Usurpations." As nobody has hitherto taken pains to point out his errors on this head, and as he is so often cited as an ultimate authority, it has seemed worth while to devote some attention to him here.

#### PRIMATE WALTER'S ATTORNEYS—FINES AND INTRUSIONS

After Primate Walter's memorable experiences in September, 1307—his payment of an immense fine, the subsequent remission of that fine, his renunciation of the papal clauses, and the royal order for restitution of his temporalities—he began to make leisurely preparation for his journey to Ireland, that land of

<sup>1</sup> Rymer, *Foedera*, III. 4; cf. Theiner, *Vetere Monumenta*, 176.



exile in which his future lot was to be cast. He arranged with an English rector who was found willing to accompany him, probably in the two-fold capacity of companion and secretary. Knowing something of the legal chicanery by which Irish bishops were liable to be victimised by English officials—as we have seen in the case of Primate Reginald—he took the precaution of having attorneys appointed to act on his behalf in Ireland. Hence the following orders, issued by Edward II from Northampton, on October 18, 1307:

“Walter, Archbishop of Armagh, staying in England, has letters nominating John de Bernak and William de Burgo his attorneys in Ireland for three years. By K.

“Protection for the Archbishop for the same period. By K.

“Protection, for two years, for John de Bernak, parson of the church of Toft, going to Ireland to stay there in the service of Walter, Archbishop of Armagh.”<sup>1</sup>

It is just possible that this appointment of attorneys, as a measure of self-defence, came too late to save Primate Walter from a fine amounting to £60 in modern currency. In an “account from feast of All Saints, *a. r.* xxxiv Ed. I to feast of Purification of the B.V.M. *a. r.* i Ed. II [November 1, 1306–February 2, 1308], by Hugh de Clintoun and Benedict le Hauberge, sheriffs,” we read: “The Archbishop of Armagh owes 40s. because he had no standard (measure), and 60s. because he delivered false measures to his tenants. Sum, £5.”<sup>2</sup> From the dates alone, it is impossible to learn whether the incriminated Primate was John Taafe or Walter Jorz, though most likely it was the latter, as the temporalities of Armagh had remained in the hands of the Crown authorities during the brief episcopate of John Taafe. In any case, the diocese was made to suffer for the negligence of its minor officials. The Primate, who was most probably absent at the time, could hardly be expected to attend personally to the testing of weights and measures.

In the interval between Primate Nicholas Mac Mael Isa's demise and the installation of Primate Walter, the archdeaconry of Armagh had become vacant, apparently by the death of Archdeacon Nicholas of Mellifont,<sup>3</sup> who was Canon of Armagh in 1303, when he was one of the two delegates dispatched to the court of Edward I, with a view of securing the *congé d'élire*. When the archdeaconry fell vacant, Edward II, true to the traditional policy of his line, determined to bestow the appoint-

<sup>1</sup> *Cal. Pat. Rolls, 1307-1313*, p. 9.

<sup>2</sup> *Thirty-ninth Report of Deputy-Keeper of Public Records in Ireland*, p. 25.

<sup>3</sup> According to Cotton (*Fasti*, III. 44), Nicholas de Mellifont was Archdeacon in 1300. Cotton's authority is MS. F. i. 8 in T.C.D. On the other hand, in the Patent Rolls of 1303 Nicholas is described merely as Canon of Armagh (*Cal. Pat. Rolls, 1301-1307*, p. 148).

ment upon a courtier-cleric of his own selection. Hence, on April 15, 1308, he issued from Windsor a "grant to Master William de Birton, King's clerk, of the archdeaconry of Armagh, in the King's gift by reason of the late voidance of that see.—Mandate in pursuance to W. Archbishop of Armagh."<sup>1</sup> English monarchs, as we have seen, claimed the right of placing their own nominees in all benefices which fell vacant during a vacancy of the see. This fresh inroad on the liberties of the Irish Church, though strongly resented by many of the bishops and clergy of Ireland, was firmly persisted in by the English authorities. At times, as it would seem, the right of presentation to such benefices was vested in one of the ministers of the King. Thus, on November 4, 1306—nine months prior to Primate Walter's promotion—we find the English Chancellor, who was then at Lanercost, presenting a cleric to the benefice of Stabannan in Louth: "Presentation of John de Hibernia to the church of Stabannan in the diocese of Armagh.—By the chancellor, by gift of the chancellor with the assent of the treasurer." This presentation was renewed at Carlisle on May 21, 1307: "Presentation of John de Hibernia to the church of Stabannan, in diocese of Armagh, which is void."<sup>2</sup> These entries afford an illustration of the vigilance with which vacancies of the kind were noted, and of the care taken to fill them with clerics of English birth or extraction. In the present instance, it is more than probable that John de Hibernia was of English origin, though born in Ireland.

### *THE BAJULATIO CRUCIS AGAIN—EDWARD II'S DIPLOMA*

We do not know the date of Primate Walter's arrival in Ireland, but we know that, shortly after assuming the government of his see, he found it necessary to apply to Edward II for permission to assist by his attorneys, and not in person, at official gatherings of the English colony, which usually took place in Dublin or Kilkenny. He affirmed that a long-standing dispute existed between his predecessors and the Archbishops of Cashel and Dublin, with reference to the Primate's right of having the cross borne before him in the provinces of these prelates. His predecessors, therefore, had obtained licence to appear by proxy, and he desired to do likewise. Edward II granted the desired permission on June 5, 1308, in these terms:

"Rex dilecto et fideli suo justitiario Hiberniae, salutem.

<sup>1</sup> *Calendar of Patent Rolls*, 1307-1313, p. 64.

<sup>2</sup> *Ibid.* 1301-1307, pp. 467, 525. Stabannan in 1385 appears as a prebendal church, and in 1547 is called a "chauntry."—Cotton, *Fasti*, III, 61.



Supplicavit nobis venerabilis pater Walterus, archiepiscopus Ardmachanus, Hiberniae primas, quod, cum inter praedecessores suos archiepiscopos loci praedicti, Hiberniae primates, ex parte una, et Casselensem et Dublinensem archiepiscopos, qui pro tempore fuerint, ex altera, super bajulatione crucis ipsorum primatum infra praedictorum Casselensis et Dublinensis archiepiscoporum provincias, contentio extiterit ab antiquo; ac justitarii, ac alii ministri progenitorum nostrorum, quondam regum Angliae, praedecessores suos praedictos in singulis summonitionibus exercituum, convocationum, ac quorundam placitorum, ipsos contingentium, apud Dublin. et alibi infra Casselensem et Dublinensem archiepiscopatus facerent personaliter evocari, quousque iidem praedecessores sibi super hoc a progenitoribus praedictis, de attornatis suis per suas patentes literas constitutis, loco ipsorum ad omnia praemissa et singula admittendis gratiam impetrarunt, ut consimilem gratiam concedere velimus eidem.

"Nos igitur, perpendentes quod ex personali adventu praedicti archiepiscopi ad summonitiones et evocationes hujusmodi cum bajulatione crucis suae, grave damnum et periculum non modicum possent de facili provenire, nisi super hoc remedium apponamus, volentesque eidem archiepiscopo subvenire, quatenus cum justitia poterimus, in hac parte; vobis mandamus, quod attornatos, quos idem archiepiscopus loco suo per literas suas patentes sufficienter duxerit faciendos, ad praemissa et omnia alia personam ipsius archiepiscopi tangentia, ubi ipse propter impedimentum praedictum personaliter venire non potest, coram vobis admittatis, et coram aliis justitiariis nostris partium praedictarum, tam de banco nostro Dublinensi quam itinerantibus, caeterisque ministris nostris ibidem admitti faciatis, quamdiu nobis placuerit, de nostra gratia speciali. Teste rege apud Langelye, quinto die Junii."<sup>1</sup>

The importance of this document lies chiefly in its bearing on the primatial controversy. The Archbishops of Cashel and Dublin did not regard themselves as rivals of the Primate. Jointly or severally, they put forward no claim to the primacy. The distinction of being the first to advance such a claim was reserved for an episcopal adventurer who flourished two centuries later; it was reserved for John Allen, courtier of Henry VIII, creature of Wolsey, and fellow-labourer of Thomas Cromwell. In the early years of the fourteenth century, the Archbishops of Cashel and Dublin entertained no such pretensions. The Archbishop of Dublin merely claimed that, in virtue of certain privileges granted by the Popes, he had the right to debar any prelate, even the Primate of Ireland, from carrying the cross erect within the borders of his province. A similar claim, based upon other grounds, was put forward by the Arch-

<sup>1</sup> Wilkins, *Concilia*, II. 301; Rymer, *Foedera*, III. 86.

bishop of Cashel. Into the validity of these claims we need not inquire now, as the question has been discussed *per longum et latum* in our study of Primate O'Scannell.

The curious thing is that we find Primate Walter declaring, after a brief residence in Armagh, that the question of the Primate's cross was already an ancient quarrel (*contentio ab antiquo*) between the Archbishops of Armagh and their colleagues of Dublin and Cashel. What historical value, in these circumstances, can be attached to Primate Walter's declaration? He was an utter stranger to Armagh, and very slightly versed in its history; his representations were made, no doubt, with all the emphasis possible, with a view of influencing the mind of Edward II. We might naturally expect some exaggeration in his presentation of the facts which told in his own favour. On the other hand, dim echoes of this contest reach us from the time of Archbishop MacKelly of Cashel, sixty years earlier; and though the question would seem to have been finally laid to rest, with the tacit acquiescence of the Archbishop of Dublin, in the days of Primate O'Scannell, yet it was easily revived. During the long episcopate of Primate Nicholas Mac Mael Isa (1272-1303), the Archbishop of Armagh was far from being a *persona grata* at the English court; and English influence would naturally seek to exalt the Archbishop of Dublin at the expense of his colleague of Armagh. That Primate Nicholas may have sought and obtained licence to assist by proxy at the parliaments and conventions of the Pale need scarcely be wondered at,—and these may have been the exemptions which Primate Walter had in view; but it does not seem likely that Primate O'Scannell was forced to have recourse to an expedient of the kind.

### CRUSADE MONEY—SUPPRESSION OF THE TEMPLARS

Be this as it may, Walter Jorz was soon afterwards commanded by Clement V to attend to the graver question of the recovery of the Holy Land. On August 11, 1308, the Pope directed a mandate "to the Archbishops of Armagh, Canterbury, and York, Cashel, Tuam, and Dublin, and their suffragans; and to the Bishops of St. Andrews, Brechin, Dunkeld, Dumblane, Glasgow, Argyle, Whiteherne, Aberdeen, Moray, Ross, and Caithness. Touching the recovery of the Holy Land, and the means to be taken by them to induce their subjects to help in person or property."<sup>1</sup>

The tendency of the crusade funds collected in these islands to find their ultimate destination in the coffers of the English

<sup>1</sup> *Calendar of Papal Registers*, II, 43.



king may have damped the ardour of Irish subscribers. In any case, we hear nothing further of this "crusade business," as it was styled, during the brief episcopate of Primate Walter.

On the following day (August 12, 1308), a fresh sheaf of letters from Clement V summoned the Archbishop of Armagh and his brother-prelates in these realms to play their parts in the most sensational drama of the age—the suppression of the Templars. A summary of these mandates may be given here:

"To the Archbishops of Canterbury, Dublin, Armagh, Tuam, Cashel, York. Mandate to publish the Bull of the same date, ordering the Templars to restore their property to the ordinaries of the places where they are.

"The like to the Bishops in Scotland.

"To the Archbishop of Canterbury and his suffragans. Mandate to cite before them members of the Order, and make inquisition into the charges made against them, carrying out the provisions of the Bulls published to that end.

"The like to other Archbishops and prelates of England, Scotland, and Ireland, and to Master Raymond de Vichio, rector of Hosle, in the diocese of London, and others named.

"To the Archbishop of Canterbury and his suffragans, and to the other prelates of England, Scotland, and Ireland, and others, as above. Commission to administer the property of the Templars.

"Assignment of a pension to all persons deputed to take part in the business of the inquisition against the Templars."<sup>1</sup>

In the normal course of things a three-fold duty would thus devolve upon Primate Walter. He would be obliged to publish the Bull by which the Templars were ordered to surrender their property to the bishops. He would have to cite the Templars before him, and inquire into the charges laid against them. He would have to administer their property, once it came into his hands. But it so happened that Edward II, in his zeal for Holy Church and his own interests, had effectively forestalled these provisions. Six months earlier—on February 3, 1308—the Templars' lands and possessions had been seized by the King's sheriffs. The men placed as curators over the property thus seized were certainly not prelates; Edward took good care to keep the bishops aloof from the transaction. When the Pope's letters arrived, nothing remained for Primate Walter and his colleagues to administer. Their functions in the affair had been entirely usurped by the King and his officials.

In February also the unhappy Templars had been arrested in most of their preceptories throughout Ireland. They were conveyed under escort to Dublin Castle, where they were detained in confinement during the greater part of five years.

<sup>1</sup> *Cal. Pap. Reg.*, II. 48.

Diocesan inquiries into their guilt or innocence were scarcely likely to be set on foot while they were thus in prison, outside the jurisdiction of the local bishops. Indeed, there is no evidence that such inquiries were held in Ireland at all.

Meanwhile, Edward II had been helping himself liberally out of the spoils of the Templars, and he left no means untried for securing the entire booty. Inventories of the Templars' goods and chattels were carefully drawn up; even their title-deeds were seized by the Treasury. Guardians were appointed to manage their lands and exact the usual rents and services from the tenants, for the profit and convenience of the King. These tenants owed some rents at the time of the suppression, and the collectors were enjoined to enforce payment at once—the reason being that Edward II was faring forth on his Scottish expedition, and was in want of money. To provide the sinews of war in this assault on the liberties of Scotland, the Justiciary and Treasurer of Ireland were ordered to furnish 1000 quarters of wheat, 1000 quarters of oats, 200 quarters of beans and peas, 300 tuns of wine, three tons of honey, 200 quarters of salt, and 1000 stock fish, from the possessions of the Irish Templars alone, if possible, while further supplies were ordered to be raised elsewhere in Ireland.

One of the Bulls issued by Clement V on that memorable 12th of August, 1308, ordained that all the Templars' goods already seized should be returned, under penalty of excommunication. Commands and excommunications were alike set at naught by Edward II and his officials, who were in no mood to disgorge the plunder they had appropriated. The Pope wrote a letter of protest on October 4, 1308, but Edward defiantly replied, on December 4, that he had done nothing up to the present about the goods of the Templars, nor would, in future, "otherwise than he ought." In other words, he had annexed the spoils, and would give no satisfaction to anybody. It was only natural that Alexander de Bickenor, the King's Treasurer in Ireland, should follow the example of the royal brigand, by appropriating to himself some of the Templars' goods. This he proceeded to do with a good will, and a belated effort was made by the Barons of the Exchequer in Ireland and England to discover the amount of his defalcations. This trifle did not stand in his way a few years later, when there was question of placing an English archbishop in the see of Dublin. He was sent to the Pope in 1314, with high-flown letters from Edward II, strongly recommending him as "a man of profound judgment, high morality, deep learning, strict integrity," and so forth.<sup>1</sup> After some delay he returned home as Archbishop

<sup>1</sup> D'Alton's *Archbishops of Dublin*, p. 123. Cf. Rymer, *Foedera*, II. 241.



of Dublin, and wielded the crosier of St. Laurence O'Toole for thirty-two years, that is, from 1317 until 1349.

It was only in the later months of 1313 and in the earlier part of 1314 that Edward II was at last compelled to relax his hold upon the possessions of the Irish Templars, and to hand them over to the Irish Hospitallers.<sup>1</sup> Long before this desirable consummation was brought about, Primate Walter had resigned his see. In the interval between 1308 and 1311, he had apparently been compelled, like other Irish prelates, in despite of the papal ordinances, to play the part of a passive spectator while the tragedy of the Templars was being enacted, though a good deal of Templar property was situated in his own archdiocese.

### PRIMATE WALTER'S ATTORNEYS—A CURIOUS KILLALA DISPUTE

Realising the need of defending himself against lawsuits in the English courts, Primate Walter applied for leave to appoint attorneys on his behalf in England. This was granted by the King at Westminster on June 11, 1309: "W. Archbishop of Armagh, staying in Ireland, has letters nominating Thomas de Thorpe and Walter de Shepwesse his attorneys for two years."<sup>2</sup>

Ten days later a papal letter was addressed to Primate Walter and other prelates, ordering them to take action with regard to Archdeacon John Tankard of Killala, whose election to that see had obviously failed to give universal satisfaction. This mandate of June 21, 1309, is summarised as follows:

"To the Archbishop of Armagh and the Bishops of Ardagh and Cloyne. Mandate to cite John Tanguard, who, on the death of Donatus, had been wrongfully elected Bishop of Killala, and whose election had been confirmed by the Archbishop of Tuam, and against which Master John Heine, Canon of Killala, on the ground that he had no part in it, had appealed to Rome, the Bishop-elect having meanwhile caused himself to be consecrated. John Tanguard is to appear in person before the Pope within three months."<sup>3</sup>

This affair may be studied in a clearer and fairer light by

<sup>1</sup> For a detailed account of the suppression of the Templars in Ireland, see Mr. Herbert Wood's valuable monograph on "The Templars in Ireland" in the *Proceedings of the Royal Irish Academy*, July, 1907, pp. 348-359. In regard to the composition of the tribunal before which the Templars were tried in Dublin, Mr. Wood was quite in error, as I have pointed out in the *Irish Ecclesiastical Record*, and as he himself has handsomely acknowledged.

<sup>2</sup> *Calendar of Patent Rolls*, 1307-1313, p. 121.

<sup>3</sup> *Cal. Pap. Reg.*, II. 59.

the aid of the original mandate. From that document, after ascertaining surnames and such like data from other sources, we learn that the following *ex-parte* version of the dispute had been placed before Clement V: On the death of Bishop Donat O'Flaherty in 1305, some of the Canons of Killala proceeded to hold an election. In so doing they entirely ignored one of their brother-Canons, Master John O'Heyne, to whom they sent no sort of summons to attend, nor any notification of the impending election. Their choice fell upon Master John Tankard, Archdeacon of Killala, whose election was hurriedly (*repente*) confirmed by Archbishop William Bermingham of Tuam, contrary to the provisions of Canon Law. To deter the Archbishop from consecrating the Bishop-elect, Canon O'Heyne warned the latter that an appeal had been lodged with the Holy See.

In due course, within the statutory period, Canon O'Heyne appeared before the papal court, ready and willing to stand by his appeal. Archdeacon Tankard, the Bishop-elect, came also to Bordeaux, where the pontifical court was then held. He appointed proctors to act on his behalf, as appears from a formal document bearing his signature. Thereupon he retired from the papal court, without the Pope's permission, while the appeal against his election was still pending, and it has been ascertained that he returned to Killala.

The appeal against Tankard's election was at length submitted to Clement V, in public consistory, with the result that Cardinal Richard of Sant' Eustachio was deputed to hear the evidence. At this juncture the Archdeacon is stated to have had himself consecrated for the see of Killala. In a later consistory Cardinal Richard laid before the Pope a faithful report of his investigation of the case. In the circumstances, however, Clement V was disposed to regard Tankard's departure from the Curia and his subsequent consecration as a serious contempt of court. He therefore commissioned Primate Walter of Armagh, Nicholas de Effingham, Bishop of Cloyne, and Matthew O'Hoey, Bishop of Ardagh, or any one or two of them, to serve a peremptory citation upon John Tankard, ordering him to appear before the Pope within three months from the date of the citation, to receive such award as justice might dictate. The commissioners, on their side, were to send the Pope a detailed account of the measures they had adopted.<sup>1</sup>

In the event, as it would seem, Tankard's election was confirmed by Clement V, and Canon O'Heyne's appeal was dismissed.

<sup>1</sup> Theiner, *Vetere Monumenta*, 179, 180.



*FINES AND CHICANERY—THE PRIMATIAL  
CONTROVERSY*

By this time Primate Walter had abundance of trouble nearer home. The persecuting policy which the King's officials had adopted towards Primate Nicholas was now directed with equal zeal against his successor. Unpublished documents in the Irish Record Office shed valuable light on the methods by which these officials sought to give Irish bishops a foretaste of Purgatory. Two of these documents were signed by Edward II at Chester on June 29, 1309, and enrolled at the Dublin Exchequer in Michaelmas following. From these papers, which are closely related to each other, we glean certain facts which harmonise admirably with what we have seen or surmised already in the course of this memoir.

Certain "contentions and discords," which formerly existed between the Primate of Ireland and the Archbishops of Cashel and Dublin, in reference to the carrying of the cross, moved Edward I to grant a special licence to Primate Nicholas, whereby he might appear, not personally but by his attorney, whenever he might be summoned before any Justiciaries in Dublin or elsewhere. But William de Vescy, sometime Chief Justiciary in Ireland under Edward I, arbitrarily and unjustly condemned Archbishop Nicholas to pay an amercement of £40, for having failed to attend personally on the Justiciary—that is, on de Vescy himself—at his first coming to Ireland in 1290, though the Archbishop had appeared by proxy on that occasion. Nicholas appealed to Edward I, who commanded the Treasurer and Barons of his Irish Exchequer to inform him as to the tenor and date of the concession granted to the Primate. They were also to let him know if the amercement was imposed by de Vescy for the reason alleged, and to state whether it was imposed before or after the date of the exemption granted to Primate Nicholas. Edward I died soon after, and other obstacles arose, with the result, apparently, that nothing was done. Edward II took up the question afresh. On June 29, 1309, he ordered the Treasurer and Barons to examine the records of the Exchequer, and to forward a detailed reply to the above queries without delay.

From the accompanying document we learn that Edward I had commanded the authorities of his Irish Exchequer to abate the amercement of £40 at their discretion, on account of the smallness of the offence with which Archbishop Nicholas was charged. They reduced it to 100s., and this sum was promptly paid by the Archbishop. Hence the entry in the Pipe Roll of 1302-3: "The Archbishop of Armagh accounts for . . . £40 because he came not when summoned." <sup>1</sup>

<sup>1</sup> *Thirty-eighth Report of Deputy-Keeper, etc., p. 72.*

Six or seven years later we find the Crown officials, with their usual aptitude for chicanery, compelling Primate Walter to pay the remaining £35, a sum equivalent to over £400 nowadays. To this end they distrained his effects, and subjected him to grievous loss and inconvenience. The Primate appealed to Edward II, who ordered the Treasurer and Barons of the Exchequer to inspect his father's mandate concerning the reduction of the amercement. If it should appear that the penalty was lessened, in virtue of that mandate, by the Treasurer and Barons, in presence of the Justiciaries and other members of the Privy Council, and with the advice of those personages, and if it should further appear that the reduced penalty of roos. was actually paid, then the claim against Primate Walter should be cancelled. The King had no wish to hear any further complaints about the affair. Such, in substance, was the second document signed by Edward II at Chester on June 29, 1309.

