

THE GREAT EARL OF KILDARE

**THE GREAT
EARL OF KILDARE**
(GERALD FITZGERALD)
(1456—1513)

By
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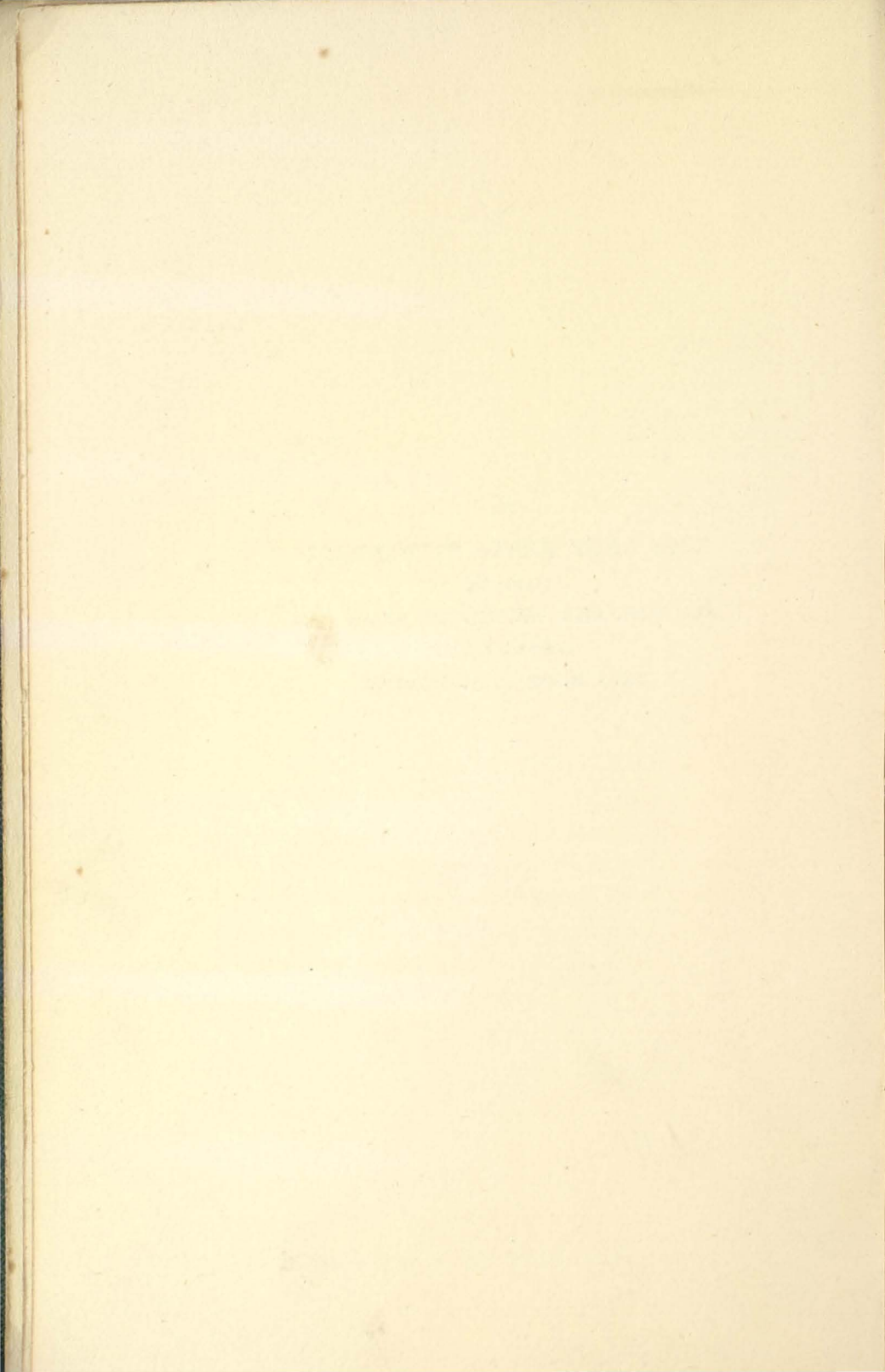
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TO
THE LADY NESTA FITZGERALD
AND TO
ALL WHO ARE DESCENDED FROM THE
GREAT EARL
THIS BOOK IS DEDICATED







FOREWORD

Mr. Donough Bryan, the author of this work, was a student of Modern History in this College in the years 1923-1927. After a distinguished career here, he won the Blake Scholarship of National History in 1929 with an essay on the subject set, namely, Gerald "the Great Earl" of Kildare, 1456-1513. This essay, expanded, developed, and worked over for several years, is hereby presented as an intensive study of a remarkable figure in Irish history.

Donough Bryan's death last October, at the age of twenty-eight, robs Ireland of an unusually gifted and promising student who was applying himself with rare devotion and talent to the history of his country and the study of her language, in which is to be found the key to much of her history.

This work, which had to be left to others to prepare for final publication, represents his one contribution to written Irish history, but it is one, not only of great promise, but also of real achievement.

Had this Foreword been his, he would have expressed his thanks to the authorities of his Alma Mater for encouragement in the publication of this work and a grant in aid of it.

They and his many friends and co-workers who encouraged and helped him in his task, and whom he would have wished to thank by name, will accept from his literary executor this general expression of his gratitude to them.

E. CURTIS.

Trinity College, Dublin.

March 1, 1933.

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PREFACE

EXCEPT for a short paper on him by Walter FitzGerald and various references to him in Irish histories of a wider scope, no study of the Great Earl has hitherto appeared. This is curious, because he was an outstanding figure. He was the greatest of the FitzGeralds, a family whose history is interwoven into that of Ireland. He was the greatest of the long line of Irish-born viceroys, and a study of his life brings into relief characteristics which were common to them all. He was a great character. His rule was essentially personal and through all its complex incidents he stands out: hospitable, direct of speech, more honest than most of his contemporaries, hot-tempered yet quickly appeased, a lover of jests, a good horseman, a strong fighter, a formidable enemy, and a sure friend.

The Great Earl ruled in Ireland, with one short intermission, from the year 1477 in the reign of Edward IV. to the year 1513 in the reign of Henry VIII. This book treats in detail of his relations with England during that period. It is an attempt to show what the Deputyship meant when in his hands. It describes, though by no means fully, how he "wold suffer no man rule here for the Kinge but himselfe"; and it suggests that his rule was neither Norman nor Gaelic but an organic compound of both, that it represented all the then existent elements in Ireland, and that in consequence the Earl was the most completely Irish man in Ireland. Others such as Gerald, the third Earl of Desmond, who ruled as Justiciar from 1367-1368, and who, say the Four Masters, "excelled all the English and many of the Irish in knowledge of the Irish language, poetry, and history," had been earlier and perhaps more perfect examples of the fusion of the two cultures; but they were mediaeval. The Great Earl went hosting in the traditional manner, but

he introduced into Irish warfare that revolutionary weapon, the gun. In his library there were manuscripts, but there were also printed books.

The Great Earl was the type of man who has always appealed to the Irish. He could win men's affection. He had a fine physical presence. He had courage. He was generous. There was a reckless dash about him which was hard to resist. At the battle of Knocktoe "one of the Earle hys captains presented him a bande of kearnes, even as they were ready to joyne battayle, and withall demanded of the Earle in what service he would have them employed. 'Marry,' quote he, 'let them stande by and gyve us the gaze.'" The Earl was no fool. "Such was his courage that notwithstanding his enemies were two to one, yet would hee sette so good a face on the matter, as his souldiers shoulde not once suspect that he needed or longed for any further help." He was a man of commanding authority. "His name bred a greater terror to the Irish than other men's armies." It was not necessary for him to hold himself aloof in order to preserve his prestige. He was as much given to horseplay with his followers as was for instance Michael Collins. His dignity did not depend upon external form. He had no use for parliament robes. He had a genius for treating important matters with apparent lightness. His interview with Henry VII. is the best example of that. Underneath his slapdash methods there was a strong will and a ruthless efficiency.

The Great Earl was allied by marriage with O'Neill, by fosterage with O'Donnell. His other Gaelic alliances formed a network throughout the country. Although as regards Perkin Warbeck and Poynings' Law the Great Earl faithfully carried out the agreement with Henry VII., by which he was reinstated as Deputy in 1496, he never sought to impose English methods upon the whole of Ireland. At the time that the Earl was hosting from Cork to Belfast and from Dublin to Galway, the English Pale was less than the four counties about Dublin. The Great Earl did nothing to extend its limits. On the contrary, if Robert Cowley is to be

believed, he in effect diminished it. According to Cowley¹ the Pale was not much more than "xx^{tie} myles in length and bredth, that is from Dublin to Drogheda and from thence to Trym." The inhabitants within this circuit were "no redy men of war." Its sole strength lay in the men of the marches, but according to Cowley the Great Earl and his son Gerald, the ninth Earl, "have converted the same to themselves" and have "placed their sonnes bretherne with others of ther scept, fosterers, and followers there"; whilst, "under color of a pretence of a libertie," they have in their own lands usurped "the obedience and subjection of the gentlemen and inhabitantes of the cuntry in such wise, as the Kinges writt of subpena, private seale, the Deputies or Counsaills commandments be not obeyed there." Cowley further complains that when the Earl is not Deputy he nevertheless uses the authority of a Deputy in all the march country. Cowley is in this instance speaking of the Great Earl's son, but his statement holds true of the Great Earl. Kildare regarded the Deputyship of Ireland much as Sir Piers Butler regarded the Deputyship to the absentee Earls of Ormond. The Great Earl tried to make the Deputyship hereditary in his family. It is likely that before long the English lordship of Ireland would have been repudiated. The Mayors of the Palace would have become Kings and by the same process as took place in other countries, Ireland would have become united under a strong national government.