At first sight, these instructions seem candid and liberal enough, yet on close inspection we realise that they may have been devised to conceal a snare. Edward I had ordered the Treasurer and Barons of the Exchequer to reduce the amercement to any figure they might deem fitting. Edward II, on the other hand, would regard the reduction as valid only if it had been agreed upon by the Treasurer and Barons, in consultation with the Justiciaries and other members of the Privy Council. If these conditions were not verified, as quite possibly they were not, the Treasury officials would have a free hand in their campaign against Primate Walter. *Timeo Anglos et dona ferentes* might well have been the motto of an Irish bishop in those days.

As these documents have never been printed, it may be well to reproduce them here.

## I

" Archiepiscopo Ardmachano.—Edwardus Dei gracia Rex Anglie, Dominus Hibernie, et Dux Aquitanie, Thesaurario et Baronibus suis de Scaccario Dublin., salutem. Cum occasione quarundam contencionum et discordiarum, dudum inter Archiepiscopum Ardmache, Hibernie Primatem, et Archiepiscopos Dublin et Casselle, super bajulacione Crucis in Hibernia, habitatum, per celebris memorie Dominum Edwardum quondam Regem Anglie, patrem nostrum, concessum fuisset Nicholao, dudum Archiepiscopo Ardmache, quod ipse in singulis summonicionibus coram quibuscunque Justiciariis apud Dublin. aut alibi infra Archiepiscopatus predictos Casselle et Dublin., non personaliter set per Attornatum suum sufficientem venire posset ; ac Wilielmus de Vescy, nuper capitalis Justiciarius dicti patris nostri in Hibernia, prefatum Nicholaum Archiepiscopum, pro eo quod idem Archiepiscopus coram eodem Justiciario in primo



adventu suo in Hibernia personaliter non venerit, quanquam dictus Archiepiscopus per sufficientem Attornatum suum, juxta concessionem dicti patris nostri, coram predicto Justitiario comparaverit, ad quadraginta Libras amerciasset voluntarie et injuste. Predictus pater noster, ad querelam ipsius Archiepiscopi de hujusmodi regimine conquerentis, volens super hoc remedium apponere opportunum, Thesaurario et Baronibus suis de Scaccario predicto dedit in mandatis quod ipsi eundem patrem nostrum, super tenore concessionis predictæ ac data ejusdem, et eciam si predictus Wilielmus prefatum Archiepiscopum ob causam predictam, et utrum ante gratiam dicte concessionis patris nostri eidem Archiepiscopo factam an post amerciaverit necne, redderet certiores. Super quo, tam propter mortem dicti patris nostri quam alia impedimenta nichil actum extitit, ut dicitur, hucusque. Nos super premissis certiorari, et voluntatem dicti patris nostri inde debito exequi volentes, vobis mandamus quod, scrutatis omnibus premissa tangentibus et in dicto Scaccario existentibus, nos super eo quod inde inveniri contigerit distincta et aperta, sub sigillo Scaccarii predicti, sine dilatione redderitis certiores, hoc Breve nobis remittentes. Edwardo me ipso apud Cestrum, xxix<sup>o</sup> die Junii, Anno Regni Nostri Secundo." <sup>1</sup>

## II

"Pro Archiepiscopo Ardmache.—Edwardus Dei Gracia Rex Anglie, Dominus Hibernie, et Dux Aquitanie, Thesaurario et Baronibus suis de Scaccario Dublin., salutem. Ex parte Venerabilis Patris W. Archiepiscopi Ardmachani, Hibernie Primatis, nobis est ostensum quod, licet Dominus Edwardus, quondam Rex Anglie, pater noster, per Breve suum Thesaurario et Baronibus suis, nuper in Scaccario predicto existentibus, pro eo quod quadraginta Libre, ad quas Nicholas Archiepiscopus Ardmache, immediatus predecessor predicti Archiepiscopi, coram Justitiariis dicti patris nostri de Banco Dublin., pro modico delicto in quod idem Nicholas Archiepiscopus incidit, extitit amerciatus, ab eodem Nicholao per summonitionem Scaccarii predicti, exigebantur, dedisset in mandatis quod, considerata quantitate delicti ob quod idem Nicholas sic fuerat amerciatus, amerciamentum illud, juxta discretionem dictorum Thesaurarii et Baronum moderarent, et iidem Thesaurarius et Barones amerciamentum illud, virtute mandati predicti habito respectu ad predicti delicti parvitatem, ad centum solidos tantum moderassent, idemque Nicholas eosdem centum Solidos cito postmodum solverit ad Scaccarium memoratum.

"Vos nihilominus residuas triginta et quinque Libras a prefato Archiepiscopo exigi, et ipsum ea occasione multipliciter

<sup>1</sup> Mem. Rolls, 3 Edw. II, no. 48, m. 3, in Irish Record Office.

distringi facitis, minus justè, in ipsius Archiepiscopi dispendium non modicum et gravamen.

"Nolentes igitur quod mandatum dicti patris nostri, pro predicto Nicholao sic factum et executum, virtute careat vel effectu, vobis mandamus quod, inspecto mandato dicti patris nostri, quod in Scaccario predicto residet, ut dicitur, si vobis constare possit predictum amerciamentum quadraginta Librarum, virtute mandati predicti, per prefatos Thesaurarium et Barones, in presentia et de consilio Justitiariorum predictorum, ac aliorum de consilio dicti patris nostri ibidem tunc existentium, usque ad predictos centum Solidos moderatum, et eosdem centum Solidos dicto patri nostro ad Scaccarium predictum solutos fuisse, sicut predictum est; tunc prefatum W. Archiepiscopum ab exactione predictarum Triginta et quinque Librarum, juxta tenorem dicti mandati ejusdem patris nostri, prout justum fuerit, quietum esse faciatis. Ita quod querelam inde nullatenus audiamus. Teste me ipso apud Cestrum, xxix die Junii Anno Regni nostri Secundo."<sup>1</sup>

These documents suggest that when Primate Walter declared that his "predecessors" had obtained the famous licence for appearing by proxy, he was merely using a figure of speech. It seems very likely that Primate Nicholas was the first to ask and receive a permission of the kind. If such an exemption had been frequently granted, it is unlikely that Edward I, and more particularly his son and successor, would have been so much at sea in regard to its nature and scope.

In another respect, these documents are of value. They help us to realise the magnitude of the liberties gained since the beginning of the fourteenth century. It is unthinkable that an Irish bishop, in our own day, should be ordered to pay his respects to a new Lord Lieutenant, on his arrival in Dublin. It is still less conceivable that an Irish bishop should be mulcted nowadays in a penalty of nearly £500, for failing to appear personally before the Viceroy on his arrival. We have returned to the old Gaelic ideal of liberty; we have cast out, with infinite blood and tears, the narrow, autocratic tyranny of feudalism.

It may be also worth noting, as a contribution to the history of the large-minded and patriotic Primate Nicholas, that his complaint must have been laid before Edward I long after de Vessey's tenure of office, which covered the years 1290-1293. It came before King Edward as these documents show, not long before his death, which took place in 1307. As Primate Nicholas had died in 1303 this protest against English cupidity and injustice may be regarded as one of the closing acts of his vigorous career.

<sup>1</sup> Memorandum Rolls, 3 Edw. II, no. 48, memb. 3.



*THE STATUTE OF MORTMAIN—PRIMATE NICHOLAS  
VICTIMISED*

The next document affords a fresh illustration of the rapacity of King Edward's representatives in Ireland. To understand it rightly we must remember that the Statute of Mortmain<sup>1</sup> had been passed in England in 1279. This enactment was aimed principally at the Church; it was a determined effort to consolidate the oppressive privileges of the aristocracy at the expense of the Church and the nation. It forbade the acquisition of lands by religious bodies when such acquisition might deprive the Crown and lords of certain sources of feudal income, such as reliefs, wardships, and escheats. A *relief* was a payment made to the feudal lord by every new entrant upon possession of an estate. The *wardship* or guardianship of a tenant during minority, which implied both the custody of his person and the appropriation of the profits of his estate, was another of the perquisites or privileges of the feudal lord. Another odious prerogative was the *maritagium*, or right of marriage. The feudal lord possessed the power of tendering a husband to his female ward while under age. If she rejected the match, she forfeited the value of the marriage, that is, as much as any suitor would pay to the lord for permission to marry her—usually a large sum. This so-called right, which is merely an instance of the logical development of feudal despotism, was afterwards extended so as to include male as well as female heirs.<sup>2</sup> When the tenant left no heir his lands were escheated to the feudal lord or to the king. When found guilty of felony or of a breach of his oath of fealty, his lands were forfeited. When he alienated any part of the estate, a step which he was seldom at liberty to take, he was compelled to pay a fine to his immediate lord. The whole system was an ingenious and ruthless contrivance for the subjection of the many, and the aggrandisement of the few.

When lands were acquired in mortmain by religious orders, by diocesan chapters, or by bishops for their sees, these feudal exactions mostly ceased, much to the chagrin of the aristocracy. For, as corporate bodies cannot die, the immediate lords of those lands were deprived of the escheats, reliefs, wardships, and other feudal profits, which they derived from the decease of individual proprietors. Hence, the statute of 1279 forbade the transfer of land in mortmain to any religious body, under any pretext what-

<sup>1</sup> Different, of course, from that clumsy contrivance, 9 Geo. II, c. 36, which is now commonly but incorrectly called the Statute of Mortmain.

<sup>2</sup> For instance, in 1315 Richard Fitz-Milo Talbot owed £21 19s. 4d. —equal to £250 nowadays—to the royal exchequer "for liberty to marry."

soever, on pain of forfeiture to the immediate lord, or, in his default during a year, to the lord paramount, and in default of both, to the king. This drastic measure did not entirely fulfil the hopes of its contrivers ; it was often circumvented by the ingenuity of the clergy.<sup>1</sup>

Blissfully unaware, no doubt, of the new law which had been brought into force in England, Primate Nicholas Mac Mael Isa acquired two parcels of land, one at Kilpatrick near Ardee, the other at Kilcurly near Dundalk, for himself and his impoverished see. The former yielded an annual rental of 5 marks, or about £40 in modern money ; the latter yielded 60 shillings yearly, or about £36 in modern currency. These transactions did not escape the argus eyes of the Crown officials. The lands were seized and forfeited to the King ; and Primate Nicholas, a heavy loser by his well-intentioned investment, was left to reflect on the morality of this legalised brigandage.

I am not aware that the lands in question were ever afterwards restored to the rightful owners. They were certainly detained "in the King's hand" during the remaining years of Primate Nicholas's lifetime, and so they remained during the brief and troubled years of Primate Walter's episcopate.

Now comes the most sinister feature of this sinister affair. After these lands had been confiscated, by what we should now regard as high-handed robbery, for a period of perhaps twenty years or more, the Crown officials set the law in motion against Primate Walter, and distrained his effects, in order to recover the few payments which Primate Nicholas had received during his brief tenure of the lands aforesaid. Primate Walter appealed against this harsh procedure to Edward II, who thereupon addressed a severe rebuke to his unprincipled officials in Ireland. His letter, dated Heywood, July 4, 1309, has never been printed, and is worth reproducing here :

"Pro W. Archiepiscopo Ardmache.—Edwardus Dei gracia Rex Anglie, Dominus Hibernie, et Dux Aquitanie, Thesaurario et Baronibus suis de Scaccario Dublin., salutem. Ex querela

<sup>1</sup> Lingard, *History of England*, 1878 edit., II. 302. The fabric of English feudalism was shattered by the storm of the Puritan revolt, though many of its remnants are still cherished. The Court of Wards, which had striven to raise a corps of Irish Janissaries, was practically discontinued from 1645. After the Restoration, the statute 12 Car. II, c. 24 enacted "that from the year 1645 the Court of Wards and Liveries, and all wardships, liveries, primer-seisins, values, and forfeitures of marriage, etc., by reason of any tenure of the king's majesty, or of any other by knights' tenures, should be taken away and discharged, together with all fines for alienations, tenure by homage, escuage, aids pur filz marrier and pur fair fitz chevalier, etc. ; and all tenures of any honours, manors, lands, tenements or hereditaments, or any estate of inheritance at the common law, held either of the king or of any other person or persons, bodies politic or corporate, were turned into free and common soccage, to all intents and purposes."—*National Encyclop.*, VI. 190.



Venerabilis Patris W. Archiepiscopi Ardmache, Hibernia Primatis, accepimus quod cum Nicholaus, nuper Archiepiscopus loci predicti, quinque marcatas redditus in Kilpatrick et sexaginta solidatas redditus in Kilkerly, sibi et ecclesie sue predictae, tempore Domini Edwardi quondam Regis Anglie, patris nostri, post publicationem Statuti de terris et tenementis ad manum mortuam non ponendis editi, adquisierit in feodo, licentia ipsius patris nostri super hoc non obtenta; qui quidem redditus, occasione transgressionis illius capti fuerunt in manu dicti patris nostri, et adhuc in manu nostra, ut dicitur, existunt;

"Vos a prefato W. Archiepiscopo redditus predictos, a tempore quo predictus Nicholaus illos sic adquisivit et tenuit, usque ad tempus quo capti fuerunt in manu dicti patris nostri, ac si predictus W. Archiepiscopus redditus illos medio tempore predicto percepisset, cum non perceperit, sicut nec potuit, maxime cum dictus Nicholaus predictae ecclesie Ardmachane tunc temporis presidebat, per summonitionem Scaccarii predicti exigi, et ipsum W. Archiepiscopum ex occasione distringi et multipliciter inquietari facitis minus juste, in ipsius Archiepiscopi dispendium non modicum et gravamen;

"Nolentes igitur ipsum Archiepiscopum in hac parte indebite pregravari, vobis mandamus quod, si ita est, tunc demandam quam eidem Archiepiscopo ex causâ predictâ fieri facitis, relaxantes, ipsum inde prout justum fuerit dimittatis in pace, distractionem si quam ei ea occasione fieri feceritis eidem similiter relaxando. Teste meipso, apud Heywood, IIIto die Julii, Anno Regni Nostri Secundo."<sup>1</sup>

### *CORRUPTION AND RAPACITY OF THE CROWN OFFICIALS*

Some excuse for the unscrupulousness of the King's officials in Ireland may be found in the fact that they were merely following the example of their contemporaries and friends in England. As Lingard points out, "with small salaries [the English judges] amassed immense riches; and when the king, after an absence of three years, returned to England in 1289, all the judges were apprehended and indicted for bribery. Two only were acquitted. Weyland, the chief justice of the King's Bench, was found guilty of having first instigated his servants to commit murder, and then screened them from punishment. He abjured the realm, and all his property, both real and personal, was adjudged to the king. Stratton, the chief baron of

<sup>1</sup> Mem. Roll, 3 Edw. II, no. 50 dorso, Irish Record Office. In this instance, while the annual rents were confiscated, the lands remained in possession of the tenants, but were regarded as Crown property.

the Exchequer, suffered a long imprisonment, was deprived of his lay fees, and paid a fine of thirty-four thousand marks. Sir Ralf de Hengham, the grand justiciary, and regent during the king's absence, was amerced in the sum of seven thousand, the rest in smaller sums, amounting in the aggregate to twenty-four thousand marks."<sup>1</sup>

At a time when corruption was almost universal among the judges of England, it would have been rather surprising if English functionaries in Ireland were conspicuous for honesty and fair dealing. Their policy of extortion in regard to Primate Walter had more than once earned for them a reprimand from Edward II. These rebukes, however, seemed only to intensify the vindictiveness of the Crown officials towards the Irish Primate. During the remainder of his episcopate, and even after his resignation, they pursued him with unrelenting malignity. For instance, in 1310 the Sheriff of Louth was ordered, apparently by the Treasurer and Barons of the Exchequer, to seize £168 worth of Primate Walter's property, simply "for the King's use." This sum was equal to about £2,000 in present-day currency. There is no suggestion—certainly there is no express declaration—that the seizure was intended for the recovery of any debt or penalty; it was, apparently, an arbitrary and despotic act of spoliation. The brief but pregnant record may be allowed to speak for itself:

"Uriel.—Pro Rege, crastino Cinerum. Mandatum Vicecomiti quod de terris et catallis Archiepiscopi Ardmache levare faciat £168 ster. ad opus Regis."<sup>2</sup>

#### PRIMATE WALTER AND THE PRIORS OF LOUTH AND DUNDALK

About the same time Primate Walter found himself involved in a somewhat similar affair, the details of which are puzzling and obscure. He had become surety for payment to the King of a sum of 40 marks (about £320 nowadays) by the Priors of Louth and Dundalk. These dignitaries had failed to discharge their joint liability, and Primate Walter, as their surety, was pressed for payment by the Crown. The sum of forty marks represented a fine which the King had imposed upon the Bishop and Chapter of Dromore, for whom also Walter Jorz had become security. No information is vouchsafed as to how the two Priors became liable for a fine inflicted upon the Bishop and Chapter of a neighbouring diocese. Primate Walter, in any

<sup>1</sup> Lingard, *Hist. of England*, 1878 edit., II. 300, 301. For some frauds and embezzlements by Anglo-Irish officials, see Gilbert's *Viceroy's*, 119, 120.

<sup>2</sup> Mem. Roll, 3 Edw. II, no. 27, dorso. Its date is March 4, 1310.



case, was surety for both parties. For some unexplained reason the Bishop of Dromore and his Chapter were left unmolested. The Priors had promised to pay by a certain date, but failed. In their default the Primate was now answerable for the entire amount. Being a prudent man, Primate Walter took steps to safeguard his own interests and those of his diocese. He caused a writ *de plegiis acquietandis* to be issued against the reluctant Priors. The Sheriff of Louth was directed to make sure of their appearance within the quinzaine of St. John (June 24—July 7, 1310) to pay what the Primate owed on their behalf to the King. By a later writ, the Sheriff was ordered to distrain the Priors in a sum of forty marks "for the King's use," and four marks "for the use of the Queen of England"; he was also instructed to appear in court with these sums in hand on the morrow of St. James (May 2, 1311, most probably), that they might be paid over to the King and Queen in the name of Primate Walter.

Some obsolete law terms occur in the records from which the foregoing details have been gleaned. *Plevin* is defined as "a warrant or assurance."<sup>1</sup> A writ *de plegiis acquietandis* is "a Writ that lies for a Surety against him for whom he is Surety, if the Money be not paid at the day."<sup>2</sup> Less concisely, but a little more fully, the same writ is described by Bouvier as "an ancient writ in the English law, which lies where a man becomes pledge or security for another to pay a certain sum of money at a certain day; after the day, if the debtor does not pay the debt, and the surety be compelled to pay, he shall have this writ to compel the debtor to say the same."<sup>3</sup> It seems clear, however, from the wording of the records relating to this affair, that the money was not actually paid by Primate Walter before instituting his action against the Priors. These records are here printed for the first time:

## I

"Uriel.—Pro Archiepiscopo Ardmache. Mandatum est Vicecomiti quod venire faciat hic, in quindenam Sancti Johannis, Priorem de Loueth et Priorem de Dundalk, ad acquietandum Walterum Archiepiscopum Ardmache versus Regem de xl. marcis pro plevina Episcopi et Capituli Ecclesie Dromorensis."<sup>4</sup>

## II

"Uriel.—Pro Rege: Archiepiscopo Ardmache. Mandatum est Vicomiti [Uriel] quod levare faciat de terris et catallis

<sup>1</sup> Bouvier's *Law Dictionary*, 1914 edit., III. 2612.

<sup>2</sup> *Les Termes de la Ley*, p. 451.

<sup>3</sup> Bouvier, *loc. cit.*

<sup>4</sup> Mem. Rolls, 3 Edw. II, m. 55, Irish Record Office.

Priorum de Dundalk et de Loueth XL. marcis ad opus Regis, et IIII marcas ad opus Regine Anglie, de auro suo, de quodam fine quem Episcopus et Capitulum Ecclesie Dromorensis nobiscum fecit per plegium Walteri Archiepiscopi Ardmache, ita quod illas habeat hic in crastino Sancti Jacobi, Regi et Regine pro predicto Archiepiscopo solvendas." <sup>1</sup>

The Bishop of Dromore at this period was Florence Mac Dongan, who had been raised to that dignity in 1309; probably the fine was not unconnected with his election. Apparently the Priors of Louth and Dundalk did not choose to appear in court within the fortnight prescribed, as we may infer from the peremptory order for the distraint of their goods. The rare and curious clauses touching the additional four marks "for the use of the Queen" are very interesting. Were these four marks really intended for the Queen? Or were they meant as costs for the Crown? Or were they designed to swell the private perquisites of the Castle officials? It is tolerably certain that they were not meant to be allotted as costs to Primate Walter, though he was the person most deserving of costs in the case.

#### PRIMATE WALTER AND THEOBALD VERDON, SENIOR

About this time the Verdons, a powerful Meath family of French extraction <sup>2</sup> became mutinous and unruly, like so many others of the Anglo-Irish families and Irish clans. Sanguinary feuds sprang up within the next four years among the Fitz-Geralds, Berminghams, Cogans, Poers, Barrys, and Roches, no less than among the O'Connors, MacDermots, MacDonaghs, and O'Farrells. With a body of armed colonists, who prided themselves on being Englishmen, Robert de Verdun encountered and defeated the King's troops under the Viceroy, Wogan, in Louth. <sup>3</sup> Battles were also fought in the legal arena. In 1309-1311 Primate Walter had one or more lawsuits with Theobald de Verdun, Senior, a different personage from the man of that name who afterwards became Viceroy of Ireland for a brief period in 1314. This latter Theobald de Verdun was the King's Constable for Ireland, and lord of a moiety of Meath, in right of his mother

<sup>1</sup> Mem. Rolls, 3 Edw. II, m. 55 dorso.

<sup>2</sup> The Latin and French forms of their name, de Verduno and de Verdun, indicate that they hailed originally from Verdun in France, where a terrific battle is raging as these lines are being sent to press (August, 1916). The Verdons were lords of half the territory of Meath through their father's marriage with Margaret de Lacy; while, curiously enough, the Joinvilles, another French family, were lords of the other half of Meath, through Geoffrey de Joinville's marriage with Matilda, the sister of Margaret de Lacy.