This book first took shape as an essay for the Helen Blake National History Scholarship in Trinity College, Dublin. It obtained that scholarship in the year 1929. Since then it has been greatly modified. I am still far from satisfied with it. It is not a complete life of the Great Earl. The relations between the Earl and the Gaelic princes have not been dealt with adequately. The Earl's position as a landlord has not been dealt with at all. And I have prepared no map of the Kildare lands such as might have been prepared from the

¹ *Earls of K. 2nd Add.*, pp. 42-48. It is suggested that this account refers to the year 1536. *Letters and Papers, Henry VIII.*, vol. 13, part 1, p. 324, item 883. That Cowley was the writer is not absolutely certain.

Red Book of 1503 and the *Rental* of 1518. These are serious defects but to remedy any one of them would necessitate a considerable further delay in publication, whilst a full treatment of either of the first two would make me go altogether outside the limits of this book. The Earl's position as landlord is very important. It is bound up with his whole policy and is an integral part of the basis of his power. The best idea of it can be obtained from his son's *Rental* of 1518. The works dealing with this *Rental* are set out in the bibliography. A map for the purposes of rough reference will be found at the end of Professor Curtis' *Mediaeval Ireland*.² Persons interested further will find a facsimile of an old map of the districts adjoining the county of Kildare (Leix, Ofaly, Irry, Clanmalier, Iregan, and Slieve Margy) on p. 345 of the *Journal of the Kilkenney Archaeological Society* 1862-3. With it are some notes by Herbert Hore which show the sort of difficulties such as fortification by "plashing" that the Great Earl had to meet on his hostings. Coloured facsimiles of two old maps of the whole of Ireland will be found at the beginning of vol. ii. of the *State Papers of Henry VIII.* (published in 1843) and with them is a facsimile of an old map of Munster.

Miss Conway's *Henry VII's Relations with Scotland and Ireland* (1485-1498), came out while this book was being written. She published various documents which I was about to publish. Where they are not strictly relevant I have in consequence omitted them. Her book is particularly valuable on the Poynings episode and should be read in conjunction with this by all who wish to see the Great Earl's life in relation to the histories of Scotland and England.

As much of this book covers new ground I have had to be prolific in footnotes. I have deliberately made long quotations from contemporary documents, published as well as unpublished, and from old authorities, thinking that by this means I could best give the flavour of the period. The order of the book is broken by a list of the Earl's marriage alliances in Chapter V. This seemed too important to be put in the

² Curtis: *Hist. of Mediaeval Ireland*, pp. 383-384.

appendix, whilst it seemed absurd to discuss the marriages of the Great Earl's children at the beginning before they were born. A man's name will sometimes be found spelt differently on different pages: this is usually due to the fact that different authorities whom I quote have spelt his name in different ways. It is particularly true of Gaelic names.





AUTHORITIES

The natural starting point for any study on an Earl of Kildare is *The Earls of Kildare*. This gives an account of the House of Kildare from 1057 to the end of the eighteenth century. It was written by the Marquis of Kildare (Charles William, Duke of Leinster); printed for private circulation in 1857; and published in 1858. An *Addenda* to it, largely consisting of transcripts of original letters, was published in 1862, and a *Second Addenda* in 1872. Although this triple work is of great assistance it contains many inaccuracies, for instance the dating of letters, and therefore its statements have to be carefully checked.

I have tried to make as much use as possible of documents contemporary with the Great Earl. My chief printed source for these was Gairdner: *Letters and Papers illustrative of the Reigns of Richard III. and Henry VII.* (2 vols. London 1861 and 1863). This contains several documents of interest. One or two are given in Halliwell, J.O.: *Letters of the Kings of England*, vol. 1, London 1845, or Steele, R.: *Kings' Letters*, vol. 11, London, 1904. Several are printed as appendices to Conway, A.: *Henry VII's Relations with Scotland and Ireland 1485-1489*, Cambridge, 1932. Some are printed in the text and in the notes at the end of Gilbert, J. T.: *History of the Viceroys of Ireland*, Dublin 1865. A number have been reproduced in Gilbert's *Facsimiles of National Manuscripts of Ireland*, Part III, 1879. Gilbert's *Account of Facsimiles of National Manuscripts of Ireland*, 1884, states in a convenient form what may be found in the larger volumes. Many of the documents which I have referred to in other sources will be found in Pollard, A. F. *The Reign of Henry VII.* (3 vols., London, 1913-14).

My chief source of information was the unpublished statutes of the Great Earl's parliaments. The original

statute rolls perished at the destruction of the Four Courts in 1922, but transcripts which had been made for the Record Commissioners about a century ago were fortunately preserved almost uninjured and are available in the Public Record Office, Dublin. These cover the period from the middle of the reign of Edward IV. to the end of the reign of Richard III., and are in contracted Norman-French. They give considerable insight into the social and political conditions of the time. Although it has made this book disjointed reading I have dealt with them in detail, chapter by chapter, but as they are being prepared for publication I have seldom given a chapter in full and I have not dealt with every chapter. I have expanded the French whenever quoting it. The spelling of the French is variable in the original, so the expansion was inevitably a matter of conjecture. I have tried to arrange the text so that its meaning would be plain even if the French were omitted. These statutes are a continuation of those published in 1914, namely *The Statute Rolls of the Parliament of Ireland*, 1-12 Edward IV. (edited by H. F. Berry), Dublin. I have also referred to *the Statutes at Large passed in the Parliaments held in Ireland*, vol. 1, 1310-1612 (Dublin 1786). This imposing volume contains only a desultory selection, but it includes some statutes passed by Poynings' parliament. Conway, *op. cit.* is the best authority on Poynings' parliament, and she gives at the back some of its statutes not elsewhere obtainable. Information as to other parliaments has been gleaned from the *Calendar of Patent Rolls* 1494-1509; from the *Rotulorum Patentium et Clausorum Cancellariae Hiberniae Calendarium* (vol. 1, Hen. II.—Hen. VII. Record Comm. Dublin 1828); and from the *Annals* of Sir James Ware.

Of the Great Earl's "Red Book" of 1503 and of the "Rental" of 1518 I have made little use, except to quote in notes 2 and 3 of the Appendix the lists of books and plate at Maynooth. The original Red Book is at Carton and the original Rental is at the British Museum among the Harleian collection. The Rental deals with an aspect of the Kildare power which has not been touched on in this book, and which is most important. Two accounts of the Rental have been published. The first is by H. F. Hore. This may be found

in the *Journal of the Kilkenny Archaeological Society* 1858-59, pp. 266-280, and 301-310 (except for the last two pages this is merely introductory); 1862-63, pp. 110-137; 1864-65, pp. 501-518 and 525-546. So far as it goes this is the most fully annotated account of the Rental, but it is not complete, for Hore died before he had finished it. Accordingly it says nothing of the gifts of horses and of armour. In the *Ninth Report of the Historical Manuscripts Commission* Part ii, 1884, pp. 263-293, an account of the whole of the Rental will be found in the report by Gilbert on the MSS. of the Duke of Leinster. Gilbert deals not only with the Rental but with the Red Book and with other unpublished MSS. at Carton. His report is not exhaustive. In Note 10 of the Appendix I give some additional information about the Leinster MSS. of the Great Earl's period, with a transcript of an indenture of 1510 between the Great Earl and Edmund Butler. Papers which may be read in connection with the Rental and more particularly in connection with Hore's note on the Gaelic agreement of 1510 between the Great Earl and Mageoghegan (*Journal of the Kilkenny Archaeological Society*, 1862-63, pp. 127-128) are a paper by Rev. C. W. Russell entitled, "An Agreement in Irish between Gerald, 9th Earl of Kildare, and the MacRannalls; November, 1530," in the *Proceedings of the Royal Irish Academy*, 1867-70, pp. 480-490; and another paper by the same author in the same volume, pp. 490-496, "On the Duties upon Irishmen in the Kildare Rental Book, as illustrated by the MacRannall Agreement." The Mageoghegan agreement has been reproduced in the *Facsimiles of National Manuscripts of Ireland*.

On the Gaelic side I had the good fortune to be able to make use of a large modern manuscript volume at Carton known as "The Geraldine Collection," which was compiled in 1847 and presented to the 4th Duke of Leinster on his marriage. It consists of extracts referring to the Geraldines of Desmond and Kildare taken from Gaelic sources; the Gaelic being written on the left hand page with English translations by Eugene O'Curry on the right. Its full title is as follows: "THE HISTORY OF THE GERALDINES AS PRESERVED IN THE NATIVE LITERATURE OF ERINN CONTAINING NOTICES OF

THEIR DESCENT AND HISTORY EXTRACTED FROM THE GENEALOGICAL BOOKS OF PEREGRINE O'CLERY AND DUALD MAC FIRBIS, THE ANNALS OF THE FOUR MASTERS OF INISFALLEN AND OF ULSTER, TRANSCRIBED AND TRANSLATED FOR THE MARQUIS OF KILDARE BY EUGENE O'CURRY, MDCCCXLVII." These extracts showed what portions of the fuller annals were most likely to be of interest. I have used O'Curry's versions of Peregrine O'Clery, but in citing the Annals I have generally quoted the translations given in the editions of O'Donovan and MacCarthy (*The Annals of the Kingdom of Ireland by the Four Masters*, vols. iv-v, and for the index, vol. vii, edited by J. O'Donovan, Dublin 1851; and *The Annals of Ulster*, vols. iii, and for introduction and index vol. iv, edited by B. MacCarthy, Dublin 1895 and 1901). I have also made some use of *The Annals of Loch Cé*, vol. ii, and for introduction vol. i, edited by W. M. Hennessey, Dublin 1871.