<sup>3</sup> Gilbert, *Viceroys*, 129; cf. *Four Masters*, ad. an. 1309 and 1310.



Margaret, one of the heiresses of Walter de Lacy. De Verdun sat as a baron in the Parliaments of England and Ireland, and his estates devolved at his death, in 1317, upon his four daughters, of whom the eldest married Thomas, Baron Furnival, ancestor of the Earls of Shrewsbury.<sup>1</sup>

Against the elder Verdon, Primate Walter instituted an action for recovery of the advowson of some benefice, in the third year of Edward II's reign (July 8, 1309—July 7, 1310). The suit was based on a plea of *quare impedit*, which lawyers define as "a real possessory action which can be brought only in the Court of Common Pleas, and lies to recover a presentation when the patron's right is disturbed, or to try a disputed title to an advowson."<sup>2</sup> This Theobald Verdon, apparently, in the aggressive Anglo-Norman manner, had presented a cleric to some benefice in the archdiocese, in contravention of the Primate's right. This lawsuit is curtly mentioned in the Plea Rolls of the time: "Loueth.—Walter Archiepiscopus Ardmache versus Theobaldum de Verduno, seniore, de placito quare impedit."<sup>3</sup> No other details are available in reference to this particular case; but in 1311 we find Verdon, or his junior namesake retaliating with an action against the Primate. The Crown demanded payment of £5 from Verdon, for some cause or other, and Verdon sought to transfer this burden to the shoulders of Primate Walter; hence the lawsuit. On January 18, 1311, John Wogan, the Justiciary, notified the Treasurer and Barons of the Exchequer that Archbishop Walter had nominated Richard Manning and another to act as his attorneys in the case. The Justiciary's writ may be quoted here:

"Pro Archiepiscopo Ardmache.—Edwardus Dei gracia Rex Anglie Dominus Hibernie et Dux Aquitanie, Thesaurario et Baronibus suis de Scaccario Dublin., salutem. Sciatis quod Walterus Archiepiscopus Ardmache attornavit coram nobis loco suo Ricardum Mannyng et Walterum de Kynefare, ad lucrandum vel perdendum in Loquela que est coram vobis, per Breve nostrum de Scaccario predicto, inter Theobaldum de Verduno et prefatum Archiepiscopum, de eo quod idem Archiepiscopus acquietet prefatum Theobaldum de quinque Libris quas nos ab eo exigimus. Et ideo vobis mandamus quod predictos Ricardum et Walterum, vel alterum ipsorum, si ambo interesse non possunt, loco ipsius Archiepiscopi ad hoc recipiatis. T[este] J. Wogan, Justitiario nostro Hibernie, apud Dublin., xviii die Januarii Anno Regni nostri quarto."

<sup>1</sup> Gilbert, *Viceroy*s, 131.

<sup>2</sup> Bouvier, *Law Dictionary*, p. 2779.

<sup>3</sup> Placita 3 Edw. II, no. 98, m. 3. Theobald Verdon, senior, may have been the father of Theobald Verdon, junior, who held lands in Louth, as we learn from a Pipe Roll of Edward II, and who became Viceroy in 1314.—See *Thirty-ninth Report of Deputy-Keeper*, 1907, p. 32.

[Added later] " Venit hic xx die Januarii, anno ut supra." <sup>1</sup>

From the analogy of a former case, in which the Priors of Louth and Dundalk were concerned, we might infer that Verdon was proceeding against Primate Walter, in the present instance, on a writ *de plegiis acquietandis*. This would imply a plea that the Primate was the principal debtor, and Verdon only his surety. Whether this be so or not, the affair is of minor importance, though Primate Walter could ill afford to lose a sum equal to £60 of our money. We have no means of knowing how the case ended. A doubtful echo of it may possibly be contained in a later record, wherein we read :

" Archiepiscopo Ardmache.—Pro Rege, crastino Sancti Jacobi. Archiepiscopus non returnavit Breve. Ideo ipse in misericordia." <sup>2</sup>

In medieval jurisprudence *misericordia* meant " an arbitrary or discretionary amercement. To be in mercy is to be liable to such punishment as the judge may in his discretion inflict. According to Spelman, *misericordia* is so called because the party is in mercy, and to distinguish this fine from redemptions or heavy fines." <sup>3</sup> The entry on the record where the party was in mercy was, *Ideo ipse in misericordia*, as above. " The phrase was used because the punishment in such cases ought to be moderate." <sup>4</sup> We cannot tell what particular case may be referred to in the brief record just cited ; at all events, it ended in the imposition of what was regarded as a relatively small fine upon Primate Walter, at the discretion of the judge. As we shall see later, the fine in this case amounted to £5, equivalent to £60 in the money of to-day. To the victim it could scarcely have seemed a light penalty.

### THE ENGLISH VICARS OF CASTLETOWN AND DUNDALK

The next document is a pathetic little revelation of the helplessness of an Irish bishop in medieval times. Primate Walter's late antagonist, Theobald Verdon, senior, had recently died. Sometime in the reign of Edward I, several years before, he had presented a cleric of his own, named Richard de Barneby, to a vicarage in Louth. This benefice was vacant at the time of Theobald's demise, but it was shortly afterwards filled by his seneschal, Nicholas Verdon, who nominated William le Blund, of Dundalk, another cleric of English extraction. The

<sup>1</sup> Mem. Rolls, 4 Edw. II : Brevia de Anglia et Cancellaria Hibernie, etc., in Irish Record Office.

<sup>2</sup> Mem. Rolls, 4 and 5 Edw. II, mem. 61.

<sup>3</sup> Bouvier's *Law Dictionary*, 1914 edit., II. 2223.

<sup>4</sup> Ibid. II. 1522.



seneschal afterwards pleaded that, in making this appointment in his master's name, he was unaware of the fact that Theobald Verdon was no longer alive. Primate Walter acquiesced in Blund's installation as meekly as his predecessor had acquiesced in that of Barneby. The incident affords us an instructive glimpse of the manner in which great Anglo-Norman families strove to pitchfork English clerics into every place of emolument and influence in the Irish Church. It reveals the existence of a new factor in the potent conspiracy for the exclusion of Irishmen from every position worth having in the Church of their own land.

In this instance, however, the spoilers quarrelled over their prey. In the third year of Edward II (July 8, 1309—July 7, 1310), Primate Walter and Nicholas Verdon, the seneschal, were summoned to appear in court on a certain day, to answer the King's plea that they should permit him to present a proper person to the vicarage of the united churches of St. John the Baptist, in Castletown, and St. Nicholas, in the "new town" of Dundalk. The plea alleged that the vicarage was then vacant and that its advowson was said to belong to the King. Archbishop Jorz and Nicholas Verdon were accused of unjustly hindering the King in the exercise of his right. From the King, under feudal tenure, Theobald Verdon, senior, had held the manor of Dundalk, to which the advowson of this vicarage appertained. In the reign of Edward I, and in time of peace, Theobald had presented one of his clerics, named Richard de Barneby, to the vicarage aforesaid, and Barneby was accordingly instituted by the then Bishop of the diocese. But, inasmuch as Theobald Verdon, a tenant under the King, died in possession of the manor of Dundalk, to which the advowson of the said vicarage belonged; and as the said manor is now in the King's hand, owing to the death of Theobald; and as the vicarage is now vacant, it is claimed that the right of presentation thereto belongs to the King.

Such was the plea put forward by Richard le Blund, who seems to have acted as counsel for the Crown on this occasion. He accused the two defendants of unjustly impeding the King in this affair, and claimed damages amounting to £100.

Through his attorney Primate Walter replied that he advanced no claim to the advowson of the vicarage in question. He claimed ordinary ecclesiastical jurisdiction over the said vicarage, and nothing more. He added that, some time previously, Nicholas Verdon, who then acted as seneschal over the lands of Theobald Verdon, in Ireland, had issued letters patent, presenting a cleric named William le Blund, of Dundalk, to the vicarage aforesaid, whereupon he (Primate Walter) accepted the presentation. The Primate maintained, therefore, that he had placed no impediment in the way of the King,

apart from the exercise of his ordinary episcopal right ; and his attorney demanded that judgment should be given in his favour.

In like manner Nicholas Verdon declared, through his attorney, that he put forward no claim to the advowson of the said vicarage. So far as he was personally concerned, in his capacity as seneschal to Theobald Verdon, senior, he had ample powers regarding presentations to churches. In the exercise of these powers he had presented William le Blund, in his master's name, to the vicarage in question, being under the impression that Theobald Verdon was still alive. He claimed no other right in the matter.

Richard le Blund followed, on behalf of the King, and claimed judgment in favour of the royal plaintiff. But his eloquent pleadings are lost to posterity, through the erasure of some eleven lines or so from the parchment record. The text of the record reads as follows :

"Walterus Archiepiscopus Ardmache et Nicholus [*sic*]<sup>1</sup> de Verduno summoniti fuerunt quod essent hic ad hunc diem ad respondendum Domino Regi, de placito quod permittant ipsum Dominum Regem presentare ydoneam personam ad vicariam ecclesiarum Sancti Johannis Baptiste del Oldecastelston et Sancti Nicholi de Nova Villa de Dundalk, que vacat, et ad ipsius Regis spectat Donacionem, ut dicitur. Et unde predicti Archiepiscopus et Nicholus ipsum Dominum Regem injuste impediunt, eo quod quidam Theobaldus de Verduno Senior tenuit de ipso Domino Rege Manerium de Dundalk, ad quod advocacio Vicarie predicte pertinet ; qui quidem Theobaldus, tempore pacis, tempore Domini Edwardi Regis, patris Domini Regis nunc, presentavit quemdam clericum suum, Ricardum de Barneby, ad vicariam predictam, qui ad presentationem suam fuit admissus per Episcopum loci illius et institutus in eadem ; que quidem presentacio predicte Vicarie ad ipsum Regem modo pertinet, eo quod predictus Theobaldus obiit seysitus de predicto Manerio, ad quod advocacio predicte Vicarie pertinet, ut tenens ipsius Domini Regis etc. ; quod quidem Manerium modo est in custodia ipsius Domini Regis pro mortem predicti Theobaldi, et que quidem Vicaria modo vacat. Et sic idem Richardus le Blund pro Domino Rege dicit quod presentacio vicarie predicte ad ipsum Regem modo pertinet. Et unde queritur quod predicti Archiepiscopus et Nicholus ipsum Regem injuste impediunt, etc., ad dampnum ipsius Regis centum Librarum, etc.

"Et predicti Archiepiscopus et Nicholus per Attornatos suos modo veniunt. Et predictus Archiepiscopus per Attornatum suum dicit quod nichil clamat in advocacione Vicarie predicte, nisi tantum Juridicationem [*sic*] ordinariam. Dicit eciam idem

<sup>1</sup> So the name is written throughout.



Archiepiscopus quod aliquo tempore quidam Nicholus de Verduno, qui tunc temporis extitit Seneschallus terrarum predicti Theobaldi de Verduno in Hibernia, per Literas suas Patentes presentavit quemdam [*sic*] clericum, Willelmum Le Blund de Dundalk, ad vicariam predictam, quem quidem Willelmum clericum idem Episcopus ad presentationem suam admisit etc. Et sic nullum impedimentum Domino Regi facit, nisi ut de jure ordinario, etc., et petit judicium, etc.

"Et predictus Nicholus per attornatum suum dicit quod nichil clamat in advocacy vicarie predictae; set ipse, de facto suo proprio, ut Seneschallus predicti S. Theobaldi ull[imodam?] potatistem habens presentaciones ad ecclesias faciendas, presentavit predictum Willelmum clericum, nomine predicti Theobaldi, ad vicariam predictam, putans dictum Theobaldum tunc temporis esse superstitem; et dicit quod nullum aliud jus clamat nec aliud . . . Blund, qui sequitur pro Domino Rege petit judicium. . . ."<sup>1</sup>

Uncouth and unintelligible—horrible even—as this jargon might have seemed to Cicero or Quintilian, its meaning was clear enough to the initiated. A great Anglo-Norman family, faithful to the policy of ostracizing the Irish, was bent on forcing one English pastor after another upon the people of Dundalk and its vicinity. In the present circumstances, however, the lynx-eyed officials of the Crown contended that the nomination belonged to the King; and the King might safely be trusted to place an English ecclesiastic in the vicarage.

#### LEGENDS CONCERNING THE PRIMATIAL DISPUTE —THE KILKENNY PARLIAMENT OF 1310

It is almost a commonplace of Irish Church history that Primate O'Scannell's victory of 1262 put a stop to the primatial controversy for a long period. For instance, Harris informs us that the question "was not stirred again until a little before the year 1311; when John Lech, Archbishop of Dublin, depending on the King's Power (for he was his Favourite and Almoner), then revived it. Against whom our Prelate, Walter Jorse, petitioned the King, and had the usual Relief, that is, a Liberty to make attorneys to appear in Parliament for him. In a Parliament held at Kilkenny, before the Lord Justice Wogan, these Archbishops fell into Arguments about their Jurisdictions, and John Lech forbad our Primate, Walter Jorse, to carry the Cross erected before him, within the Province of Dublin. I do not know what Application the Primate made at that Time for Relief; but he surrendered the November follow-

<sup>1</sup> Placita 3 Edw. II, m. 24, n. 98.

ing, not improbably from this Cause, that he was overborne in his Rights by the Archbishop of Dublin, supported by the King's Power." <sup>1</sup>

One regrets having to describe all this as undiluted nonsense, but it is so. We have seen that the controversy was revived in the days of O'Scannell's successor, Primate Nicholas, who was forced by the "contentions and discords" thence arising to petition the English king for leave to appear by proxy at all official assemblies in the provinces of Dublin and Cashel. This permission was granted by Edward I, certainly before 1303, and most probably before 1290. So much for the story of the quiescence of this controversy.

Afterwards, in June, 1308, a similar licence was accorded to Primate Walter by Edward II. Now, as Primate Walter was specially exempted, at his express request, from personal attendance at parliaments and suchlike functions, it is rather unlikely, on the face of it, that he took part in the deliberations of the Kilkenny parliament only a year and a half later. In point of fact, he was not present in Kilkenny at all on the occasion.

The exact date of this parliament has long been a vexed question, the Anglo-Irish annalists differing notably on the point. Pembridge and Grace assign it to the year 1309, while Clyn omits it altogether. Dowling adds a new element to the chaos by asserting that this parliament was held in 1311, and that "in the same parliament a contention arose between Rowland Joice, Primate of Armagh, and John a Leeckis, Archbishop of Dublin, because the Primate of Dublin forbade him of Armagh to have his pontificals (*sic*) carried before him in the province of Leinster." Dowling was a late and loose writer—he died in 1628—and when we remember that the appointment of Primate Roland Jorz was dated November 13, 1311, we can scarcely attach much credence to Dowling's narrative.

Fortunately, we are enabled by official documents to determine the correct date of this parliament. Its sittings began on Monday, February 9, 1310, and closed on February 12, three days later. Grace and Pembridge, following the ecclesiastical instead of the historical year, would naturally regard this assembly as having taken place in 1309. The writ of summons addressed to Richard de Burgo, Earl of Ulster, on January 8, 1310, is decisive as to the date of opening: "Rex mandat Ricardo de Burgo, Comiti Ultonie, quod sit apud Kylkenniam die lune in octavis purificationis beate Marie, ad tractandum et parliamentandum cum justiciario Hibernie et concilio et ceteris proceribus et magnatibus, super arduis negociis Regnum et statum terre tangentibus.—Dublin. 8 Jan." <sup>2</sup> The assembly,

<sup>1</sup> Ware-Harris, I. 74, 75.

<sup>2</sup> Pat. 3 Edw. II, 44; printed in *Rotulorum Patentium et Clausorum*



therefore, began its deliberations on the Monday following the Purification of Our Lady, that is, on February 9, 1310. As John Leeck's appointment to the archbishopric of Dublin was dated May 18 1311,<sup>1</sup> it is sufficiently obvious that the story of his dispute with Walter Jorz at this Kilkenny parliament is entirely groundless.

### SOME FICTIONS EXPLODED—DOINGS OF THE KILKENNY PARLIAMENT

It may be suggested, however, that if Primate Walter did not quarrel with Archbishop Leeck at Kilkenny he might have had a passage at arms with Richard de Haveringes, Archbishop-elect of Dublin, who was Leeck's predecessor in that see. The idea is entirely improbable, for the simple reason that there is not a scrap of evidence to show that either Jorz or Haveringes took part in this Kilkenny parliament. All the available evidence tends to show that neither one nor the other graced the occasion with his presence.

As regards Haveringes the case is clear. On September 13, 1307, Edward II granted "protection in Ireland for two years, for Master Richard de Havering, staying in England, preferred by the Pope to the archbishopric of Dublin." He also had letters nominating William de Rodyerd and Geoffrey Bordoun his attorneys in Ireland for the same period of two years.<sup>2</sup> Obviously, Master Richard did not mean to set out for Dublin until late in 1309, if even then. During the latter year, we find him still residing in England, whence he was twice dispatched beyond seas in the King's service. For instance, on June 17, 1309, Edward II signed letters of "protection, with clause *volumus*, until Michaelmas, for R[ichard], Archbishop-elect of Dublin, going beyond seas on the King's service."<sup>3</sup> It was not until six weeks after the close of the Kilkenny parliament that Master Richard made his preparations for coming to Dublin. Under date of March 28, 1310, we read "Richard Archbishop-elect of Dublin and dean of Pencriche, going to Ireland, has letters nominating John de Hibernia and Robert de Osgodby his attorneys for one year. Protection to him for the same period." Protection for a year was also granted to ten persons named, who were accompanying the Archbishop-elect of Dublin, and an eleventh member of his suite had leave

*Cancellariae Hiberniae Calendarium* (1828), I, part I, p. 13. Dean Butler (*Grace's Annals*, p. 56 n.) wrongly gives February 3 as the date of opening of this parliament.

<sup>1</sup> *Cal. Pap. Reg.*, II, 83.

<sup>2</sup> *Calendar of Patent Rolls*, Edw. II, 1307-1313, p. 5.

<sup>3</sup> *Ibid.* p. 121.

to nominate an attorney on his own behalf in England for the same period.<sup>1</sup> It is clear, therefore, that Richard de Haveringes was not in Ireland in February, 1310, and that he could not possibly have had a disagreement with Primate Walter in the parliament of Kilkenny. Haveringes and Leeck, the only possible Archbishops of Dublin, are thus excluded; and the story of Primate Walter's parliamentary dispute with one or the other vanishes into thin air.

In like manner, it is practically certain that Primate Walter held aloof from the proceedings in Kilkenny. Having so lately received special licence to absent himself from such assemblies he would be very unlikely to waive his privilege, at the risk of disrespect to his primatial office. Hence, as Dean Butler infers, "from a writ authorizing the Archbishop of Armagh to answer by attorneys to all summonses for the province of Dublin and Cashel, it is not likely that the Archbishop was at Kilkenny."<sup>2</sup> We have a long list of the magnates who were summoned to this parliament, but no bishop figures among them.<sup>3</sup> From another roll we learn, however, that various bishops and nobles received writs of summons to attend, though their names are not published in the Calendar.<sup>4</sup> A further roll<sup>5</sup> furnishes us with valuable if succinct information, under three heads, namely, the Commons element in this parliament, the procedure adopted, and the laws enacted.

The sheriffs had orders to summon two knights from each county, and two citizens or two burgesses from each borough. These knights, citizens, and burghers were to have plenary powers from their respective counties or boroughs to deliberate, treat, and ordain with the King's justiciary and council, and with the rest of the magnates of Ireland, in regard to the business of the parliament. They had power to make ordinances, and to sanction the ordinances there made by the justiciary, council, and magnates. It was a fairly representative assembly—representative of the English in Ireland, and of them alone.

A select committee was appointed for the actual work of discussion and legislation, and to this small body the rest of the parliamentarians delegated their functions. The committee comprised four bishops, all of them Englishmen. These were William FitzJohn; Bishop of Ossory, William Roghead, Bishop of Emly; William le Fleming, Bishop of Lismore; and Maurice Blanchville, Bishop-elect of Leighlin. Their delibera-

<sup>1</sup> *Calendar of Patent Rolls*, Edw. II, 1307-1313, p. 222.

<sup>2</sup> *Grace's Annals*, ed. Butler, p. 57 n.

<sup>3</sup> *Pat. 3 Edw. II, 45; Rot. Pat. et Claus. Cancell. Hibern. Calendarium*, I. pt. 1, p. 13; cf. *Grace's Annales*, ed. Butler, pp. 170, 171.

<sup>4</sup> *Pat. 3 Edw. II, 62; cf. Rot. Pat. et Claus., etc., ut supra*, p. 13.

<sup>5</sup> *Pat. 3 Edw. II, 63; ibid.*



tions ended, these four prelates, along with Maurice MacCarwill, Archbishop of Cashel, pronounced a solemn sentence of excommunication (on February 12, 1310) against all who should decline to observe the acts and ordinances of this parliament.<sup>1</sup> It is remarkable that Primate Walter figures nowhere in the records of this assembly; he appears neither as legislator nor as excommunicator. If he had been present, it is incredible that he should be so completely passed over; his high dignity and acknowledged learning, to say nothing of the rôle allotted to him by Donald O'Neill and other writers, would assuredly have raised him into prominence. The conspicuous absence of his name from the records of this parliament is a strong proof of his personal absence. He may have been summoned to attend; but, in the circumstances, he would naturally attend only by proxy.

In a word, there is not a particle of evidence to prove that Primate Walter had act or part in the doings of this colonial assembly. All our information tends very strongly to show that he was absent from its deliberations; and it is quite certain that he had no altercation in Kilkenny with the Archbishop of Dublin. What, then, was the origin of this mythical tale of a dispute between the Primate of Armagh and the Archbishop of Dublin in the parliament of Kilkenny? It seems to me that its origin can be very satisfactorily traced—that the whole story can be tracked to a single source.