Of contemporary accounts one of the most interesting although it only deals with a small portion of the period is *The Voyage of Sir Richard Edgecombe into Ireland in the Year 1488*. This was published by Walter Harris in his *Hibernica or Antient Pieces relating to Ireland*, vol. 1, Dublin 1747, pp. 29-38. Neither the date nor the authorship of this account is given, but it looks as if it were contemporaneous with the events which it describes. Harris in his preface describes it as "a meer Journal." It appears to have been written by Sir Richard Edgecombe's secretary. In the same volume of *Hibernica*, pp. 39-52, Harris prints "A Breviate of the Getting of Ireland and of the Decaie of the same" by Patrick Finglas who was Chief Baron of the Exchequer and later Chief Justice of the King's Bench in Ireland during the reign of Henry VIII. The "Breviate" does not give much information about the Great Earl. In dealing with Lambert Simnel and Perkin Warbeck I made some use of Polydore Vergil, Bernard André and John Herd (*Polydori Vergilii Urbinatis Anglicae Historiae Libri xxvi*, Basel 1570; *Historia Regis Henrici Septimi a Bernardo Andrea Tholosate Conscripta* given in *Memorials of the Reign of Henry VII*, edited by Gairdner, J., London 1858; and *Historia Quatuor Regum Angliae*, edited by Purnell, London 1868).

On the same subject I made use of Croker, T. C., *Popular Songs of Ireland*, London 1839; of Smith, C., *Antient and Present State of the County and City of Waterford*, Dublin 1746; and of his *Antient and Present State of the County and City of Cork*, Dublin 1750. For Perkin Warbeck's confession I referred to *The Union of the two Noble and Illustre Famelies of Lancastre and Yorke* by Edward Hall (first printed 1542). Of more recent works I have used Gairdner, *History of the Life and Reign of King Richard III. to which is added the Story of Perkin Warbeck from original documents*, 3rd edit., Cambridge 1898; of the paper by Roth, C., "Perkin Warbeck and his Jewish Master" which is in vol. ix, 1918-20 of the *Transactions of the Jewish Historical Society of England*; and on Lambert Simnel (although I did not concur with all her statements) I was considerably assisted by Miss Hayden's paper "Simnel in Ireland" published in *Studies*, December 1915. Owing to the courtesy of Professor Curtis who is working on the Ormond Deeds I have been able to publish in the Appendix, Note 8, a grant in the Kilkenny archives of the office of Sheriff, made by the Great Earl to Sir Piers Butler in the name of "Edward by the grace of God King of England, France and Ireland." This "King" appears to have been Lambert Simnel.

The chronicle sources of which I have made most use are contained in Holinshed's *Chronicles* and in the *Book of Howth*. The "Book of Howth" was written about the year 1544 and printed in 1871 in the *Calendar of Carew MSS. Miscellaneous*, edited by Brewer and Bullen. It was composed by a panegyrist of the House of St. Laurence and is Lancastrian in sympathy. It gives a long account of the battle of Knocktoe; an account of the interview between the Great Earl and King Henry VII.; and a series of anecdotes, most of which come under the heading "Discourse of the Variance between the Earls of Kildare and Ormond." This treats chiefly of the contentions between the Great Earl and Sir James of Ormond. The arrangement of the book is haphazard. It cannot be relied upon as an accurate account of facts, but I have quoted from it extensively as it is one of the few sources for personal description of the characters whose

actions are related elsewhere. Holinshed's *Chronicles* were first printed in 1577. The edition which I used was that continued to the year 1586 by John Hooker *alias* Vowell, (two volumes). The *Chronicles of Ireland* are contained in vol. 1. Up to the year 1509 they were compiled by Holinshed from notes by Edmund Campion. This earlier part was of some use but it is not full. The part which has been of most value is the *Continuation of the Chronicles of Ireland Comprising the Reigne of King Henrie the Eight*, written by Richard Stanyhurst and dedicated to Sir Henry Sidney. His continuation is not strictly from 1509. It overlaps the preceding account. Like the "Book of Howth" it is haphazard in arrangement, but it is invaluable for the description it gives of the Great Earl's character. Stanyhurst was Geraldine in sympathy. Some passages dealing with the 9th Earl of Kildare and reflecting on the character of John Allen, Archbishop of Dublin, offended the Queen and had to be cancelled.