### THE ORIGIN OF A FAMOUS HISTORICAL FABLE

It is certain that Harris was not the inventor of this fiction, though he does not tell us where he found it. But Harris was well versed in the writings of Holinshed and Ussher, in whose pages the fable appears full-grown. Taking Ussher first, as the later author, we find this passage in his *Historicall Narration of the Controversye . . . touching the Primacy*:—"After this the Controversy ceased a while, until y<sup>e</sup> yeare 1311. When in the Parliam<sup>t</sup> held before John Wogan Lord Justice at Kilkenny, the Bps. falling into argument about their Jurisdictions, the Bishop of Dublin forbad y<sup>e</sup> Primate of Armagh to lift up his crosyer within the province of Leynster; as Campion reporteth in his history of Ireland, lib. 2, cap. 5."<sup>2</sup>

<sup>1</sup> This excommunication is preserved in the Red Book of the Irish Exchequer. It is printed in Hardiman's *Statute of Kilkenny*, p. 120. Cf. James Frederick Ferguson, "A Calendar of the Contents of the Red Book of the Irish Exchequer," in *Transactions of Kilkenny Archaeological Society*, III. 1854-55, p. 43.

<sup>2</sup> Ussher's *Works* (ed. Elrington), I. p. cxxxi. Ussher's whole account of the controversy was accessible to Harris in two MSS. in T.C.D. There is a rough copy in Ussher's own hand, in E. 3. 13, and a fair copy by a later hand in F. 1. 22.

Holinshed, whose *Chronicles* first saw the light in 1578, gives Campion as his authority for the "contention" or "stir" which he thus describes: "In the yeare 1311, or (as some bookes have) the year 1309, Wogan lord justice summoned a parlement at Kilkennie, where diverse wholesome lawes were ordeined, but never executed. There fell the bishops in contention about their jurisdictions, namelie the bishop of Dublin forbad the primat of Armagh to raise his croisier within the prouince of Leinster. Shortlie after, Rowland Ioice the primat stale by night (in his pontificals) from Howth to the priorie of Grace Dieu, where the bishops seruants met him, and with force chased him out of the diocesse. This bishop was named John a Leekes, and was consecrated not long before he kept this sturre."<sup>1</sup>

Blessed Edmund Campion's work, then, was the "high authentic source" whence Holinshed and Ussher admittedly derived this story. The manuscript of Campion's "Historie" was finished in 1571. The volume, or a copy of it, came later into Holinshed's hands; and he used it freely as a basis or framework for his chronicle of Irish affairs, which reached its completion in 1577. The passage from Campion, which has proved a source of delusive inspiration to so many authors, may be cited here—and a glance will show the literalness of Holinshed's borrowings:

"John Wogan Lord Justice, summoned a Parliament at Kilkenny, where wholesome lawes were ordeined, but never executed. There fell the bishops in argument about their Iurisdictions, and in especial the Archbishop of Divelin forbad the Primate of Ardmagh to lift up his crosyer within the province of Leinster. In ratifying of which priviledge I have seen the cobby of Pope Honorius Bull exemplified among the recordes of S. Patricks Church; shortly after Rowland Ioice, then Primate, stale by night in his pontificals from Howth to the priory of Gracedieu, where the Archbishops servants met him, and

<sup>1</sup> Holinshed's *Chronicles*, 1808 edit., VI. p. 245. Dowling seems to have borrowed his version of the story from Holinshed's work, to which, as his editor attests, he had access. (Dowling's *Annals*, introd., p. ii). The Ven. Oliver Plunket's chronology is as faulty as that of Holinshed, from whom he may have taken what he regarded as the facts of the case: "In the year 1309, Rolande de Jorse, Archbishop of Armagh and Primate of all Ireland, being at Parliament at Kilkenny, was encounter'd by the said John Leach, not for precedence, which would not be omitted in the Chronicle: but for bearing his Cross before him in Leinster, which Rowland was authorized to do by the ancient Custom, by the Canons, and by the above-mentioned Pope Urban's Bull, who gave him Jurisdiction over all the Clergy of Ireland, in all times and places" (Plunket, *Jus Primatiale*, 1672, p. 21). The soundness of the martyr-primate's reasoning is not appreciably lessened by the fact that neither Roland Jorz nor John Leek was an Archbishop in 1309, nor by the fact that the alleged "encounter" at Kilkenny was a figment of the historical imagination.



violently chased him out of all the diocese. This Archbishop was named John Alecke, after whose death," etc.<sup>1</sup>

The future Jesuit and martyr compiled his Irish "Historie" in a surprisingly brief space of time, and in perfect good faith. In his "epistle dedicatory"—dated from Dublin, 27 May, 1571,—Campion expresses the hope that, as regards the volume itself, "my defect in penning the same shalbe imputed partly to my haste, who must needs have ended all before I should leave the land, and am now even upon point of my departure. So as to handle and lay these things together, I had not in all the space of ten weekes." His authority for the early period is Giraldus Cambrensis, and "where Cambrensis endeth, there beginneth a nameless Author, who in certaine short notes containeth a Chronologie untill the yeare of Christ 1370." This we learn from Campion's address "to the reader" (dated from Drogheda, June 9, 1571), where also he lays stress on the "post haste" in which his "naked and simple" narrative has been compiled. This excessive haste, and the author's lack of materials, may explain the slightness and imperfection of his work.<sup>2</sup>

Campion's sole authority for the Irish events of 1190-1370 is the "nameless Author" whose chronicle ends in the latter year. Who was this chronicler? Obviously, it was none of the Gaelic annalists for (apart altogether from the question of dates) Campion knew no Gaelic. The only one of the Anglo-Irish annalists whose chronicle closes in 1370, is the more or less mysterious Christopher Pembridge, conventionally regarded as author of those Irish annals which were first printed in Camden's *Britannia*. From Pembridge's *Annals*, as the compilation is called, Campion derived his knowledge of the Kilkenny parliament and its proceedings.<sup>3</sup> He was right in ascribing the work to a nameless writer, for its real compiler still remains unknown. The passage on which Campion embroidered is as follows: "1309 . . . A Parliament was held at Kilkenny within the octave of the Purification of the Blessed

<sup>1</sup> Campion's *Historie of Ireland*, bk. II. ch. v.

<sup>2</sup> The sympathetic writer of Campion's life in the *Dictionary of National Biography* observes that his *Historie of Ireland* "is hardly so much a serious history as a pamphlet written to prove that education is the only means of taming the Irish."

<sup>3</sup> In his notice of Christopher Pembridge in the *Dictionary of National Biography*, Mr. Robert Dunlop remarks that Campion was probably indebted to Pembridge's *Annals* for his information regarding Ireland between 1162 and 1370. Sir John Gilbert, who has carefully re-edited the *Annals* in question, speaks much more positively. "These *Annals* [he says] were also extensively used in the work on Ireland compiled by Edmund Campion, who in mentioning the books consulted by him for it, wrote in reference to them: 'Where Cambrensis endeth, there beginneth a nameless author, who, in certain short notes, containeth a chronology unto the year of Christ 1370.'" Gilbert adds later that Campion "copied largely from these *Annals*" (*Chartularies of St. Mary's Abbey*, ed. Gilbert, II. pref. pp. cxvi and cxxii).

Mary, by the Earl of Ulster and the Justiciary of Ireland, with others of the nobility; wherein was adjusted a mighty discord which had arisen among certain of the great men of Ireland; and wherein also many things were made and provided as statutes, which would have been of great benefit to the country if they had been observed."<sup>1</sup>

Here we have the kernel of the entire legend. A mighty discord arose among certain of the magnates of Ireland, and it was adjusted in the parliament of Kilkenny. This entry, particularly in its Latin form, may readily suggest that a grievous altercation arose between certain personages in high station, while actually present at the Kilkenny parliament. This, obviously, was the inference drawn by Campion, in the "post haste" of his compilation. Heedless of the fact that the "magnates" mentioned in documents of the period were all but invariably laymen, and knowing that a dispute concerning the Primate's cross existed about this time between Armagh and Dublin, he rushed to the conclusion that the protagonists of the supposed Kilkenny wrangle were the Archbishops of Armagh and Dublin. Thus the legend was born. Campion interpreted Pembridge's narrative in terms of his own taste and fancy; and Campion's story was adopted by Holinshed, Ussher, Harris, and countless other writers.

In thus interpreting and expanding the text on which he relied, Campion was by no means unfashionable. Sir John Gilbert gives a curious and characteristic example of the mode in which passages from the so-called Pembridge Annals were amplified by subsequent compilers,<sup>2</sup> the amplifier in this instance being Campion's contemporary and devoted friend, Richard Stanihurst, author of a "Description of Ireland." Whether the famous "discordia inter magnates" occurred in the Kilkenny parliament, or was prior thereto, is of little moment now. To me, at least, it seems much more probable that the dissension was of slightly earlier date; for we know that the Powers, the Cantetons, and the Bonneville were involved in sanguinary feuds shortly before the holding of this Kilkenny parliament.<sup>3</sup> In any case,

<sup>1</sup> Cf. Camden's *Britannia*, ed. Gough, 1789, III. p. 675. The *ipsisima verba* of the passage are given in Gilbert's edition of the Annals:—"Item, Parlamentum tentum est Kylenie in octabis Purificacionis Beate Marie, per Comitem Ultonie et Justiciarium Hibernie, et ceteros magnates, in quo sedata fuit magna discordia orta inter quosdam magnates Hibernie, et eciam in quo multe provisiones tamquam statuta providebantur, multum utiles terre Hibernie, si fuissent observate" (*Chartularies of St. Mary's Abbey*, II: 294). Sir John Gilbert dislikes the convenient but misleading custom of ascribing these Annals to the shadowy Pembridge, whose very existence is doubtful. For that reason, Gilbert consistently refers to this volume of Annals as the "Laud Manuscript."

<sup>2</sup> *Chartularies of St. Mary's Abbey*, II. pref. p. cxxii.

<sup>3</sup> See the Anglo-Irish annalists, Pembridge, Clyn, Grace, and Dowling, ad an. 1307-1309.



one thing emerges clearly from the welter of facts concerning this parliament, namely, that the traditional story regarding Primate Walter Jorz is quite unfounded, and that he had nothing whatever to do with any real or supposed dissensions occurring in this assembly. The whole story of this undignified scene is a myth; it is a product of the sincere but fanciful genius of Campion.

### A BASELESS CHARGE AGAINST PRIMATE WALTER

A much graver accusation, however, still remains. It is alleged that, in this same parliament of Kilkenny, Primate Walter was the principal instigator of an infamous ordinance, whereby Irishmen were debarred from entering any religious house, even in those territories which submitted peacefully to the English king. This charge has become classical through frequency of repetition. It first occurs in the Remonstrance of 1318, addressed to Pope John XXII by Prince Donal O'Neill, on behalf of the nobles and people of Ireland. The indictment is couched in these terms:

"Moreover, by the common Council of that King of England, and by certain English Bishops (the principal of whom was a person of small discretion and no knowledge, the Archbishop of Armagh), an iniquitous statute has lately been enacted in the city of St. Canice in Ireland, in the following unnatural terms: 'It is ordained that all religious who dwell in a land of peace among the English, are prohibited from receiving any persons into their order or form of religion, excepting such as are of the English nation. And if any shall do otherwise, our lord the King shall deal with them as with persons guilty of contempt for his command; and the founders and patrons of such institutions shall proceed against them as disobedient and refractory to this ordinance made by the common Council of the whole land of Ireland under the government of the English.' Even before this statute had been enacted, as well as since that time, the Friars Preachers and Friars Minor, the monks, canons [regular], and other Englishmen, were accustomed to observe this rule with sufficient strictness, being very great respecters of persons. And yet, those monasteries for monks and canons, from which the Irish were thus repulsed in modern times, were for the most part founded by Irishmen."<sup>1</sup>

<sup>1</sup> Various translations, part translations, or paraphrases of this famous Remonstrance are given in Plowden's *Historical Review*, Charles O'Connor's *Suppressed Memoirs*, Taaffe's *History*, MacGeoghan's *History*, King's *Church History of Ireland*, Carew's *Ecclesiastical History of Ireland*, *The O'Neills of Ulster*, by Thomas Mathews, etc. The original text of the passage above quoted is as follows: "Per commune insuper consilium istius

This Remonstrance is a human and historical document of the first importance. In its impassioned pages, as a recent writer observes, "there is a detailed account given of the state of Ireland and the ills under which the Irish groaned. They had been already driven from the most fertile of their lands, from the plains to the bogs and mountains, and even here they were insecure—their property was taken, their lives sacrificed with impunity; for if an Irishman committed a crime he was dragged before an English tribunal, where he was fined or imprisoned, or perhaps put to death, but an Englishman who committed the same crime against an Irishman was allowed to go free. The English had repeatedly declared that it was no crime to kill an Irishman; and the calculation is made that by the sword alone, since the Invasion, at least 50,000 of both nations had been killed. Treaties with the Irish these English settlers readily made, and broke with equal readiness; and special mention is made of the treachery of De Clare, who broke faith with O'Brien and had him cruelly tortured to death (1278), and of Bermingham, 'the treacherous baron,' who slaughtered O'Connor of Offaly and his chiefs while they were guests at his table. Nor do these cases stand alone. Bishops and priests were treated with every indignity, and were so cowed that they were afraid even to complain, and monks of Irish birth were excluded from those establishments which their own countrymen had built and endowed."<sup>1</sup>

In a word, during the century and a half which the Remonstrance covers, the crimes of the English in Ireland—their unbridled rapacity, their treachery and chicanery, their despotic brutality, their massacres, murders, and robberies—equalled or surpassed the misdeeds of the Prussians in Poland and Belgium. They were as inordinately vain of their own civilisation

regis Angliæ, necnon et per quosdam episcopos Anglicos, inter quos principalis exstitit vir parvæ prudentiæ et nullius scientiæ, archiepiscopus Ardmachanus, quoddam iniquum statutum in civitate S. Keynici in Hibernia nuper fuit factum, sub hac informi forma: 'Concordatum est, quod inhibeat omnibus religiosis qui manent in terra pacis inter Anglicos, quod non recipiant in ordine suo, nec religione sua, nisi illos qui sunt de natione Anglorum. Et si aliter fecerint, dominus rex capiet ad eos, tanquam ad illos qui sunt præcepti sui contemptores, et eorum fundatores et advocati capient ad eos, sicut ad illos qui sunt inobedientes et contrariantes isti ordinationi factæ commune per consilium totius terræ Hiberniæ inter Anglicos.' Et antequam hoc statutum factum fuisset, et post, fratres prædicatores et Minores, monachi et canonici, caeterique Anglici ipsum observabant satis stricte, personarum maxime [al. magni] acceptores: monachorum tamen et canonicorum monasteria, in quibus moderno tempore Hibernici refutantur, per ipsos, ut communiter, fuerunt fundata" (Joannis de Fordun, *Scotichronicon*, 1759 ed., II. p. 263). John of Fordun, a secular priest, completed his *Scotichronicon*, as it is now generally called, about 1384, and presumably died soon after. Walter Bower, Abbot of Inchcolm, recast and enlarged John of Fordun's work, about the years 1440-1447, and died in 1449.

<sup>1</sup> Canon D'Alton, *History of Ireland*, I. pp. 344. 345.



as the professors of German Kultur are said to be in our own time; but they were immeasurably more ignorant than the Germans are of the rival civilisation which they first affected to despise, and which most of them eventually adopted.

But while the Remonstrance, as a whole, is a document of exceptional interest and value for the history of this unhappy period, yet it is by no means infallible. Some of its assertions, notably those contained in the extract above cited, are either too sweeping or demonstrably untrue. Its allusions to Primate Walter Jorz<sup>1</sup> are singularly unfortunate. Primate Walter had held a professor's chair in the University of Oxford, and was the author of various theological works. His laudable life and morals, his scholastic accomplishments, his eminent piety and high reputation, no less than his prudence and circumspection, had earned the warm commendation of Clement V, while his piety and learning are extolled by the historian of Oxford. To describe such a prelate as "a person of small discretion and no knowledge," was not merely overshooting the mark of truth, it was shooting away from it.

Similarly untenable is the theory that Primate Walter was present at the Kilkenny parliament, and took the leading part in enacting the infamous statute against the admission of Irishmen to religious houses.<sup>2</sup> As already stated, we have sundry good reasons for believing that Walter Jorz took no personal part in the deliberations of this parliament. Besides, we have positive proof that he was the foremost opponent of the iniquitous measure there enacted, and that he promptly secured its repeal. In less than four months from the date of its enactment (February 9-12, 1310), the statute was annulled, mainly through the exertions of Primate Walter. So much is clear from the following letters patent issued by the Viceroy, in the name of Edward II, on May 22, 1310:

"The King to all to whom [these present letters] shall come, greeting.—Although by our Council of Ireland and by divers magnates of the same land, in our Parliament at . . . , for

<sup>1</sup> Several writers, Thomas Mathews among the number (*The O'Neills of Ulster*, II. 164, 177), wrongly regard Roland Jorz as the Archbishop to whom Donal O'Neill's denunciation refers. Roland was not Primate when the obnoxious law was passed.

<sup>2</sup> The acts and ordinances of this Kilkenny parliament are found, wholly or partially, in three sources. They are contained, first, in the Red Book of the Irish Exchequer (pp. 25, 26), where they consist of eleven chapters (James Frederick Ferguson, "A Calendar of the Contents of the Red Book of the Irish Exchequer," in *Transactions of the Kilkenny Archaeol. Society*, III. 1854, 55, p. 43). Secondly, four chapters are given in the patent roll 3 Edw. II, 63 (*Rot. Pat. et Claus. Cancell. Hib. Calendarium*, I. pt. I. p. 13). Thirdly, five other chapters, rather different from the four just mentioned, are reproduced at the beginning of the first volume of *Irish Statutes*, published in Dublin, 1765. It is curious that neither the patent roll, 3 Edw. II, 63, nor the volume of *Irish Statutes*, makes mention of the ordinance whereby Irishmen were excluded from religious houses.

just reasons we have ordained that no *mere Irishman* shall be admitted to a religious order in a land of [the King's] peace or in . . . parts of Ireland, on account of the discords frequently arising between such English and Irish, believing from this that greater tranquillity and peace in the holy Church of God and to the faithful people of Christ would in future times happen. Now, also, we have learnt by the testimony of the venerable father, friar W[alter], by the grace of God, Archbishop of Armagh, and of the discreet man, Master Philip de Erdesleye, official of the aforesaid father, that by the aforesaid statute, to the holy Church of God and to the people no profit has arisen, but greater damage, hatred, and discord. We, at the suit and testimony of the aforesaid Archbishop and official, and at the request of some of the magnates of the land aforesaid, do revoke the statute aforesaid, and we grant that all, as well English as Irish, and others of whatsoever nation, who, inspired by divine grace, are desirous of serving God under a regular habit in any religious house within our land aforesaid, may be admitted to the religious habit and professed in the same, as was customary before the enactment of the statute aforesaid. In testimony whereof we have caused these our letters to be made patent. Witness, J. Wogan, our Justiciary of Ireland. Dublin, May 22, in the third year of our reign."<sup>1</sup>

From this we learn the curious fact that a law enacted by the colonial parliament might be repealed by the Viceroy, if he thought proper; *statutum revocamus supradictum*, Wogan expressly says. Secondly, we learn that the act of exclusion

<sup>1</sup> Cf. Stuart-Coleman, *Hist. of Armagh*, 115, 116. This rough translation is substantially identical with that given by Mr. J. F. Ferguson in *Trans. of Kilkenney Archaeol. Soc.*, I. pp. 509, 510. The original is also given, not very correctly, by Mr. Ferguson. Some words are illegible, but the text can easily be restored with tolerable accuracy: "Rex omnibus [ad quos presentes littere] pervenerint, Salutem.—Licet de consilio nostro Hibernie et diversorum Magnatum ejusdem terre in parlamento nostro apud [Kilkenniam, justis] ex causis statuimus quod nullus merus Hibernicus admittatur in religione inter Anglicos in terra pacis in a[liquibus ?] partibus Hibernie, propter discordias sepius motas inter hujusmodi Anglicos et Hibernicos, credentes ex hoc majorem tranquillitatem et pacem in sancta Dei ecclesia et populo Christifidelium posse futuris temporibus evenire. Et jam accepimus ex testimonio venerabilis patris fratris W. Dei gracia Archiepiscopi Ardmachani, et discreti viri Magistri Philippi de Erdesleye, predicti patris officialis, quod predictum statutum sancte Dei ecclesiae et populo pacis nullum crescet emolumentum, set majus dampnum, odium, et discordiam; nos ad sectam et testimonium predictorum Archiepiscopi et officialis, et rogatu aliquorum magnatum terre predictae, statutum revocamus supradictum, et concedimus quod tam Anglici quam Hibernici, et alii quacunque nacione, qui divina gracia inspirati sub regulari habitu cupiunt Deo famulari in quacunque domo religiosorum, infra terram nostram predictam, ad religiosum habitum admitti [et in eodem habitu profiteri] posse, ut ante] predictum statutum fieri consuevit. In cujus rei testimonium, has litteras nostras fieri fecimus patentes. T[este] J. Wogan, Justiciario nostro Hibernie, apud Dublin, XXII die Maii anno regni nostri tercio."



was passed by the King's Council and by the magnates of Ireland; that Primate Walter lost no time in placing himself at the head of the opposing forces, and was chiefly instrumental in securing its annulment. Thirdly, we learn that, prior to the passing of this statute, Irishmen living in districts which enjoyed "the King's peace" were more or less freely permitted to enter religious houses in such regions.<sup>1</sup> The act of exclusion gave rise to a deplorable amount of turmoil and racial ill-feeling, allayed, no doubt, by its subsequent repeal.

### ANTI-IRISH FANATICISM—THE BLACK STATUTE OF KILKENNY

A quarter of a century later, this unpleasant agitation was revived by the intemperate zeal of an English official named John de Ellerker, who sought to make it appear that all former enactments of colonial parliaments, including the hated statute of exclusion, were still in force. A petition was therefore presented to Edward III, on behalf of the regular clergy of Ireland, about the year 1336. Apart from its incidental inaccuracies, this document sheds valuable light on the broad question of the boycotting of Irishmen. The text of the petition, and Edward III's reply thereto, are both in Norman-French, of which the following is a rough translation:

"To our Lord the King and to his Council, the religious of Ireland show that, whereas it was ordained at Kilkenny, and assented to in the second year of King Edward, the father of our lord the King who now is, that no Irish should be received into any orders of religion in a land of the King's peace amongst the English, nor there professed in any habit of religion; whence great dissension arose amongst the religious, and much discord between the English and the Irish. Then afterwards this ordinance was repealed and annulled by all the people of the said land, and with the assent of Master John Wogan, then their Justice at Divelyn, in the third year of the same King, as

<sup>1</sup> On the other hand, when a robber-baron founded a monastery in a territory which he had overrun, he sometimes laid down the express condition that none but Englishmen should be admitted. For instance, this was done by the notorious Geoffrey de Marisco when founding the Priory of Killaha, in Kerry, for Canons Regular. In 1403, Boniface IX complaisantly declared that the Canons of Killaha should not "under pretext of any letters of the Apostolic See or its legates, admit anyone contrary to the said ordinance," which "has been observed from time immemorial" (*Cal. Pap. Reg.*, V. 552). In 1397, nevertheless, Boniface himself had sanctioned the election of William Mackyldroma, apparently an Irishman, to the priorship of Killaha, on condition of his passing the usual examination in Latin (*Cal. Pap. Reg.*, V. 151); and in 1411, Alan O'Lynch received a dispensation to be made Prior of the same community (*ibid.* VI. 278, 279, 290).

you may see by the patent sealed with the seal of our lord the King there used.