The *State Papers, Henry VIII.*, vols. ii and iii, 1834, give in full many interesting documents about the Kildares. They are all subsequent to the Great Earl's death, but are one of the earliest sources for conditions which existed during his life. The *Letters and Papers Foreign and Domestic of the reign of Henry VIII.* seldom give more than a short précis of documents. I have made some use of vol. xiii, 1892. The *Calendar of the Carew Manuscripts 1515-1574*, edited by Brewer, J. S., and Bullen, W., 1867, is a useful complement to the *State Papers*. The *Calendar of Patent Rolls, 1476-1485; 1485-1494; and 1494-1509* was of very great assistance. I made some use of Rymer, T.: *Foedera*, vol. xii, 1475-1502, London 1721. For the dispensation of 1456 I consulted the *Calendar of Papal Letters, 1455-1464*. I made occasional references to the *Liber Munerum Publicorum Hiberniae, 1152-1824*, 2 vols. (Record Comm.), drawn up by Lascelles, R., and published in 1824. The part of the first volume devoted to the *Res Gestae* is worthless. I referred to Campbell, W.: *Materials for a History of the Reign of Henry VII.*, 2 vols., London 1873 and 1877. This is, however, chiefly of interest for the history of England.

The general history which has been of the greatest service

to me is without doubt the *Annals of Ireland* by Sir James Ware. From this I have quoted liberally. They were first published in Latin. *The Annals of the reign of Henry VII.* appeared at the back of the second edition of the *Antiquities*, London 1658; the *Annals of the reign of Henry VIII.* were printed by themselves in Dublin, 1662; the full *Annals*, 1485-1558, (*Rerum Hibernicarum Annales Regnantibus Henrico vii, Henrico viii, Edwardo vi et Maria*) first appeared with a dedication to James, Duke of Ormond, in Dublin, 1664. They are contained in English in the *Antiquities and History of Ireland* published in Dublin in 1705, and this is the edition from which I have quoted. In the same volume are Ware's *Commentary of the Prelates of Ireland from the First Conversion of the Irish Nation* and his *Two Books of the Writers of Ireland*. I also consulted Harris' *Ware*, 2 vols., Dublin, 1764. Ware was a learned sage and conscientious historian, and he had at his disposal a mass of material which has since disappeared.

Among more modern works I consulted Bagwell, J. R.: *Ireland under the Tudors*, vol. 1, London 1885, and Busch, W.: *England under the Tudors*, translated by Todd, A., vol. 1, London 1895. I found in Curtis, E.: *History of Mediaeval Ireland*, 1110-1513, Dublin 1923, the best account of the period leading up to and including the Great Earl's life. It is one of the few books which treats impartially of both the Gaelic and Norman elements in Ireland. Gilbert, J. T.: *History of the Viceroys of Ireland*, Dublin and London, 1865, covers the period up to 1507. This book is learned, clear and pleasantly written, but it lacks footnotes and a proper index. As he does not cite his authorities I had to check his statements as carefully as I could, and except for one or two minor mistakes I found him exceedingly accurate. Among other modern histories I referred to Green, A. S.: *The Making of Ireland and its Undoing*, London (printed, Glasgow), 1909. Wilson, P.: *The Beginnings of Modern Ireland*, Dublin and London, 1912, does not become of value until after the Great Earl's period.

Among works which I consulted on particular subjects are: for letters from and information about the Butlers, Graves, J.,

and Prim, J. G. A.: *The History of St. Canice's Cathedral, Kilkenny*, Dublin 1857, and Carte, T.: *History of the Life of James, Duke of Ormond*, vol. 1, 1841 (originally published in 3 vols., 1735-6). Both these works are first-class authorities. For the Burkes I referred to Hardiman, J.: *The History of the Town and County of Galway*, Dublin 1820; the "Historia et Genealogia Familiae de Burgo" MS. T.C.D., F 4, 13, which contains some gaudily coloured illustrations of the earlier Burkes; and to the *Triumphs of Turlough* edited by Flower, R. [Irish Texts Society]. This gives as appendices two further Trinity manuscripts dealing with the Burkes, and one dealing with the Desmond Geraldines which includes a villainous description of the murderer John Manntach. There is also an appendix dealing with the O'Briens. For the McCarthys I consulted *The Life and Letters of Florence MacCarthy Mór* by MacCarthy, D., London, 1867, and Cronelly, R. F.: *Irish Family History*, Dublin, 1865. These works contain a large amount of miscellaneous information, but as for reasons of time and space I decided not to go deeply into family history I have omitted the information and have not estimated its value.

On the history of the O'Neills I consulted *The Will and Family of Hugh O'Neill, Earl of Tyrone*, (with an Appendix of genealogies) by the Rev. P. Walsh, Dublin 1930, and "The Irish Law of Kingship with special reference to Ailech and Cenel Eoghain" by Hogan, J., 1932 (*Proceedings of the Royal Irish Academy*, vol. xl., Section C., No. 3). This is a valuable paper written from a constitutional standpoint and it is enriched by full genealogical tables of the O'Neills. Wood, H.: "The Office of Chief Governor of Ireland," *Proceedings of the Royal Irish Academy* 1921-1924, pp. 206-238, is another paper of constitutional interests. It is also useful by reason of its lists of Governors. Ball, F. E.: *The Judges in Ireland 1221-1921*, 2 vols., New York 1927, is valuable for its chronologically arranged lists and biographical outlines of the judges. *The Liber Primus Kilkenniensis* edited by Charles McNeill, Irish Manuscripts Commission 1931, contains an interesting account of a quasi-parliament held by the Great Earl at Kilkenny in the year 1500. FitzGerald, Lord