"But now lately, in the time of the present King, John de Allerker, the present treasurer of Ireland, has made his suggestion in the court of our lord the King in this land, that there was an ordinance made, amongst others, in which there were certain articles to keep all the ordinances heretofore made in the said land. Thus has he made public this article amongst the rest, wherefore great dissension is commenced amongst the religious, and greater discord between English and Irish than has been before this time; and therefore they pray you, of your good grace, to grant that the Irish born and dwelling in a land of the King's peace, who are faithful to our lord the King, be received into religious orders as well as the English, in such wise that no Irishman born in a land of war, an enemy of our lord the King, be received in any manner."

*Endorsement* :—"Be it commanded to the Justice of Ireland, that he cause to be published in the places where he shall come . . . that he . . . or give leave and let it be shown to the Irish who are at the King's peace dwelling amongst the English, being faithful to the King, that they may be received into religious orders, according to the purport of the said petition, (so at all times that the Irish who are not faithful to the King may not be received into any religious order in the said land of Ireland by colour of the same publication), the ordinance and inhibition on this point notwithstanding."<sup>1</sup>

Perhaps the most salient feature of this document is the radical distinction drawn by Edward III and his petitioners, between Irishmen who dwelt in a "land of peace" and Irishmen who dwelt in a "land of war." Those who abode "in a land of the King's peace amongst the English" were free, at times, to enter a religious house in those presumably favoured regions; while Irishmen whose misfortune it was to reside "in a land of war among the Irish enemy" were rigorously excluded from such establishments. The English regarded themselves as in a permanent state of warfare against those Irish princes and clansmen who refused to bend their necks beneath the yoke of the enslaver;—a fact which casts a lurid sidelight on the psychology of the English in Ireland.<sup>2</sup>

<sup>1</sup> *Trans. of Kilkenny Arch. Soc.*, I, 511. I have ventured to make a few verbal changes in the excessively literal translation there given. This petition is undated, but the period in which it was written is ascertained with some degree of accuracy, owing to the introduction of the name of John de Ellerker, or de Allerker, who was treasurer of Ireland in the 10th year of Edward III (January 25, 1336—January 24, 1337). See close roll of Irish Chancery, 10 Edw. III, 28, erroneously stated in the Record Reports to be a close roll of 10 Edw. II (*Rot. Pat. et Claus. Cancell. Hib. Calendarium*, p. 20).

<sup>2</sup> It is scarcely worth while to comment on the minor inaccuracies of the petition above quoted. They are just the sort of inaccuracies that



The zeal of these narrow and bitter fanatics reached its culmination in what is known as the Black Statute of Kilkenny, enacted on February 19, 1366. Sundry anti-Irish laws were passed by this Parliament of evil memory. Two of them may be quoted here:

"XIII. Also, it is ordained that no Irishman of the nations of the Irish be admitted into any Cathedral or Collegiate Church by provision, collation, or presentation of any person, nor to any benefice of Holy Church, amongst the English of the land; and that if any be admitted, instituted, or inducted, into such benefice, it shall be held for void, and the King shall have the presentation of the said benefice for that voidance, saving to such person as may have the advowson of the said benefice, his right to present or make collation to the said benefice when it shall be again vacant.

"XIV. Also, it is ordained and established that no religious house situated amongst the English, be it exempt or otherwise, shall henceforth admit Irishmen to their profession, but may receive Englishmen without taking into account whether they be born in England or in Ireland; and that any that shall act otherwise, and thereof shall be attainted, their temporalities shall be seized into the hands of our lord the King, so to remain at his pleasure."<sup>1</sup>

As Plowden justly remarks, "Imagination can scarcely devise an extreme of antipathy, hatred, and revenge, to which this code of aggravation was not calculated to provoke both nations,"<sup>2</sup> that is, the English and Irish. Infamous as these statutes were, they received the solemn approval of Thomas Minot, Archbishop of Dublin; Thomas O'Carroll, Archbishop of Cashel; John O'Grady, Archbishop of Tuam; Thomas le Reve, Bishop of Lismore and Waterford; Thomas O'Cormacan, Bishop of Killaloe; William, Bishop of Ossory, whose surname is unknown; John Young, Bishop of Leighlin; and John

we might expect in a document written twenty-five years or so after the event. For instance, the Kilkenny Statute, as we know, was not passed in the second year of Edward II, but in the third year of that monarch's reign. That statute was revoked, as we have seen, primarily at the suit and testimony of Primate Walter and his official, with some help from certain magnates of Ireland. The petitioners, truthfully enough in a sense, but without strict regard for accuracy, represent the statute as "repealed and annulled by all the people" of Ireland. The incident suggests a poor idea of the representative character of colonial parliaments in Ireland. This impression is deepened when we find a Viceroy such as Wogan incontinently repealing a foolish and mischievous statute enacted by one of these parliaments. It is further deepened when we find the Anglo-Irish annalists complaining that even the salutary measures passed by these assemblies were disregarded and ignored.

<sup>1</sup> Quoted in Canon Carrigan's *History and Antiquities of the Diocese of Ossory*, III. 15; cf. Hardiman's *Statute of Kilkenny*.

<sup>2</sup> *Historical Review of the State of Ireland*.

Swaffham, Bishop of Cloyne; who, "being present in the same Parliament, at the request of our said most worthy lord, the Duke of Clarence, lieutenant of our lord the King in Ireland, and the lords and commons aforesaid, do fulminate sentence of excommunication against those contravening the statutes and ordinances aforesaid, and do excommunicate them by this present writing, we, and each of us, reserving to ourselves the absolution of our own subjects, except in case of danger of death."<sup>1</sup>

"These legislators at Kilkenny," writes Canon D'Alton, "had enlarged conceptions as to the limits of their powers, and not content with legislating on purely temporal matters, they passed into the region of the spiritual and stepped between the Creator and His creature. The proper ministers of the Gospel in the Pale were those who understood the people and whom the people could understand, and it ought to have been a matter for the Church authority alone to say who these ministers were to be, and what their qualifications, and not for the Parliament, whose domain of activity belonged to the State and to affairs of State. Yet this Parliament decreed that it was not allowable to confer a benefice on any one who did not use the English tongue, nor could a native, unless he was of English descent, be admitted to any collegiate or cathedral church in the Pale by provision, collation or presentation of any person, nor to any benefice; and if so admitted, the appointment was cancelled and the place held void. Neither could any religious Order receive any 'mere Irishman' into its community. To deprive the Irish-speaking people of ministers of the Gospel of their own race and tongue, whom alone they could understand, was to starve their souls and put obstacles before them on their road to Heaven, and the strangest thing is that such legislation should be acquiesced in by three archbishops and five bishops, and that they should even issue a sentence of excommunication against all those who should violate these penal decrees. How they reconciled this action with their duty it is difficult to see. Perhaps as churchmen they were of the character of that English cardinal who had to lament in his old age that he had been more faithful to his prince than to his God."<sup>2</sup>

These facts show that the English in Ireland, or the majority of their magnates and principal men, still clung to the iniquitous policy of Henry III, though that policy had been repeatedly condemned by Pope Honorius III, a century and a half before. Indeed, these illiberal and narrow-minded colonists went further than Henry III had gone; they carried

<sup>1</sup> Hardiman and Carrigan, *ut supra*.

<sup>2</sup> E. A. D'Alton, *Hist. of Ireland*, I. 384, 385.



his evil policy to its logical development. Their bitter racial antipathy would be satisfied with nothing less than the complete exclusion of Irishmen from the Church of their own land. Irishmen were to find no place in the ranks of the regular clergy. If they entered the secular priesthood, all benefices whatsoever, from bishoprics to parishes, were to be closed against them. Perhaps the most ignominious feature of this un-Christian movement was the servile submission of a number of Irish ecclesiastics in high places, who launched their decrees of excommunication against all who should resist these ordinances. Primate Walter Jorz, though an Englishman, stands high above those Irish Archbishops of Cashel who proclaimed their approval of the persecuting statutes of Kilkenny in 1310 and 1366. Alone among the Irish prelates of his time he fought against the exclusion law of 1310, and drove the proverbial "carriage and four" through that malevolent measure. His noble attitude on this occasion stands out in marked contrast to the servility or race-prejudice of those Irish and Anglo-Irish bishops who bestowed their approval on the tyrannical statutes of Kilkenny, and sought to enforce them by excommunication.

#### *O'NEILL'S REMONSTRANCE—SILENCE OF IRISH BISHOPS*

Such being the case, there is a curious irony in the fact that Primate Walter is singled out by Donal O'Neill as the person chiefly responsible for the Kilkenny ordinance of 1310. O'Neill, or whoever drew up the Remonstrance which bears his name, was singularly ill-informed as to the attitude and character of Primate Walter. He was also misinformed on other matters, as we shall presently see. But the author of the Remonstrance, whoever he may have been, has a luminous passage which goes far to explain the spiritless attitude adopted by so many medieval prelates in this country, and by the bishops at Kilkenny in particular. He writes:

"For the territories of the Church are so curtailed, narrowed, and mutilated by them [the English], that some cathedral churches have been plundered of one-half or more of their lands and possessions, while ecclesiastical liberties of every kind are for the most part entirely abolished by these oppressors. And our bishops and prelates are indiscriminately summoned, arrested, seized, and imprisoned by ministers of the King of England in Ireland. And though they suffer frequent and grievous injustice of this kind, yet they are so strongly influenced by slavish timidity, that they never venture to bring these grievances to the knowledge of your Holiness.

In consequence of such scandalous silence on their part, we also are disposed to refrain from further observations on this topic."<sup>1</sup>

In fairness to these sorely-tried bishops of the Irish Church, it must be remembered that there were several causes which doubtless combined to deter them from appealing, individually or collectively, to the Holy See. In the first place, it is hardly too much to say that they were living under a reign of terror. This is clear from the memorable passage just cited, as well as from numerous incidents narrated in the course of the present volume. The orders issued by Henry III for Bishop O'Sullivan's arrest and for the seizure of Archbishop MacKell's temporalities; the lawless violence of Geoffrey de Marisco in Munster; the crimes of Walter de Burgh and other robber-barons of that era; the overbearing tyranny of Maurice FitzGerald, John FitzGeoffrey, Richard de la Rochelle, and other representatives of the English king; the imprisonment of ecclesiastics in Leinster and Connacht; the steady grind of legalised plunder to which the Irish Church was subjected; the persecutions and prosecutions to which bishops and priests were constantly liable at the hands of the Crown officials—these things may be taken as specimens of the regime under which the Irish prelates lived. It was a regime which bore a family likeness to that Prussian despotism which now arouses such deep abhorrence. In these circumstances, the bishop who appealed to the Holy See would need to be a man of uncommon courage and exceptional fortitude. He would assuredly be marked down for victimisation by the vindictive officers of the Crown; he would expose his diocesan property (or what remained of it) to confiscation and himself to beggary.

In the second place, from the time of Adrian IV onward, it became the traditional policy of the Popes to foster the power of England, for political reasons of their own. They wanted the support of England in their contests with the German emperors, in their difficulties with French kings, in the affair of Sicily, and particularly in the Crusades. The Popes apparently desired to see the British Isles consolidated into a single kingdom, under the strong rule of the English king. Hence their traditional partiality for the English monarch, and their unfriendliness to Irish and Scottish independence.

<sup>1</sup> "Nam ecclesie termini in tantum per ipsos [Anglos] sunt restricti, syncopati et detruncati, quod nonnullae cathedrales ecclesie medietate et ultra terrarum et possessionum suarum violenter sunt spoliatae, omni fere ecclesiastica libertate per eosdem omnino soluta. Per ministros enim regis Angliae in Hibernia citantur, arrestantur, capiuntur, et incarcerationibus indifferenter episcopi et praelati. Et cum hujusmodi crebras et graves patiuntur injurias, tanto servili timore sunt oppressi, quod eas sanctitati vestrae nullatenus audent intimare: et quia ipsi improbe tacent, et nos silere volumus in hac parte."—Fordun, *Scotichronicon*, II. 262.



Hence also their failure to redress Irish grievances—of which, indeed, they were mostly unaware. Sometimes, when the oppression practised by the English in Ireland was brought to the notice of the Holy See, it was condemned in trenchant and uncompromising terms by such Pontiffs as Honorius III, Innocent IV, and Urban IV. Sometimes, also, when Irish grievances were laid before the Holy See—as before Alexander IV by the Connacht bishops in 1255, and before John XXII by Donal O'Neill and the Irish princes in 1318—the Popes were too deeply involved in political and financial relations with the English monarch to be capable of taking resolute and effective action. The Irish bishops of 1318 probably knew, far better than Donal O'Neill, the real position of affairs; they doubtless had good reason to surmise that a petition to John XXII for the redress of Irish grievances would meet with slender success.

In the third place, we know now that some Cardinals and other influential personages in the immediate entourage of the Popes were pensioners of the English king—that they were in receipt of secret service money. On March 4, 1309—nine years prior to the Remonstrance of Donal O'Neill—Edward II had signed an order for payment of several such pensions to prominent dignitaries of the papal Curia:

"Grant to Thomas Jorsce, cardinal priest of St. Sabina, *for facilitating the King's business at the court of Rome*, of a yearly pension of 100 marks. The like grant to the under-mentioned cardinals, viz.:—

"Arnald de Pelagru, cardinal deacon of St. Mary *in porticu*, of 50 marks.

"Peter de Columpna, cardinal deacon, of 50 marks.

"Luke de Flysk', cardinal deacon of St. Mary *in Via Lata*, of 40 marks.

"William Ruffati, cardinal priest of St. Potenciana, of 40 marks.

"Bertrand de Bordes, bishop of Alby (*episcopus Albinen.*), the pope's chamberlain, of 30 marks.

"*Memorandum.*—These letters were delivered to Walter, bishop of Worcester, the treasurer, for delivery to the cardinal. By p[rivy] s[eal]."<sup>1</sup>

Thus Cardinal Jorz was in receipt of a yearly pension amounting to £800 in modern currency. Of the other pensioners, Cardinals Pelagru and Colonna had each £400 a year; Cardinals Flisco and Ruffati had an annual allowance of £320 each; while the Pope's chamberlain had £240 a year—"for facilitating the King's business at the court of Rome." The Irish bishops probably felt that it was hopeless to combat such influences.

<sup>1</sup> *Calendar of Patent Rolls, 1307-1313*, p. 105.

Finally, there was no solidarity among the Irish bishops. Many of them were English placemen, ready to connive at the excesses of their compatriots. That many of these episcopal placemen not only regarded the Irish people with an utter lack of sympathy, but also possessed their full share of that narrow and bitter race-prejudice with which the English colonists were commonly imbued, may be taken as certain. Several of these English churchmen, whom fortune had placed in charge of Irish sees, had given their solemn approval to the anti-Irish enactments of the Kilkenny Parliament of 1310, and had fulminated excommunications and anathemas against all who should resist them; just as their successors afterwards gave their unequivocal sanction to the Black Statutes of Kilkenny. In these circumstances, there could be no united protest from the Irish episcopate against English despotism in this country.

#### O'NEILL ACCUSES RELIGIOUS ORDERS

The Remonstrance also, as we may remember, makes a fairly definite charge against the Dominicans and Franciscans, the monks (Cistercians and Benedictines), the Canons Regular, "and other Englishmen," in Ireland. It alleges that, before and since the passing of the exclusion Act of 1310, these bodies adhered "with sufficient strictness" to the policy of debarring Irishmen from their membership. The question is a large and intricate one, which would require a whole volume for its adequate discussion. Only a few salient facts can be noted here.

In so far as the Dominicans are concerned, it may be stated at once that any such policy of exclusion would have been utterly at variance with the spirit and custom of the Order. The Dominicans would naturally have regarded the Kilkenny ordinance as *ultra vires* and uncanonical; and they would doubtless have acted accordingly. But we are not left to the mercy of mere speculation or conjecture on this head. The Dominicans first came to Ireland in 1224. From that date until the close of the century (1224-1300), twelve members of the Order were selected for the government of Irish sees. Now, it is a significant and eloquent fact that no fewer than eight of these twelve were unmistakably Irish, while the ninth was very probably an Irishman as well. The eight Irish Dominican prelates were: MacKelly of Cashel; O'Sullivan of Cloyne and Lismore; O'Lee of Killala; O'Connor and O'Donnaveir of Elphin; O'Scoba of Raphoe; O'Scannell of Armagh; and O'Currin of Kilfenora. The ninth, whose lineage is somewhat doubtful, was Bishop Cristin of Ardfert, a Dominican of the convent of



Tralee, whose forename was probably a latinised rendering of Giolla-Chriost, as we find at an earlier period, in the case of the famous legate, Christian O'Conarchy, Bishop of Lismore.

This vast preponderance of purely Irish names among the Dominicans appointed to Irish sees in the thirteenth century, tells its own tale. It shows that there must have been, roughly speaking, a similar preponderance of Irishmen in the Irish houses of the Dominican Order. As everyone knows, for one priest who is promoted to the episcopal dignity, there are scores of others who escape that perilous honour; therefore, it is only reasonable to infer that the eight or nine Irish Dominicans, who became bishops in the thirteenth century, were selected from a forgotten multitude of their Dominican compatriots and contemporaries. They were representatives of a host of Irish Dominicans of that period, whose names have passed into oblivion.

Curiously enough, some thirty years prior to the date of O'Neill's Remonstrance, an accusation of a very different character was launched against the Dominicans and Franciscans of this country. They were accused, to all intents and purposes, of being too Irish, and of unduly favouring the Irish language. About the year 1285 a zealous English official drew up a memorandum on the state of the Irish exchequer, for transmission to Edward I. In the course of this memorandum (now imperfect) the writer urges, in conformity with the traditional English policy, that "it would be expedient to the King that no Irishman should ever be an Archbishop or Bishop, because they always preach against the King, and always provide their churches with Irishmen, . . . so that an election of bishops might be made of Irishmen to maintain their language; and not of others . . . *ad fundendam linguam*. In like manner, the Dominicans and Franciscans make much [*faciunt multa*] of that language."<sup>1</sup>

Facts such as these are inconsistent with the theory that Irishmen had been somewhat systematically excluded from that Dominican and Franciscan houses in this country. In rather different case were the monks and Canons Regular, who were more directly exposed to the tyranny of English kings and their officials. In these establishments, on the whole, there may have been a preponderance of Englishmen; yet Irishmen managed, not infrequently, to hold their own. Thus, in 1297 Edward I commanded the Abbot of Mellifont to ensure that one-half of the monks in the houses under his control should be of English race,<sup>2</sup> and in 1306 he seized the temporalities of the Abbey, on the ground that the monks were "mere Irish."

<sup>1</sup> *Calendar of State Papers, Ireland, 1285-1292*, p. 10.

<sup>2</sup> MS. F. 1. 16, T.C.D.

In 1321-22 the sturdy Irish monks of Mellifont would admit, apparently, only those who declared that they were not of English race.<sup>1</sup> This caused deep offence to their Cistercian brethren in England, who prayed Edward II to intervene and "provide a remedy in the matter."<sup>2</sup> In the days of Edward III, the Cistercian monks of Newry were "mere Irish," and their lands were accordingly seized by that righteous monarch. It was not the fault of English kings if Irish monks were suffered to lead lives of prayer and labour in Irish monasteries. It was also not quite fair on the part of Donal O'Neill to accuse the monks indiscriminately of anti-Irish bias, when they were merely yielding to regal tyranny, or obeying the narrow ordinances of their founders.

### PAPAL COLLECTIONS—TEMPLAR TRIALS

It is high time to resume the thread of our narrative, after this long digression on the Kilkenny parliament and sundry problems arising therefrom. That parliament, as has been said, began its sessions on February 9, 1310. Two days later (February 11), Clement V sent Primate Walter a "Monition to receive and hold the fruits, rents, and profits of the benefices of those persons in his diocese who are in arrears in the payment of the six years' tenth and other dues which, by papal mandate, they have been ordered to pay to John de Lascapon, clerk of the papal *camera*, and to pay out of them the sums that are due."

Similar monitions were addressed to the Archbishop of Tuam and the Bishops of Meath, Lismore, Cloyne, and Connor; while the Bishop of Ferns had received an earlier mandate of like nature. It appears that John de Lascapon had been plying his collector's trade to some purpose in Ireland. On the previous Christmas Day (1309), he was given an "acquittance for a sum of £1800 12s. 3½d., including his expenses of £326 7s. 8½d., being the amount of the arrears of the six years' tenth imposed by Nicholas IV, which he has collected in Ireland and paid over to the papal *camera*."<sup>3</sup> Reckoning in terms of modern money, this collector had extracted a total sum of over £20,000 from the Irish clergy, and was allowed over £3,800 for his expenses in the affair. It is no wonder that Master John intended to continue and complete his profitable mission. Seven dioceses were still undrained of their superfluous funds, and they promised a fruitful field for his labours. A modern parish priest would scarcely relish the prospect of paying a tenth of his entire

<sup>1</sup> Close Roll, 15 Edw. II.

<sup>2</sup> Gilbert, *Chartularies of St. Mary's Abbey*, II. pp. cix-cx.

<sup>3</sup> *Cal. Pap. Reg.*, II. 78.



income every year, for six years, to a person of the type of John de Lascapon.

Primate Walter was one of the recipients of a circular signed by Clement V at Avignon on April 3, 1310. On that date the Pope wrote "To the archbishops of England and Ireland and their suffragans, to the bishops of Scotland, and to the king. Prorogation of the meeting of the General Council at Vienne, the inquisition against the Templars not being yet completed."<sup>1</sup> The opening of the Council was deferred until October 1, 1311, on the ground that the inquiries were not yet concluded. At the date of this circular, the investigation against the Templars in France was still incomplete. The inquiry in Dublin was only then being held; and in London further examinations had yet to take place. During these latter the Grand Preceptor of England, Ireland, and Scotland died in prison, refusing to confess to heretical doctrines.<sup>2</sup>

### AN EXTRAORDINARY ELECTION IN ELPHIN

On June 22, 1310, a disputed election, which kept the diocese of Elphin in a state of unrest for some years, was finally decided. The entry relating thereto in the *Calendar of Papal Registers* is apt to create the piquant but misleading impression that Primate Walter's supposed action in the affair was overruled by his own brother. Besides, Ware and Harris have told only part of the story, and have failed to avoid a chronological pit-fall. It seems advisable, therefore, to study the question a trifle closely, especially as it is of some importance for the history of the diocese of Elphin.

Bishop Donogh O'Flanagan, otherwise called Donatus, died in 1307. Obituary notices of him in the *Annals* show that he was a truly admirable prelate. In the *Annals of Clonmacnoise* we find this pen-picture of the man: "Donough O'Flanagan, abbot of Boyle for the space of five years, and Busshop of Olfyn for three years and a half,—a man famous for hospitalitie, devotion, and other good parts belonging to his function throughout all Europe; one that never refused any one whatsoever, neighter for meat or cloathes; one that maintained, protected, and made peace between the inhabitants of the province of Connaught; one full of wisdom and good delivery to maintain anything he took in hand; one charitable and free-hearted towards all men,—died penitently, of 5 weeks sickness, the 10th of the Kallends of June"<sup>3</sup> [May 23].

<sup>1</sup> *Cal. Pap. Reg.*, II. 78.

<sup>2</sup> Herbert Wood, *The Templars in Ireland*, p. 355.

<sup>3</sup> *Annals of Clonmacnois*, Mageoghegan's translation, quoted by Dr. O'Donovan in *Four Masters*, ad an. 1307. Bishop O'Flanagan's praises

On September 2, 1307, Edward II, who was then at Carlisle, gave permission for the election of a successor:

"Andrew Ohablydy, canon of the church of Elphin, bringing news of the death of Donat [O'Flanagan], the late bishop of that place, has letters of licence to elect. By p.s.

"The king, upon notification by the dean and chapter of the church of Elphin that their church is void through the death of Donat, the late Bishop, having granted them, in accordance with their petition, a licence to elect, and wishing to spare them trouble and expense, empowers Geoffrey de Geynville, upon the presentation to him of the elect by the dean and chapter, to give the royal assent to such election, and desires him to notify the same to Thomas,<sup>1</sup> bishop of Emly, the chancellor of Ireland, who shall issue a mandate under the king's seal for Ireland, on behalf of the elect, to the metropolitan of the place to do his duty therein. The king further empowers Geoffrey de Geynville, upon notification by the metropolitan of the canonical confirmation of the election, and upon acceptance of fealty from the elect, to certify the same to the chancellor, so that he may, in accordance with the tenor of the king's mandate, cause the temporalities of the bishopric of Elphin to be delivered to him.

"Mandate, after recitation as above, to Thomas, bishop of Emly, chancellor of Ireland, to issue a mandate on behalf of the elect, as well to the metropolitan as for the restoration of the temporalities, first receiving from the elect of Elphin letters under the latter's seal, and that of the dean and chapter, guaranteeing that the favour granted on this occasion will not at any future time be turned to the prejudice of the king and his successors."<sup>2</sup>

These elaborate precautions proved unavailing. The election was fixed for a specified day, and the result resembled an

are sung in similar, and rather more enthusiastic, terms in the *Annals of Loch Cé*. These *Annals* and the *Four Masters* agree in placing his death in 1307. Their trustworthiness is vindicated by the State Papers, which inform us that a royal licence for the election of O'Flanagan's successor was granted on September 2, 1307. The good bishop's death must have occurred a few months prior to that date. The *Annals of Clonmacnois*, as we have seen above, give May 23 as the day of his demise. The *Annals of Loch Cé*, in a confused entry which suggests a scribal blunder, give June 22 or July 1 as the date of his passing. This entry is obviously corrupt. (See *Annals of Loch Cé*, ed. Hennessy, ad an. 1307.) Ware and Harris affirm, with much positiveness, that Bishop O'Flanagan "died on the 22nd of June, 1308, worn out by a tedious Distemper. Some throw his death a year backwards; but they are mistaken. He was a Man in great Reputation for his Wisdom, hospitality, and other Virtues" (Ware-Harris, I. 631). In throwing his death a year forward, Ware and Harris were certainly mistaken, as the State Papers show.

<sup>1</sup> This was Thomas Cantock, an Englishman, then Bishop of Emly and Chancellor of Ireland.

<sup>2</sup> *Calendar of Patent Rolls*, Edw. II, 1307-1313, pp. 2, 3.



incident in comic opera. The Canons held a proper election, in regular canonical form; their choice fell upon one of their number, named Malachy MacHugh, who was already a Canon of the diocese, though only a cleric in minor orders. The Dean, whose name was Solomon, went by himself into a place apart; and there, with himself as the sole elector, he gravely elected Charles O'Connor, Abbot of the Premonstratensian Canons of Loch Cé, to the bishopric of Elphin. Abbot O'Connor, then a relatively young man of thirty-seven, was unwise or ambitious enough to lend himself to this ecclesiastical farce, which was bound to end disastrously for himself, if not for his patron. The masterful Dean was determined that, rightly or wrongly, his nominee should be Bishop of Elphin. The case was laid before Master Reginald Taaffe, then official of Armagh; Primate Walter, who had lately been raised to the primatial see, was still in England, and knew nothing of the affair. Master Reginald—undeterred by the more excusable mistake of his predecessor in the days of Primate Reginald—pronounced O'Connor's election valid, and arranged for his consecration in Armagh Cathedral, where O'Connor was consecrated in due course.

Meanwhile, Canon Malachy MacHugh, the rightful Bishop-elect, was not altogether idle. He appealed to the Holy See, and his appeal was supported by the Canons of Elphin, as well as by Archbishop William Bermingham of Tuam, whose influence had had a good deal to do with his election. Canon MacHugh proceeded to Avignon to plead his cause before Clement V; and Archbishop Bermingham either accompanied him or followed soon after,<sup>1</sup> doubtless on the same errand. The case was placed in the hands of Cardinal Thomas Jorz, who naturally desired to hear both sides of the question, and therefore addressed a number of peremptory citations to Abbot O'Connor, all of which were serenely ignored.

Unable, from the nature of the case, to comply with the conditions of Edward II's mandates, O'Connor still sought to gain possession of the temporalities. This he did, more or less, by misrepresentation; and he succeeded, at the cost of a fine of £160 in modern money. The mandate regarding this affair was signed by Edward II at Stratford, on March 12, 1309:

"Although upon notification by the dean and chapter of Elphin of the death of Donatus [O'Flanagan], the late bishop of that see, letters of licence to elect were granted (September 2, 1307) to them, and Geoffrey de Geneville was empowered (September 2, 1307) to give the royal assent to such election, and further the chancellor of Ireland was commanded (September 2, 1307) to issue his mandate for the restoration of the temporalities

<sup>1</sup> *Annals of Loch Cé*, ad an. 1307.

ties; yet the dean and chapter, notwithstanding those letters, elected Charles [O'Connor], of the Premonstratensian Order, and without seeking the royal assent to his election presented him to the metropolitan, from whom an appeal was made to the court of the archbishop of Armagh, primate of all Ireland. In the absence of the primate, Reginald Taff, his vicar-general, confirmed the election and caused the elect to be consecrated. Notwithstanding that the dean and chapter have not made use of the grace granted to them, yet in consideration of a fine of 20 marks, made by the elect on behalf of himself and of the dean and chapter, payable in annual instalments of five marks at the Exchequer, Dublin, the king having accepted his fealty and restored the temporalities, commands John Wogan, justiciary of Ireland, to cause them to be delivered to the bishop, first receiving from him sufficient security for the payment of the fine, and also letters under his seal and that of the dean and chapter, binding them not to proceed to any future election without first seeking a licence to elect, and after the election to pray for the royal assent, and to observe all other things requisite in such case."<sup>1</sup>

It must be said that Edward II's action in this matter, from a feudal point of view, was correct and above reproach. Fifteen months later the inevitable crash came. The proceedings at Avignon had been hampered and delayed by the necessity of dispatching citation after citation to O'Connor, who turned a deaf ear to them all. At length, on June 22, 1310, a papal decree upheld MacHugh's election as valid, rejected O'Connor from the episcopate, and imposed perpetual silence upon him in regard to this affair. The decree is officially summarised as follows:

"To Malachy, bishop of Elphin. On the death of Donatus, the canons elected Malachy, but Solomon, the dean, elected Charles, abbot of Lochke, who was confirmed by Master Reginald, official, and consecrated by the Archbishop of Armagh; whereupon Malachy and the canons appealed to the Pope, who finally annulled the election and consecration of Charles, confirming the sentence of Thomas, Cardinal of St. Sabina's, and orders Malachy to be consecrated by Nicholas, Bishop of Ostia and Velletri.

"Concurrent letters to the chapter of Elphin, to the clergy and people of the diocese, to the Archbishop of Tuam, and to the King."<sup>2</sup>

This summary is faulty in more ways than one. The decree does not state, and there is nothing anywhere in the evidence to suggest, that O'Connor was consecrated by the Archbishop of Armagh. On the contrary, in various documents connected with the case, stress is repeatedly laid on the fact that Primate

<sup>1</sup> *Calendar of Patent Rolls*, Edw. II, 1307-1313, pp. 105, 106.

<sup>2</sup> *Cal. Pap. Reg.*, II, 70.



Walter was absent at the time. What the decree expressly says is that Dean Solomon was instrumental in having O'Connor confirmed by Master Reginald, official of Armagh, the Archbishop being then far away from his see (*Archiepiscopo Armachano in remotis agente*). It also credits the Dean with having caused O'Connor to be consecrated. From the *Annals of Loch Cé* we learn that his consecration took place "in the choir of Armagh"; and Edward II blames Master Reginald Taafe for having "caused the elect to be consecrated." It is clear, therefore, that Taafe, at Dean Solomon's instigation, made the necessary arrangements for O'Connor's consecration in Armagh. The summary is also incorrect in another detail. Clement V does not "order Malachy to be consecrated"; he states quite clearly that by his orders Malachy has already been consecrated (*munus fecimus consecrationis impendi*) by Cardinal Nicholas, Bishop of Ostia and Velletri.<sup>1</sup>

Nearly six months after this papal decision, Edward II ordered the temporalities to be restored to Bishop Mac Hugh. The royal writ was dated Berwick-on-Tweed, December 7, 1310; it boded no good to O'Connor and Taafe:

"Mandate to John Wogan, justiciary of Ireland, to deliver the temporalities of the bishopric of Elphin to Malachi, late canon of that place, whose postulation as bishop the Pope has admitted, and whom he has preferred to the church of Elphin, having previously declared void the election of Charles, and his consecration by the court of the Archbishop of Armagh, as appears by the papal bull. Through ignorance of this postulation, the king accepted fealty from Charles and restored the temporalities to him, but upon learning that he had been beguiled into doing so, as well by him as by Master Reginald Taf, then vicar-general of the Archbishop of Armagh, absent beyond seas, he has restored the temporalities to Malachi, although the latter has not made application for the royal assent to his election.

"By p.s.

"Writ *de intendendo* directed to the knights and other tenants of the bishopric."<sup>2</sup>

Shortly afterwards, O'Connor and his fellow-conspirator were to feel the weight of the King's anger. On December 16, 1310, Edward II signed the following mandate at Berwick-on-Tweed:

"Order to John Wogan, justiciary of Ireland, to take into the king's hand the temporalities of the bishopric of Elphin, with the goods and chattels therein of Charles, of the Premonstratensian Order, who bears himself as bishop of that place, and with any lands and possessions alienated by him therefrom, and to summon the said Charles and Master Reynold Taf, vicar-general of the Archbishop of Armagh, who was abroad of late, to be before

<sup>1</sup> See the lengthy decree in Theiner, pp. 180, 181.

<sup>2</sup> *Calendar of Patent Rolls*, Edw. II, 1307-1313, p. 295.

the King's Council at Westminster, fifteen days from Easter, to answer touching the following circumstances, to wit :

" On the voidance of the church of Elphin by the death of Donatus, sometime Bishop, and licence to elect having been sued on behalf of the Dean and Chapter, the King, to spare the expenses and labours of the Dean and Chapter, gave power by his letters to Geoffrey de Genevill to give the royal assent to the election of a bishop after such Elect should have been presented to him by the Dean and Chapter, and to take his fealty if his election should be confirmed by the Metropolitan of the place and proved by the latter's letters, and to certify the Chancellor of Ireland thereof by his own letters ; and the King ordered the Chancellor, on being so certified, to give order by writs under the seal of Ireland for the said Elect, as well to the Metropolitan as for the restitution of the temporalities.

" And thereafter the said Charles, coming to the King, shewed certain letters of the said Reynold Taf, whereby it appeared that he had been elected bishop, and that the said vicar, by virtue of an appeal interposed by the Metropolitan at the court of Armagh, had confirmed the election and caused the said Charles to be consecrated, whereby the King (although the Dean and Chapter had not used the grace granted to them by the King, but had thus procured the confirmation of their election of the said Charles without obtaining the royal assent) took the fealty of the said Charles and restored to him the temporalities of the bishopric, and ordered the Justiciary to deliver the same to him.

" And now the King has learned that Malachias, late Canon of the said church, was demanded as Bishop by the Canons of that place at the time of the election of Charles, and has appealed to the Apostolic See against the said election, by virtue whereof the Pope has pronounced the same and the consecration to be void, and has preferred the said Malachias to be Bishop, as appears by his bull directed to the King ; and the King considers that both the said Charles and the said vicar have substituted the postulation of Malachias and his appeal to the Apostolic See, to the King's deception, with damage and contempt to him herein, since he ought to have kept the temporalities in his hand until the said church had been duly provided with a pastor, and is unwilling to ignore the same, lest it be drawn into a precedent, and specially lest the King should be thought to neglect his own rights while cherishing other men in theirs." <sup>1</sup>

Such were the episodes which we find briefly and discreetly epitomised in the *Annals of Loch Cé* as follows : " Cartholus, son of the Liathanach O'Conchobhair, i.e., the abbot of the Trinity in Loch Cé, was elected to the bishopric of Oilfinn

<sup>1</sup> *Calendar of Fine Rolls*, Edw. II, 1307-1319, pp. 77, 78.



on the one part, and his degree was conferred in the choir of Ardmacha; and he was three years and a half enjoying the profits of the bishopric, when Master Malachi MacCaedha was, however, chosen on the other part, through the power of William MacFeorais, at that time Archbishop of Connacht. He [Mac Hugh or MacCaedha] went to Rome, and remained there during the space of three years, and came back afterwards as bishop."<sup>1</sup>

We do not know what befell O'Connor and Taafe in their embarrassing interview with the King's Council at Westminster; but we know that Bishop MacHugh soon afterwards became Archbishop of Tuam, while O'Connor retired to his monastery, a chastened and wiser man. He survived this disastrous adventure by thirty years or more, and died at a good old age in the Abbey of Loch Cé.<sup>2</sup>

### PRIMATE WALTER QUILTS ARMAGH—DEAN DENIS IS ATTACHED

By this time, after an episcopate of nearly three years, Primate Walter had apparently resolved to resign his see. Preparing to set out on a journey to the papal court at Avignon, he adopted the precaution, very necessary in those days, of nominating attorneys and seeking letters of protection. The requisite facilities were granted by Edward II at Leicester, on August 4, 1310:

"[Walter de Jorse], Archbishop of Armagh, going to the court of Rome, has letters nominating Thomas de Thorpe and William de Burgh his attorneys for one year. By p.s.

"Protection, for one year, for the Archbishop of Armagh, going to the court of Rome."<sup>3</sup>

The King did not err on the side of generosity in the period for which he accorded these letters of protection. On the expiration of that period, the insatiable officials of the Crown hastened to plunder the revenues of the absent Primate, regardless of the damage thus occasioned to the see. Before doing so, however, they proceeded to set the law in motion against Master Denis, Dean of Armagh, who had been raised by Benedict XI to the primatial see, but had declined that perilous dignity. Thrice in the course of 1311 (July 26, October 6, and November 3), he was commanded to appear in court, to answer for the revenues of a house and some lands at Culverston, apparently at the

<sup>1</sup> *Annals of Loch Cé*, ad an. 1307.

<sup>2</sup> He was born in 1270 and died in 1343, aged 73. *Annals of Loch Cé*, ad an. 1270, 1343.

<sup>3</sup> *Calendar of Patent Rolls*, 1307-13, pp. 273, 274. It is curious to find the State Papers, as well as the Irish annalists, referring to the papal court at Avignon as "the court of Rome."

instance of John le Mercer and Ismania his wife. On each occasion the Archbishop of Armagh, or his vicar-general in his stead, was ordered to compel the Dean's attendance before his Majesty's judges :

"Mandatum Archiepiscopo Ardmache vel ejus Vicario Generali quod distringat Magistrum Dionisium, Decanum Ecclesie Ardmache, etc., quod sit hic crastino Sancti Jacobi ad respondendum Domino Regi de exitibus unius Messuagii et unius carucate terre in Culverton, una cum Johanne Le M[er]cer et Isman[j]ia uxore ejus, et cetera. Et affor [ ] per Barones ad c.s. (centum solidos ?)"<sup>1</sup>

"Archiepiscopo Ardmache, pro Rege in Oct. Scti. Michaelis. —Mandatum Archiepiscopo Ardmache, vel ejus officiali, quod venire faciat Magistrum Dyonygium, Decanum Ecclesie Ardmache . . . ad nobis respondendum de exitibus une carucate terre cum pertinentiis in Colverston, una cum Johanne Le Mercer et Ismania uxore ejus, quibus eundem diem dedimus."<sup>2</sup>

"Ardmache : pro Rege, in crastino Animarum.—Mandatum Archiepiscopo Ardmache, vel ejus Vicario Generali, quod attachiet Dionisium, Decanum, etc., ad respondendum Regi de exitibus unius carucate terre in Culverston, in exoneracionem Johannis Le Mercer et Ismanie uxoris ejus."<sup>3</sup>

We do not know how the case ended. Dean Denis obviously failed to attend the July and October sessions ; and the judges, in consequence, adopted stern measures. They sent a writ to the Primate and his vicar-general, commanding one or other to "attach" the Dean and to ensure his appearance in court on November 3, 1311. An "attachment" was a more rigorous measure than a simple arrest. To "attach" is defined by lawyers as "to take or apprehend by commandment of a writ or precept. It differs from arrest, because it takes not only the body, but sometimes the goods, whereas an arrest is only against the person ; besides, he who attaches keeps the party attached, in order to produce him in court on the day named, but he who arrests lodges the person arrested in the custody of a higher power, to be forthwith disposed of."<sup>4</sup> The idea of placing a Dean in durance, and making the Archbishop or vicar-general his jailer, was eminently a mediæval and feudal conception. Primate Walter, of course, was in far-away Avignon during the performance of this legal melodrama ; let us hope that his vicar-general treated Dean Denis as a dignitary and a gentleman.

<sup>1</sup> Mem. Rolls, 4 and 5 Edw. II, m. 61.

<sup>2</sup> Ibid. m. 64.

<sup>3</sup> Ibid. 5 Edw. II, m. 16, n. 295.

<sup>4</sup> Wharton's *Law Lexicon*, 1911 ed., p. 86.



*DISTRAINTS, FINES, AND LAWSUITS—THE  
PASTORATE OF DANGAN*

For the diocese of Armagh in general, affairs soon began to wear a more serious aspect. On August 30, 1311, the sheriff was ordered to levy a total sum, equivalent to about £1,800 in modern money, from the possessions of the Archbishop of Armagh. This included 4 marks arrears for the support of marauding English forces; £4 for false weights and for lack of a standard measure,—which may have been the outstanding portion of a fine imposed some four or five years previously, as already noted; together with £144 13s. 4d. for various debts due, or alleged to be due, by the Primate. Only the relevant portion of the mandate regarding this episode need be quoted here:

“Pro Rege: de pecunia levanda in crastino Decollationis S. Johannis.—Mandatum Vicecomiti quod levare faciat . . . de bonis Archiepiscopi Ardmache II marcas, de Inisketh, de exercitu Castri Keyvini tempore P. de Geneston [Gaveston], Comitis Cornubie; et de bonis ejusdem Archiepiscopi II marcas, de Inisketh, de exercitu de Loxeuedi [Lough Sewdy], tempore J. Wogan, justiciarii Hibernie. Et de bonis ejusdem Archiepiscopi, xls. quia non habuit standardum; et de bonis ejusdem Archiepiscopi, xls. pro falsis mensuris. Et de bonis ejusdem Archiepiscopi, lxxliii, xliii s., liii d., de diversis debitis suis.”<sup>1</sup>

Some weeks later a fresh lawsuit was instituted against Primate Walter, this time by agents of the Crown. The record opens with a terse note that Walter was “in mercy” *pro pluribus defaultis*, presumably for several failures to appear in court. In other words, he was liable to a fine for each offence, the amount of such fines being left to the discretion of the judges. This was by no means the end of his troubles. He was summoned to appear before Richard de Exonia and other judges of the King’s Bench in Dublin, within the quinzaine of Michaelmas (September 29—October 14, 1311), to show cause why he hindered the King from appointing a suitable ecclesiastic to the vacant church of Dangan, of which the advowson was claimed for the English sovereign.

The case for the Crown was conducted by Richard Manning,<sup>2</sup> who explained that, in bygone years, Primate Nicholas Mac Mael Isa, by virtue of his office as Archbishop of Armagh, had enjoyed the right of presentation to the church in question. Primate Nicholas had appointed a cleric named Master John Nepos or

<sup>1</sup> Mem. Rolls, 4 & 5 Edw. II, m. 64 dorso.

<sup>2</sup> This was apparently the lawyer who, earlier in the same year, had defended Primate Walter against Theobald Verdon the younger.

Le Neve, who was duly inducted into the living. Master John died in the reign of Edward I, during the period of vacancy which preceded Primate Walter's appointment. During that period, the temporalities of Armagh were in the King's hand; and the advowson of all benefices which fell vacant in the interval, and which normally belonged to the Archbishop, appertained on this occasion to the King. The church of Dangan being still vacant, and having become vacant while the temporal possessions of the archdiocese were in the King's hand, the Crown now claimed its right of appointing a proper person thereto.