Walter: "Incidents in the Life of Garret More," given in the *Journal of the Kildare Archaeological Society* 1891-1895, reproduces some of the more picturesque incidents in the Great Earl's life. Hennessey's paper: "The Curragh of Kildare," contained in the *Proceedings of the Royal Irish Academy*, vol. ix., 1864-1866, pp. 343-355, reproduces some curious accounts of the Curragh. *The Book of Obits and Martyrology of the Cathedral Church of the Holy Trinity commonly called Christ Church, Dublin*, edited by Crosthwaite, Dublin 1844, contains some information about the Great Earl. Little is to be found in the Chartularies of the other Dublin churches.

The books of reference of which I have made most use are *The Dictionary of National Biography*, London 1855 ff; Cokayne, G. E.: *The Complete Peerage*, revised by Vicary Gibbs, London 1910, vol. vii, edited by H. A. Doubleday and Lord Howard de Walden, 1929; Burke, Sir Bernard, *Peerage, Baronetage and Knightage*, London 1932; and *A Genealogical History of the Dormant Abeyant Forfeited and Extinct Peerages of the British Empire*, London 1883; and Lodge, J.: *Peerage of Ireland*, revised and continued by Mervyn Archdall, Dublin 1789.

This covers most of my printed and unprinted sources. Works which I consulted with little result have been omitted. Works which have been seldom referred to will, I think, be found sufficiently dealt with in the footnotes. In the foregoing note I have said little about Miss Conway's *Henry VII.'s Relations with Scotland and Ireland*, 1485-1498, Cambridge 1932, which I have mentioned above. It is the best modern work on the subject, and I made considerable use of it in chapters 6 and 7. In addition to a reconstruction of the statutes of Poynings' parliament she prints as appendices several letters and indentures of considerable importance in the life of the Great Earl. Most of these I had already transcribed, but with the letter from Sir Ralph Verney which is one of the most interesting of them I was unacquainted. Her publication of these documents from the British Museum and the Public Record Office rendered most of my work in London valueless, but as they were before her period she did not print the Instructions from the Irish

parliament of 1474 to Sir Gilbert Debenham (P.R.O., London, *Chancery Miscellanea*, bundle 10, file 27, No. 29), or the petition from Thomas, Earl of Ormond, of August 1480 (P.R.O., London, *Chancery Miscellanea*, bundle 10, file 27, No. 7), and I do not think that either of these has appeared elsewhere.

ABBREVIATIONS

<i>Bk. of H.</i>	...	...	...	<i>Book of Howth</i>
<i>C.P.R.</i>	...	...		<i>Calendar of Patent Rolls</i>
<i>E. of K.</i>	—Charles William Fitzgerald, Duke of Leinster: <i>The Earls of Kildare</i>			
<i>F.M.</i>	...	...	...	<i>Annals of the Four Masters</i>
<i>G.</i>	...	...	Gilbert: <i>History of the Viceroys of Ireland</i>	
<i>Ger. Coll.</i>	...	...	...	<i>Geraldine Collection</i>
<i>L. and P.</i>	Gairdner: <i>Letters on Papers Illustrative of the Reigns of Richard III and Henry VII.</i>			
<i>Hol.</i>	...	...		Holinshed's <i>Chronicles</i>
<i>P.R.I.A.</i>	...		<i>Proceedings of the Royal Irish Academy</i>	
<i>P.R.O.</i>	...	...	...	Public Record Office
<i>P.V.</i>	...	...	...	Polydore Vergil
Unpubl. Stats.	—Transcripts of Unpublished Statistics in the Public Record Office, Dublin			
<i>W.</i>	...	...	...	Ware: <i>Annals of Ireland</i>

THE GREAT EARL OF KILDARE

CHAPTER I.

The Great Earl's father was Thomas, 7th Earl of Kildare. His mother was Joan, daughter of James, 7th Earl of Desmond. He was therefore altogether a Fitzgerald and in him were re-united the two great branches of the Geraldines. As these had long been allies there was nothing political to be gained from the marriage, so it is likely that it was a love match. This may explain its informality, for according to a Papal letter the Great Earl's parents were cousins within the prohibited degree. They had none the less married "per verba legitime de presenti" without any dispensation and they had consummated this marriage. Such a marriage was invalid by Canon Law. In 1455-6 they applied to Rome for a dispensation.¹ This Pope Callixtus III. granted to them by a mandate to the Archbishop of Dublin given at St. Peter's on the 18 March, 1456 (N.S.) in which he ordered that if they did penance and temporarily separated the Archbishop should absolve them from excommunication, should allow them to contract anew and remain in the marriage which they had irregularly entered into and consummated, and should declare the children to be born of the marriage legitimate.