Primate Walter was charged with unjustly hindering the King in his right of presentation; and counsel for the Crown claimed damages to the amount of £100, equivalent to some £1,200 in modern currency. Through his legal representative, Primate Walter denied having used any force or violence, and maintained that he had caused no loss or damage to the King. He laid no claim to the presentation in the present instance, apart from his ordinary rights as bishop. He had not hindered the King from nominating a fit and proper person; and he therefore demanded that the case should be tried before a jury.

Counsel for the Crown rejoined that, though Primate Walter did not now lay claim to the advowson, still he was a hinderer of the King, whom he prevented from making an appointment to the aforesaid benefice. For this reason, counsel concurred in the demand that the case should be heard by a jury. The affair was adjourned until the octave of St. Hilary (January 20, 1312), when a jury was to be impanelled. Jurors then, as now, betrayed a lack of interest in the combats of legal gladiators, and showed a marked reluctance to attend the proceedings. Perhaps by way of compensation, we are given an impressive list of those rude judges—half-soldiers, half-lawyers—who took their seats on the King's Bench at Dublin, in the Hilary sessions of 1312, over six hundred years ago. These were: Richard de Exonia, Hugh Canoun, Robert Bagot, . . . le Devenys [Devenish], and William de Berdfeld, with others unnamed. For lack of a jury, the case against the Archbishop of Armagh was adjourned to the octave of the Purification of Our Lady (February 9, 1312). What happened on the latter occasion we cannot tell; but five weeks after Easter in the same year, the case again came before the Dublin judges, only to be further adjourned to the octave of Trinity, for want of a jury as before.

This *cause célèbre* was finally decided on the octave of Trinity, May 28, 1312. It was sworn in evidence, quite falsely and absurdly, that while the temporalities of Armagh were in the hands of Edward I, Primate Walter had appointed a cleric named Walter le Clerk to the church of Dangan. Despite this glaring anachronism, the intelligent jury found that Primate



Walter prevented the King from appointing a fit and proper incumbent to the church in question ; they also found that the church was worth the handsome amount of £5 per annum. The King therefore recovered his right of presentation to the church of Dangan ; Primate Walter was ordered to pay 50s. damages, being half the annual revenue as assessed by the jury ; and his offence in hindering the King was to be expiated by a fine at the discretion of the judge. As the records of these proceedings are still unpublished, they may be reproduced here :

" *Placita capta apud Dublin, coram Ricardo de Exonia et sociis suis justiciariis de Banco Dublin, a die Sancti Michaelis in 15 dies.*—Walterus Archiepiscopus Ardmache in misericordia pro pluribus defaultis, etc.—Idem Archiepiscopus districtus fuit quod esset hic ad hunc diem ad respondendum Domino Regi, de placito quod permittat ipsum presentare ydoneam personam ad ecclesiam de Dengen que vacat et ad suam spectat donationem, ut dicitur.

" Et unde Ricardus Mannyng, qui sequitur pro Domino Rege, dicit quod quidam Nicholas quondam Archiepiscopus Ardmache, predecessor predicti Walteri Archiepiscopi, ut verus patronus ecclesie predictae, ut de jure Archiepiscopatus predicti, contulit ecclesiam predictam cuidam Magistro Johanni Nepos, qui quidem Johannes, ut persona impersonata, in eadem ecclesia fuit institutus. Et post mortem predicti Nicholi Archiepiscopi successit ei quidam Johannes Taaf Archiepiscopus, predecessor predicti Walteri Archiepiscopi ; et per mortem ipsius Johannis Archiepiscopi temporalia ejusdem Archiepiscopatus fuerunt in manum Domini Edwardi Regis, patris Domini Regis nunc ; et presentationes ad eundem Archiepiscopatum spectantes, ad eundem Dominum Edwardum Regem, patrem Domini Regis nunc, occasione vacationis predicti Archiepiscopatus pertinuerunt. Infra tempus cujus vacationis, predictus Magister Johannes Nepos obiit ; per cujus mortem predicta ecclesia adhuc vacat, et sic ad Dominum Regem spectat presentare, etc.

" Et unde predictus Ricardus dicit pro Domino Rege quod predictus Walterus Archiepiscopus ipsum Dominum Regem injuste impedit presentare ydoneam personam ad ecclesiam predictam, ad dampnum ipsius Domini Regis centum Librarum, etc. Et inde producit sectam, etc.

" Et predictus Archiepiscopus per Attornatum suum modo venit et defendit vim et injuriam, dampnum et tortum, etc. ; et dicit quod nichil clamat in presentatione ejusdem ecclesie, nisi ut ordinarius loci illius. Et ita dicit quod non impedit Dominum Regem presentare ydoneam personam ad ecclesiam predictam. Et hoc petit quod inquiratur per patriam, etc.

" Et predictus Ricardus pro Domino Rege dicit quod, licet

predictus Archiepiscopus modo nichil clamat in presentatione ecclesie predictae, tamen idem Archiepiscopus est impeditor Domini Regis, et impedit ipsum Dominum Regem presentare ydoneam personam ad ecclesiam predictam, et petit similiter quod inquiratur per patriam, etc.

"Ideo fiat inde jurata, etc. Et predictus Vicecomes quod venire faciat hic in octavam Sancti Hillarii XII tam etc., per quos, etc. Et qui predictum Archiepiscopum nulla affinitate attingunt, etc., ad recognitionem in forma predicta, etc. Idem dies datus est predictis Ricardo, qui sequitur pro Domino Rege, et Archiepiscopo in Banco, etc."<sup>1</sup>

"Placitum coram Ricardo de Exonia, Hugone Canoun, Roberto Bagot, . . . le Devenys et Willelmo de Berdfeld et sociis, justiciariis de Banco Dublin, in octava Sancti Hilarii inter Dominum Regem et Walterum Archiepiscopum Ardmache, super quo si predictus Archiepiscopus impedit Dominum Regem presentare ydoneam personam ad ecclesiam de Dengen ut dicitur, vel non, sicut [idem] Archiepiscopus dicit. Rem[anet] capienda usque in octavam Purificacionis Beate Marie, pro defectu jurate . . . quod habeat corpora tot et tales, etc. Idem dies datus partibus, etc."<sup>2</sup>

"Placitum coram Ricardo de Exonia et sociis suis: quinque septimanas Pasche. Loueth.—Jurata inter Dominum Regem et Walterum Archiepiscopum Ardmache, super eo si predictus Archiepiscopus impedit Dominum Regem presentare ydoneam personam ad ecclesiam de Dangen ut dicitur. Rem[anet] capienda usque in octavam Sancte Trinitatis, pro defectu jurate, etc. Et predictus Vicecomes, sicut prius, quod habeat corpora, et tot et tales, etc. Idem dies datus est partibus, etc."<sup>3</sup>

To avoid tedious repetition we shall give only the closing sentences of the final record: "Predictus Magister Johannes Nepos obiit, et per mortem ipsius Johannes ecclesia predicta vacabat, et dum temporalia predicta fuerunt in manu predicti Domini Edwardi Regis, patris etc., predictus Walterus Archiepiscopus contulit ecclesiam predictam cuidam Waltero Le Clerk. Requisitus si predictus Walterus Archiepiscopus impedit Dominum Regem presentare ydoneam personam ad ecclesiam predictam, dicit quod sic. Requisitus quantum predicta ecclesia valet per annum, dicit quod valet centum solidos per annum. Ideo concessum est quod Dominus Rex recuperet presentationem suam ad ecclesiam predictam, non obstante reclameo predicti Walteri Archiepiscopi una cum dampnis etc., videlicet valore medietatis ecclesie predictae, secundum formam statuti etc., que extenditur per annum per predictam juratam ad

<sup>1</sup> Plea Rolls, 5 Edw. II, m. 23 dorso n. 99.

<sup>2</sup> Ibid. n. 101.

<sup>3</sup> Ibid. m. 33, n. 103. This record is repeated in Plea Roll Edw. II, m. 49, n. 102.



centum solidos etc., et sic medietas ecclesie valet quinquaginta solidos etc., et predictus Walterus Archiepiscopus in misericordia pro injusto impedimento etc.”<sup>1</sup>

These records, when viewed in the light of many others of like nature, convey some idea of the multitude of vexatious lawsuits and fines to which an Irish bishop was liable under the feudal regime. The bishop was not merely subject to legalised robbery at the hands of the Crown officials, he was not alone liable to be mulcted in heavy fines, amercements, and damages for all manner of real or imaginary offences—he was also grievously hampered in the administration of his diocese. In the present instance the church of Dangan had perforce to remain without a pastor from the beginning of 1307 until the close of 1312, or later; for if Primate Walter had ventured to fill the vacancy, he would have exposed himself to formidable pains and penalties for infringing what the King was pleased to regard as his own right. Probably some priest was placed in temporary charge of the church or parish; but it is significant that the occasions on which we find mention of such vicars are extraordinarily rare. It is to be feared that an appalling amount of spiritual destitution resulted from the operations of the feudal system in Ireland.

#### RESIGNATION OF PRIMATE WALTER—HIS PENSION

It seems tolerably clear that the real reason of Primate Walter's resignation is to be found in these disabilities and grievances, in the interminable lawsuits and the constant harassing of the Archbishop of Armagh by unscrupulous and rapacious officials of the Crown. On November 13, 1311, his resignation was announced, simultaneously with the appointment, by papal provision, of his brother, Roland Jorz, to the same see.<sup>2</sup> It would seem that Primate Walter's "free and spontaneous" retirement had taken effect some considerable time prior to that date. The phrase used by Clement V—*dudum siquidem ecclesia Armachana vacante*—seems to imply as much<sup>3</sup>; and Roland had certainly been consecrated for Armagh before Walter's resignation was formally made public.

In his letter dealing with this double event, Clement V used some notable expressions. "In fulfilment," he wrote, "of the duties which are laid upon our shoulders by the pastoral office, full as it is of cares and multifarious labours, there is one object

<sup>1</sup> Plea Rolls, 5 & 6 Edw. II, m. 41.

<sup>2</sup> *Cal. Pap. Reg.*, II. 92; Theiner, 183.

<sup>3</sup> In classical Latin, "dudum" might mean either "long ago" or "a short time ago"; in medieval Latin, the former seems to be the more common meaning.

of solicitude which particularly attracts our attention, awakens our keenest anxiety, and makes the weightiest appeal to our minds. This is: the need for providing widowed sees with proper and prudent governors, so that such dioceses may not be exposed to the inconveniences arising from prolonged voidance; that they may not suffer detriment and loss; that their rights and property (lacking the safeguard of a protector) may not be seized by presumptuous, rash, and wicked men or fall a prey to the covetous hands of the malevolent."<sup>1</sup> This reads like a confirmation of our surmise as to the reasons which prompted Primate Walter's retirement; and it suggests that Clement V was aware of the plundering propensities of English officials in Ireland. It were strange, indeed, if Primate Walter had failed to give the Pontiff an account of his many unpleasant experiences at the hands of those personages; stranger still, if he had omitted to inform the Pope of the unhappy plight of the Irish Church.

Clement V lost no time in providing for the support of the retiring Primate. On November 26, 1311, a papal mandate was addressed to the Bishop of Connor, the Abbot of Mellifont, and the Archdeacon of Meath. The mandate stated that, for certain just and lawful reasons, which he had laid before the Holy See, Primate Walter had, freely and of his own accord, resigned the archbishopric of Armagh, and that his resignation had been accepted in the Pope's name, by James Colonna, Cardinal-deacon of the Roman Church, specially deputed for that purpose. The commissioners were now commanded to cause payment to be made of a yearly pension of £50 (or about £600 in modern money), from the income of the archdiocese, for Walter's sustentation during the remainder of his life. They were allowed the option of executing this mandate either jointly or severally, personally or by delegation.<sup>2</sup>

### TEMPORALITIES SEIZED BY KING'S AGENTS

When Primate Walter's retirement became known, the Crown officials proceeded to lay hands on the possessions of his see with a promptitude worthy of a better cause. The earliest

<sup>1</sup> "Inter cetera sollicitudinis nostrae studia, que plena curis et multimodis onusta laboribus executio pastoralis officii nostris inducit humeris preferenda, illud nos specialiter excitat, angit potissime, pulsatque propensius mentem nostram, ut viduatis ecclesiis, ne prolixae vacationis exponantur incomodis, dispendia patiantur, ac eorum bona et iura protectoris destituta presidio pravorum presumptuosa temeritas occupet, avidaque manus diripiat malignorum, pastores preficiamus ydoneos et Rectores providos preponamus."—Theiner, 183.

<sup>2</sup> Theiner, 184; *Cal. Pap. Reg.*, II. 93, 94, overlooks the Archdeacon of Meath.



extant notification of Walter's abandonment of his office is contained in Clement V's letter from Vienne, in France, under date of November 13, 1311. Yet three days later—on November 16, 1311—we find that the Crown officials in Ireland had already become aware of his resignation, and had already seized the property of his diocese. Thus, Walter de Istlep, escheator of Ireland "accounts for £66 8s. 5½d., rent of the demesnes, meadows, &c., of Tarmefeych', Dromeskyn, Inskyn, Nober, Kylmon, Nerny, and Ruscauth, in the King's hand by the resignation of Archbishop Walter Joce from 16 Nov. *a. r.* v [1311], to 20 Dec. *a. r.* vi [1312], when the temporalities were delivered to Brother Roland, Archbishop."<sup>1</sup> This account shows that the Crown officials were apprised, at an early date, of Primate Walter's resignation; it also shows that, for nearly thirteen months after Primate Roland's appointment, the King continued to appropriate the revenues of the see,<sup>2</sup> to the amount of nearly £800 in modern money.

### CHURCH LANDS AT DRUMISKIN AND TERMONFECKIN—THEIR RENTS FORFEITED

To the archdiocese of Armagh belonged certain farms at Drumiskin and Termonfeckin, which seem to have been let at an annual rent to local residents. These lands, of course, were distinct from the archiepiscopal manors which existed at the places named, and which figure frequently in the State Papers, from age to age. In regard to the farms just mentioned, however, some strange and enigmatic entries occur in the Pipe

<sup>1</sup> Pipe Roll, 6 Edw. II, in *Thirty-ninth Report of Deputy-Keeper of Public Records of Ireland*, 1907, p. 43. Walter de Istlep was one of the greedy and dishonest officials to whom the administration of Ireland was entrusted. As Sir John Gilbert notes, "Nicholas de Clere, Treasurer in Ireland for Edward I, was charged by the Clergy of Tuam with having appropriated portion of the property of their church, including valuable silk vestments, a Bible, Missal, and a silver gilt bowl. De Clere, although an ecclesiastic, was subsequently imprisoned, as a defaulter in his official accounts, and all his effects, lay and clerical, were seized by the royal bailiffs. Alexander de Bicknor, the English Archbishop of Dublin and Treasurer for Ireland, was obliged to throw himself on the clemency of Edward II, and to acknowledge that he had falsified his accounts by the introduction of counterfeited writs and acquittances. Many concealments and improper entries were detected in the returns furnished to the Exchequer of England by Gaultier d'Istelep, Escheator in Ireland to Edward III. Even some of the Viceroy's were, about the same period, accused of conniving at official frauds, and of secretly participating in the illegal gains of the farmers of the Irish revenues of the King of England."—Gilbert, *Viceroy's of Ireland*, 119, 120.

<sup>2</sup> By a strange misreading of this account, Harris was moved to say that it was only "just before his Resignation that [Primate Walter] was restored to the quiet Possession of the Profits of his see" (Ware-Harris, I. 71).

Rolls which cover the period of Primate Walter's episcopate. It is tolerably certain that Primate Walter ought to have received the rents of these lands; it is entirely certain that they were diverted into the royal exchequer. Whether this result was due to chicanery on the part of the Crown officials, or to negligence on the part of Primate Walter and his advisers, is a question on which opinions may well diverge. Much may be urged on both sides. The case against the Crown officials—the case for the prosecution, as we may term it—may be stated as follows:

English officials in Ireland had long been noted for venality and unscrupulousness. Viceroys, treasurers, and escheators had been censured for peculation and fraud. Some had admitted their guilt, and had suffered punishment or implored pardon. Others had been proved guilty; others, again, had been openly or covertly accused. The word "cheat" is in itself a tabloid history of the dishonesty of English escheators in those times. Now, we find English escheators in this country exacting rents from church lands which should have been delivered to Primate Walter; we find them acting in open disregard of Edward II's mandate for the restitution of Walter's temporalities; and we find them making false attestations as to a vacancy in the archdiocese when they well knew that a vacancy no longer existed. For instance, in the "account of Walter de la Haye, escheator of Ireland, of wardships and escheats in the King's hand, from the morrow of Souls, *a. r.* xxxiv Ed. I to Tuesday after the octave of St. Hilary, *a. r.* i Ed. II" [November 1306—January, 1308], we read these items:—

"*Drumeskyn*.—He accounts for £6 12s. 2½*d.* from rent and issues of two parts of the lands of John Mour—who held them of the Archbishop of Armagh, in the hands of the King on account of vacancy in the archbishopric; a custody within a custody.

"*Drumeskyn*.—Like account in case of the lands of Henry le Keu, deceased. Sum, £1 12s. 5¾*d.*

"*Drumeskyn*.—Account similar to the other *Drumeskyn* accounts above, of receipts from premises there which belonged to Walter Hendy, deceased; some of these were mortgaged, and some were under seed. Sum, £1 4s. 6*d.*

"*Tarmefechyn*.—Account similar to *Drumeskyn*. Accounts of receipts from premises at *Tarmefechyn*, which belonged to John Purchaz. Receipts, 5s. 8¼*d.*"<sup>1</sup>

There was no vacancy in the archdiocese of Armagh when this account was closed; yet the foregoing entries furnish no hint of that highly important circumstance. The escheator himself was well aware of the fact that Armagh was not vacant. In the next entry of this very account he sets forth the fact

<sup>1</sup> *Thirty-ninth Report of Deputy-Keeper*, p. 23.



that the temporalities of the archdiocese, including seven manors named, had been delivered to Primate Walter on November 3, 1307, more than two months before the account closed. If the temporalities in general, and the seven manors in particular, were restored to Primate Walter on that date, why were the outlying lands at Drumiskin and Termonfeckin not restored likewise to their lawful owner? In his mandate to the Irish Justiciary, under date of September 30, 1307, Edward II had expressly ordered that the *temporalia cum pertinentiis* should be restored to Archbishop Walter; yet here was the royal order, in part at least, flagrantly disregarded.

The mystery deepens when we find the same farms appearing in later entries, side by side with a palpably false declaration that the see was vacant. For instance, in the "account of Nigel le Brun of the wardships and escheats in the King's hand from Tuesday after Octave of St. Hilary *a. r.* 1 to morrow of St. Hilary, *a. r.* III Ed. II" [January, 1308—January, 1310], we discover the following items:—

"*Dromeskyn*.—He accounts for £8 16s. 3½*d.*, rent of two parts of the lands there, which John Moure held of the Archbishop of Armagh, in the King's hand by vacancy of the archbishopric, and a custody within a custody.

"*Drumesky*.—He accounts for £2 0s. 6*d.*, rents and issues of the premises there, held by William Hendi of the archbishopric of Armagh, a custody within a custody, the see being vacant.

"*Tarmejechyn*.—He accounts for 5s. 8½*d.* received from premises similarly held by John Purchaz of the archbishopric of Armagh; a custody within a custody. Sum, 5s. 8½*d.*

"*Tarmejechyn*.—Similar account of issues from lands there, similarly held by Walter de la More. Sum, £1 1s. 8*d.*"<sup>1</sup>

Here we are repeatedly informed, twice in express terms, and twice by implication, that the see of Armagh was vacant at this time, that is, between January, 1308, and January, 1310. We have abundant means of knowing that the see was not vacant, and that the statement was unfounded. If it be urged that most of these entries relate to the lands of minors, the rejoinder is obvious. The rents in that case, according to the feudal law of the time, should have been paid to the immediate lord—that is, to the Archbishop of Armagh—and not to the royal exchequer.

In the accounts of Hugh Canoun, who filled the office of escheator of Ireland from September 12 to December 7, 1311—and whom we found sitting as judge of the King's Bench in the Hilary term of 1312—a similarly groundless assertion, in regard to the supposed vacancy at Armagh, is twice or thrice

<sup>1</sup> *Thirty-ninth Report of Deputy-Keeper*, pp. 28, 29.

repeated.<sup>1</sup> Were these misleading statements made by successive escheators for the purpose of cloaking their illegal retention of certain revenues of the primatial see, at a time when all the temporalities were supposed to be in the Primate's hands? These revenues amounted to nearly £75 a year in modern currency; and just as they were detained from Primate Walter by devices suggestive of fraud and chicanery, so they were likewise withheld from Primate Roland, at least for a time, by similar methods.<sup>2</sup> So far as Walter Jorz was concerned, they were detained, as it would seem, in open disregard of Edward II's comprehensive mandate for the restoration of the temporalities. *Prima facie* it would seem that the sharp officials of the Crown, while ostensibly complying with their royal master's orders, nevertheless took advantage of the natural ignorance of an imported English prelate, to deprive him of the yearly rental of certain outlying farms which belonged of right to his archdiocese.

Such is an outline of the case for the prosecution; we may now consider the case for the defence. The escheators, it is urged, were not unlike rent-collectors. Their duty was to collect certain specified sums from wardships and escheats in the King's hand. Private irregularities may have been laid to their charge. From individuals here and there they may have extorted far more than they were entitled to demand. By a closer analogy their position may be likened to that of a receiver appointed by a modern court of justice. The receiver continues to exercise his functions in regard to an estate until he receives a formal order from the court to desist. The escheators were in a similar position. They were commanded to receive certain specified amounts per annum from the wardships and escheats which had come, in one way or another, into the King's hand. Until they received a contrary order from the courts it was their duty to demand those stated sums, year by year.

As regards the farms at Drumiskin and Termonfeckin, the escheator's accounts for the preceding three years and nine months, which might throw light upon the manner in which these farms came into the King's hand, are unfortunately lost.<sup>3</sup> The presumption is that, shortly after the decease of Primate Nicholas, the bulk of his temporalities were taken over, in the King's name, by the royal officials. Afterwards, as it would seem, the episcopal lands at Drumiskin and Termonfeckin were discovered, one by one, in the possession of local farmers.

<sup>1</sup> *Thirty-ninth Report of Deputy-Keeper*, p. 58.

<sup>2</sup> *Ibid.* p. 40.

<sup>3</sup> An examination of the Pipe Rolls of Edward I shows that the escheator's accounts of wardships, escheats, and vacant bishoprics, from February 3, 1303, until November 3, 1306, are missing. Cf. *Thirty-eighth Report of Deputy-Keeper*, pp. 77, 83, and *Thirty-ninth Report*, p. 22.



Hence a separate writ in reference to each farm was issued to the escheator. This supposition enables us to understand why the escheator accounted for the major portion of the temporalities of Armagh, including the seven manors, under a single head, and why he had to account for the four farms at Drumiskin and Termonfeckin under separate and distinct headings. The latter, presumably, were placed in his charge by four distinct writs emanating at later periods from the Dublin courts.

The escheator had as little power to vary an order of the court as a modern receiver has. Had he taken upon himself the duty of informing the court that the archdiocese of Armagh was no longer vacant, and that the rental of the farms at Drumiskin and Termonfeckin belonged of right to Primate Walter, the escheator would have incurred the risk, if not the certainty, of a severe reprimand. He would have been told that the affair was no business of his; that his duty was to collect the rents until ordered to desist by the court. He might probably be told, in addition, that it was the duty of Primate Walter and his legal representatives to apply for a writ of *amoveas manum*, directed to the escheator, in reference to the farms aforesaid, and that, if Primate Walter and his counsellors chose to neglect their own interests, it was no part of the escheator's duty to protect them in an irregular way. His duty was to continue the collection of rents from the farms in question, until commanded to desist by a writ of *amoveas manum*. No writ of the kind was sued for, whether by oversight or negligence; certainly none was issued. Consequently, one escheator after another continued to receive rents from these farms, under the old title, namely, that of a "vacancy in the see," even though the vacancy was a thing of the past.

Such in brief are the pleas which may be urged in defence of the escheators, and the reader may be left to formulate his own verdict.

### FURTHER INSTANCES OF LEGALISED ROBBERY

During Primate Walter's episcopate the ingenious officials of the Crown hit upon a new way of plundering the sorely-tried diocese of Armagh. They discovered the fact that Primate Nicholas, without obtaining special licence from the King, had alienated some sixteen farms and messuages to sundry personages, including Master Reginald Taafe, Donal Caoch, Murtagh O'Moledy, and others. Such alienation was contrary to law. It was an infringement, either of the Statute of Mortmain—which was passed in 1279, and forbade the sale as well as purchase of lands and tenements by religious persons under

certain conditions—or, more probably, of the act against sub-infeudation, commonly known as "*Quia Emptores*," which became law in 1290. This statute enacted, "that in all sales or grants of land for the future, the new feoffee should hold his land, not of the individual from whom he received or purchased it, but of the chief lord of the fee." The act represented a fresh effort to consolidate the feudal privileges of the great barons, who found that the escheats, reliefs, and wardships of the lesser freeholders were in danger of slipping from their grasp.<sup>1</sup>

By a stroke of the legislator's wand, therefore, the persons to whom Primate Nicholas conveyed the farms and messuages of his diocese, ceased to be tenants of the Archbishop, and became at once tenants of the King. The lands and houses appear to have been taken into the King's hand in the early months of 1311, while Primate Walter was still at Armagh. Their first appearance in the Pipe Rolls is when they bulk largely in the accounts of Walter de Istlep, escheator of Ireland, for the period December 8, 1310—December 8, 1312. An inspection of the account will suffice to show how severely the archdiocese of Armagh must have suffered by this act of legalised spoliation:

"*Mayn. co. Uriel*.—He accounts for £6, rent of a carucate<sup>2</sup> there, which Nicholas, late Archbishop of Armagh, who held in capite, aliened without licence to Donald *Cecus*.

"*Monsterbod*.—He accounts for £1 2s. 6d., rent of 30 acres there, similarly aliened to Ismania de Repenteneye.

"He accounts for £3, rent of 80 acres there, similarly aliened to Mortauch Omoledi.

"He accounts for £2, rent of 80 acres there, similarly aliened to Geoffrey the chaplain.

"*Drummeskyn, co. Uriel*.—He accounts for £4 10s., rent of a carucate there, similarly aliened to Master Reginald Taaf.

"*Newtown and Secone*.—He accounts for 11s. 6d., rent of a messuage and 10 acres there, similarly aliened to Robert le Botiller.

"*Drumeskyn*.—He accounts for £7 10s., rent of a carucate of land there, similarly aliened to Rosya de Parys.

"He accounts for £1 10s., rent of 19 acres there, similarly aliened to Vyncent son of Ralph.

"He accounts for £3, rent of a messuage and 40 acres of land there, similarly aliened to Donald *Cecus*.

"*Iuermongan*.—He accounts for £6, rent of a carucate and 80 acres of land there, similarly aliened to Richard, Prior of St. Leonard's, Dundalk.

<sup>1</sup> Lingard, *Hist. of England*, 1878 edit., I. 302.

<sup>2</sup> According to the *Standard Dictionary*, a carucate of land "was originally 80 acres in the two-field or 120 in the three-field culture, not including fallow."



"*Iuormacbury*.—He accounts for 11s. 6d., rent of 26 acres of land and a messuage there, similarly aliened to Nicholas son of Richard.

"*Drumeskyn*.—He accounts for £1 7s. 6d., rent of a messuage and 22 acres of land there, similarly aliened to William called the vicar.

"*Tarmefychyn*.—He accounts for £1 1s., rent of 34 acres there, similarly aliened to Geoffrey Kenefeg'.

"*Coluristoun*.—He accounts for £4 10s., rent of a carucate of land there, similarly aliened to Reginald Taaf.

"*Drumiskyn*.—He accounts for 2s. 3d., rent of a carucate of land there, similarly aliened to Walter le Reve. Sum, 2s. 3d.

"He accounts for 1s. 6d., rent of a messuage there, similarly aliened to Thomas le Boude."<sup>1</sup>

The sum total of the Armagh rents thus appropriated to the royal exchequer, in the two years under consideration, amounted to £45 17s. 9d., or about £550 in modern money. The same lands and messuages re-appear in the escheator's account for the period December 8, 1312—September 1, 1313, an interval of thirty-eight weeks, during which these Armagh holdings yielded £14 5s. 11d., equivalent to about £170 in modern currency, to the royal exchequer.<sup>2</sup> In April, 1315, nearly four years after Primate Roland's appointment to Armagh, we find most of these episcopal tenancies still in the King's hand, and still yielding revenues to the royal treasury.<sup>3</sup> When we place this act of legal confiscation side by side with the numerous other extortions practised upon Primate Walter and his diocese, we can readily understand, apart from other reasons, why the impoverishment of Armagh was so great that Primate Roland was unable to pay his debts.

A doubt, however, remains as to the nature of the transaction by which Primate Nicholas alienated these lands and messuages. If he sold them outright, as the word "aliened" would seem to imply, he would doubtless have sold them at considerable loss. Intending purchasers would naturally offer a diminished price on account of the danger involved. They ran the risk—a very serious and imminent risk—of having these holdings confiscated by the Crown, and of being compelled to pay a yearly rent to the royal treasury, until such time as they could redeem their purchases by paying a heavy fine. The probable amount of this fine would naturally be deducted from the normal value of the lands; and thus the purchase-money paid to Primate Nicholas would be considerably less than the intrinsic value of the lands. This in itself would entail a severe

<sup>1</sup> *Thirty-ninth Report of Deputy-Keeper*, pp. 43, 44.

<sup>2</sup> *Ibid.* p. 61.

<sup>3</sup> *Ibid.* pp. 62, 64.

loss to the archdiocese. On the large and improbable assumption that the purchase-money, in all instances, was promptly paid, Primate Nicholas and his successors would remain unaffected by any subsequent action which the Crown might take in reference to these lands. The purchasers would then be the losers.

It seems more probable, however, that Primate Nicholas merely let these lands at a yearly rent, instead of selling them, to the persons named. These persons, as we may gather from the escheator's accounts, were still in possession about the year 1313; but their rents were paid to the King, not to the Archbishop of Armagh. Moreover, we learn that the carucate of land which Primate Nicholas had alienated to Donal Caoch was delivered to Primate Roland by writ dated May 13, 1313.<sup>1</sup> The restoration of this farm to the Archbishop of Armagh affords a tolerably clear proof that it had not been purchased from his predecessor. It had merely been let to a tenant at a yearly rent; and the same was doubtless true of the other farms also. Therefore, when the King's agents, during Primate Walter's episcopate, seized upon the rents of these sixteen farms and messuages, they deprived the archdiocese of an income approximately equivalent to £250 a year in modern currency.

In a word, at the close of Primate Walter's episcopate, no fewer than twenty-two farms,<sup>2</sup> which belonged of right to the archdiocese of Armagh, were in the hands of the English king. Their rents, no longer devoted to religious and charitable uses, went to swell the profits of the royal exchequer. After Walter's resignation, as we have seen, the manors of his see were promptly seized by the secular authorities; we find them in the hands of the escheator as early as November 16, 1311. The Shylocks of the Irish administration—readers who have studied the doings of these gentry during the brief episcopate of Primate Walter will readily forgive the phrase—having thus secured possession of the entire temporalities of Armagh, were not disposed to forego their pound of flesh. The values of the various manors and lands, of which these temporalities were composed, had been assessed by juries specially impanelled for the purpose. A list of these assessments, having been discovered in the Treasury, was handed to the Chancellor of the Irish Exchequer (February 10, 1312), with a view to immediate action, the see being officially regarded as vacant. It was not, of course, really vacant, Primate Roland Jorz having been appointed on November 13, 1311. An entry in the Memorandum Rolls of the Irish Record Office bears witness to the diligence of these officials:

<sup>1</sup> *Thirty-ninth Report of Deputy-Keeper*, p. 61.

<sup>2</sup> These were: two at Kilpatrick and Kilcurly, four at Drumiskin and Termonfeckin, and sixteen others, enumerated above.



"De quibusdam extentis Temporalium Archiepiscopatus Ardmache liberatis N. de Balsecote ad transcribendum.—Memorandum quod x<sup>o</sup> die Februarii, anno supradicto, in quo extente de temporalibus Archiepiscopatus Ardmache, in Thesauro invente, liberate fuerunt Nicholo de Balsecote, Cancellario hujus Scaccarii, tenenti locum Magistri W. de Istlep, Escaetoris Hibernie, ad transcribendum etc., pro extentis dictorum temporalium Archiepiscopatus predicti, modo vacantis, de novo per predictas extentas faciendas etc. Ita quod dictas extentas reliberet in Thesauro etc., quam cito illas . . . etc. Et sci[at]ur?] quod postea predictus Nicholaus reliberavit extentas predictas Thes[auro in] forma predict etc." <sup>1</sup>

### ANOTHER PROSECUTION OF PRIMATE WALTER —THE CASE OF JOHN PARIS

Not content with their persecution of Primate Walter during his stay in Ireland, the King's agents seemed bent on inflicting the maximum of injury upon his see, even though he had resigned, and was beyond their jurisdiction. They secured an order for his appearance in court on the morrow of Low Sunday (April 3, 1312), to answer the King on a charge of appropriating for himself and his diocese certain lands and tenements appertaining to the King, and of having done so without special licence from the English monarch. This charge may have been based on the fact that Primate Walter had regarded the sixteen farms and messuages as belonging properly to his archdiocese, and that he received their rents in the ordinary way, from the close of 1307 until the close of 1310. If so, we may feel tolerably certain that the case was decided with heavy damages against him, or rather against his much-despoiled see. The official record is couched in the following terms:

"*Uriel.*—Pro Rege, crastino clausi Pasche.—Mandatum Vicecomiti quod distringat W[alterum] Archiepiscopum Ardmache per omnes terras etc., ita quod . . . etc., quod sit hic ad respondendum Domino Regi de contemptu et transgressione, eo quod appropriavit sibi et ecclesie quasdam terras et tenementa ipsius Regis, sine Regia licencia specialiter ad hoc petita et optenta." <sup>2</sup>

A few days later, in the quinzaine of Easter, a curious case came before the Justiciary's court in Dublin. It was the case of a cleric named John Parys—perhaps a son or relative of Rosya Parys, to whom Primate Nicholas had aliened a carucate

<sup>1</sup> Mem. Rolls, 5 Edw. II, m. 25, n. 531.

<sup>2</sup> Ibid. m. 26, n. 674 [574].

of land at Drumiskin—who was accused of murder or manslaughter, his victim being a man named John Taylor. The culprit pleaded his clerical character, and demanded to be put on trial in the ecclesiastical courts. Thereupon Master Reginald Taafe (whose acquaintance we have already made, and who was then acting as spiritual custodian of the archdiocese, pending the arrival of Primate Roland), demanded that John Parys, as a cleric, should be handed over to his jurisdiction. We are left in ignorance of the fate which befell the culprit; but the official record of the affair is as follows:

"Placita de Corona et Deliberacio Gaole apud Dublin, coram Johanne Wogan, Justiciario Hibernie, a die Pasche in xv dies, Anno Regni Regis Edwardi quinto etc.

"Apud Droghedam: Loueth.—Jo. Parys sectatus est de morte Johannis le Taillour; et venit et dicit quod clericus est, et quod non debet sine Ordinario hic inde respondere. Et super hoc venit Magister Reginald Taaf, custos Spiritualitatis Archiepiscopatus Ardmache, sede vacante, et petit dictum Johannem Parys sibi liberari tanquam clericum etc."

### ANOTHER ORGY OF PLUNDER

On February 3, 1313, more than a year after Primate Roland had been placed in possession of some portions of the property of his see, Edward II wrote to the Treasurer and Barons of his Irish Exchequer, demanding a full and true account of the debts due by Primate Walter. The account was furnished in due course, and Walter was said to owe £144 6s. 8d. under divers heads. Besides this, as it would seem, there were various other liabilities (including some old debts) which amounted in the aggregate to £113 13s. 4d. Thus the grand total of Primate Walter's indebtedness to the English Exchequer in Ireland amounted to £258, or about £3,100 in modern money. This financial burden fell upon the shoulders of his successor, and the hapless Primate Roland was soon overwhelmed by a mingled avalanche of debts and lawsuits.

Some details of the liabilities ascribed to Primate Walter will afford a good idea of the expedients to which the Crown officials resorted for the purpose of extorting money from Irish prelates. He was fined 40s. for not having a standard measure; 60s. for delivering false measures to his tenants; 100s. for false claim, and £40 for sundry other false claims. He was debited with 2 marks from the lands of Inisketh for the Lough Sewdy campaign under Wogan, and a like sum for another expedition against the Irish, in the time of Piers de Gaveston. The Archbishop was fined 100s. for not making a



return to the courts<sup>1</sup> on the proper day; and he was held accountable for a sum of £40 accruing from the property of a cleric named Geoffrey Brown, which had been forfeited to the King. An echo of the Dangan dispute may be found in the fact that Primate Walter was fined 100s. for "not admitting"; £10 for unjust hindrance, and 20s. for "not admitting when ordered."

The King's letter, and the return furnished in reply, are here published for the first time:

## I

"Pro Fratre Jorz, nuper Archiepiscopo Ardmachanensi.—Edwardus Dei gracia Rex Anglie, Dominus Hibernie et Dux Aquitanie, Thesaurario et Baronibus suis de Scaccario Dublin, salutem. Quia quibusdam certis de causis certiorari volumus in quibus et quot debitis Frater Walterus Jorz, nuper Archiepiscopus Ardmache, nobis, die quo dicto Archiepiscopatu cessit, ad dictum Scaccarium tenebatur, et que inde sunt clara et que non clara; vobis mandamus quod, scrutatis rotulis et memorandis nostris de dicto Scaccario, nos inde reddatis distincte et aperte, sub sigillo ejusdem Scaccarii certiores, hoc Breve nobis remittentes. Teste me ipso, apud Westmonasterium, III<sup>o</sup> die Februarii, anno regni nostri sexto."

## II

"Returnum ejusdem Brevis missum in Angliam.—Pretextu istius mandati, [a] scrutatore rotulorum et memorandorum Scaccarii Dublin. compertum est quod frater Walterus Jorz, nuper Archiepiscopus Ardmache, die quo dicto Archiepiscopatu cessit, tenebatur Domino Regi ad Scaccarium predictum in debitis contentis in cedula huic Brevi annexa. Que quidem omnia debita sunt clara et patent in sequenti:—De predicto Archiepiscopo *£CXLIII vis. viii d.*, de diversis debitis suis, sicut continetur in compotu comitatus Uriel, in Rotulo Regni Regis Edwardi sexto. De eodem Archiepiscopo *XLs.*, quia non habuit standardum. De eodem Archiepiscopo *Lxs.*, quia liberavit falsas mensuras tenentibus suis. De eodem Archiepiscopo *cs.* pro falso clameo. De eodem Archiepiscopo *£LX* pro falso clameo in *XLIII* brevibus ad diversas personas. De eodem Archiepiscopo *II* marcas de Inisketh, de exercitu de Loxeuedy, tempore J. Wogan, Justiciarii Hibernie. De eodem Archiepiscopo *II* marcas de Inisketh, de exercitu Castri Keyvini, tempore P. de Gavaston comitis Cornubie, tenentis locum Regis in Hibernia. De eodem Archiepiscopo *cs.* quia non retornavit Breve ad diem. De eodem Archiepiscopo *£XX* de

<sup>1</sup> This was doubtless the affair mentioned under date of July 26, 1311.

exitibus bonorum Galfridi Broun, clerici, foris[factorum]. De eodem Archiepiscopo cs. quia non admisit. De eodem Archiepiscopo  $\text{£}x$  pro injusto impedimento. De eodem Archiepiscopo xxs., quia non admisit ad preceptum." <sup>1</sup>

This crushing load of debt, unsparingly heaped up by the King's agents, had perforce to be borne by the unfortunate archdiocese of Armagh. Twenty-two farms had been wrested from the see by feudal tyranny. An annual pension, amounting to  $\text{£}600$  in modern money, had to be paid to Primate Walter out of the scanty revenues of the archbishopric. A flood of lawsuits, involving fresh fines and heavy costs, was let loose upon Primate Roland from the beginning of his episcopate. All the property of his see was ordered to be seized for his "contempt" in appropriating certain rents and advowsons. In short, the Crown authorities seemed bent on plunging the primatial see into financial ruin. How a Primate, in these circumstances, could find leisure for the proper discharge of his episcopal duties, or funds for the support of religious and charitable institutions in his diocese, is a problem of no little difficulty.

#### LAST YEARS OF WALTER JORZ—HIS WRITINGS

Walter Jorz seems to have passed his declining years at Oxford, as coadjutor to the Bishop of Lincoln. We find him acting in that capacity on September 10, 1320, nine years after his retirement from Armagh. On the date just mentioned John XXII wrote from Avignon to the Abbot and convent of Thame, in the county of Oxford, granting them a "confirmation, at the King's request, of the union made to them of the church of Chilgrove, of their patronage, with the consent of Walter Jorz, coadjutor of the Bishop, and the Dean and Chapter." <sup>2</sup>

This is the last entry that we find relating to Walter Jorz. The date of his death is unknown. Apart from his duties as Coadjutor-Bishop, his years of quiet retirement may have been devoted to the writing of those theological volumes, which are named by many historians, but which nobody professes to have seen. The works usually placed to his credit by English writers are the following, of which the bare titles are known :

*Summa Theologiae, libris iv distincta.*

*Quaestiones Variæ.*

*De Peccato Originali.*

*Promptuarium theologiae, libris tribus.*

*De Peccatis in Genere Tractatum.*

<sup>1</sup> Mem. Rolls, 6 Edw. II, m. 32 dorso, n. 1001.    <sup>2</sup> Cal. Pap. Reg., II. 200.



To these five works Fernandez adds a sixth, *Scriptum in iv Libros Sententiarum*, which may possibly be identical with the *Summa Theologiae* of which Primate Walter was the reputed author. Altamura credits him with a seventh treatise, entitled *Scriptum in primos Psalmos Davidicos*, but the title is evidently borrowed from one of the genuine works of Cardinal Thomas Jorz.<sup>1</sup>

From these titles it is plain that theology was Primate Walter's favourite study, and that his bent of mind was markedly theological. No treatise from his pen, however, is now known to be extant. Recent inquiries in well-informed quarters have failed to elicit any further information regarding his writings. None of them has been discovered or studied, so far as I am aware, by any modern writer. It is rather a pity; for the views of such a man as Primate Walter—an able, devout, and scholarly man, who had suffered much in his time—would be likely to possess an interest of their own. His character is summed up in a sentence, by Altamura: "Fuit vir et morum gravitate et scientiae claritate insignis, suumque apostolicum munus summa cum laude obivit."<sup>2</sup>

If Leandro Alberto was not the original authority for the story of the seven Dominican brothers of the Jorz family, and for the erroneous date of Primate Walter's consecration, he was at least the authority from whom these particulars were copied by Leland, and then popularised by Bale, Pits, Tanner, and other writers. Leland expressly acknowledged the source of his information: "A Leandro Alberto didici Thomam Anglicum, Cardinalem, egregium volumen super Sententias edidisse; et sex germanos ex eodem utero compraedicatorios habuisse, viros religione, modestia, et virtute praeclaros, quorum unus, nomine Gualterus, a Clemente quinto apud Pictones in Gallia archiepiscopus Armachanus anno D. 1306 declaratus est."<sup>3</sup>

Fuller adds, in his quaint way, that Cardinal Thomas Jorz "is remarkable on this account, that he had six brethren all Dominicans. I will not listen to their comparison, who resemble them to the seven sons of Sceva,<sup>4</sup> which were Exorcists; but may term them a Week of brethren, whereof this Rubricated Cardinal was the Dominical Letter."<sup>5</sup>

<sup>1</sup> Quétif and Echard, *Scriptores Ord. Praed.*, I. 513; Tanner, *Bibliotheca*, 444; De Burgo, *Hibernia Dominicana*, 539, 540; Palmer, *Anglia Dom.*, III. A. 159, in Haverstock Hill Priory.

<sup>2</sup> Altamura, *Bibliotheca Ord. Praed.*, 1677, p. 98.

<sup>3</sup> Leland, *Commentarius de Scriptor. Brit.*, 1709 ed., p. 312.

<sup>4</sup> Acts xix. 14.

<sup>5</sup> Fuller, *Worthies of England*, 1811 ed., II. p. 225.





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