There is no record of the Great Earl's birth² but from this dispensation it would seem that he was born in the year 1456. It is quite clear that he could not have been born before. If he had been, he would have been illegitimate. It is likely that he was born during the year and not afterwards for the dispensation of March expressly states that his parents had

¹ *Cal. of Papal Letters*, vol. xi., 1455-1464, pp. 262-3.

² See Appendix I.

already consummated their marriage, and no doubt they sought for the dispensation because they were expecting a child.³ We may accordingly conclude that in the year 1456 a child was born to Earl Thomas and the Countess Joan and that this child was Gerald, the future Great Earl of Kildare.

The place of his birth is uncertain. His father's chief castle was at Maynooth.⁴ It is now a ruin; but the massive wreck with its walls 8 feet thick; its few remaining mullioned windows; its large vaulted chambers; its great banqueting hall on the first floor where Edgecombe was feasted, now grass grown and roofless; its wide courtyard; and its towering main gateway with the monkey crest of the Fitzgeralds carved in stone over the archway; still strikes an impression of strength and of magnificence. In all probability Gerald grew up in this castle, and he must have been in accord with his surroundings, for to quote Stanyhurst, he was "A mightie man of stature full of honnor and courage."

There is scarcely any record of his childhood and youth, and we can tell little about them. His earliest companions must have been his three brothers and two sisters; of these the most noteworthy were:—Thomas, who married a daughter of Robert Preston, Viscount Gormanstown, became Lord Chancellor of Ireland, was the chief supporter of Simnel there, and died fighting for him in England at the battle of Stoke;—James, a heady and formidable warrior, who became a terror to the English of the Pale during the Great Earl's imprisonment after Poynings' expedition:—and Eleanor, who married Conn More O'Neill, Prince of Tyrone, a marriage which shows the cordial relations that existed between Kildare and O'Neill.

The Great Earl's father had been elected Justiciar in 1454. In 1455 he was appointed Deputy to Richard, Duke of York,

³ There is reason to assume that this child was the Great Earl and not one of his sisters, since if he were not born until after 1456 he would have been under 57 when he died in 1513, under 15 when he was given command over the 24 spears in the military organisation of 1472, and probably under 14 when he married his first wife (about 1470).

⁴ For an illustrated description of Maynooth castle by the fourth Duke of Leinster with additional remarks from Miss Margaret Stokes, see the *Journal of the Co. Kildare Archaeological Society*, vol. i., 1891-1895, pp. 223-239.

and it was he who received the Duke when he came over in 1459. The stir occasioned by this visit can hardly have been remembered by Gerald, then a boy of three.

Part of the inheritance handed down to Gerald was the rivalry between Geraldine and Butler. "Both these noble-men laboured with tooth and naile to overcrow and consequentlie to overthrow one the other. And for so much as they were in honour peeres they wrought by hooke and by crooke to be in authoritie superiours."⁵ This old noble feud in Ireland had become associated with the new princely war in England: the Fitzgeralds supporting York and the Butlers Lancaster. While he was still a child events must have impressed this rivalry on Gerald's mind.

On the accession of Edward IV in 1461 the position of the Earls of Kildare seemed secure, for their rivals the Earls of Ormond who not long ago had held the Lieutenancy, an honour to which no Earl of Kildare had ever attained, were now attainted absentees. But in 1462 Gerald's father and his uncle, Thomas, Earl of Desmond, who had just succeeded to the title⁶ had to unite to repel a Butler invasion led by Sir John of Ormond. The battle of Pilltown suppressed this Ormond invasion, gave great renown to Desmond, and resulted in the attainder of the Butlers by a Dublin parliament.

At this period Desmond was more prominent than Kildare. Subsequently Sir Roland Fitz Eustace, the Great Earl's future father-in-law, was accused of having urged Desmond to make himself King of Ireland. The English kings, absentee "Lords of Ireland," were constantly in fear that some Irish earl and *de facto* ruler would make himself King of Ireland. Wolsey was to charge the Great Earl's son with being a king.⁷ This charge seems also to have been implied, and with more reason, against the Earl himself. But the Great Earl, Mayor of the Palace to a faineant Lieutenant, never attempted to make himself King, although at the time of the Edgecombe mission the thought of so doing seems to have been present to his

⁵ Holinshed (henceforth Hol.), vol. i., p. 82.

⁶ On the death of James, 7th Earl of Desmond, Gerald's grandfather, a great exacter of coign and livery.

⁷ Hol. vol. i., 85.

mind. Had he attempted to do so he might well have succeeded. Ireland was not yet divided in religion. Kildare had all the attributes of an Ard Rí. He was closely connected by marriage with the greatest of the Gael. He trusted them, and was trusted by them. Witness the fostering of his son with O'Donnell; the request by O'Neill and O'Donnell that he should arbitrate between them; his alliance with O'Connor Faly; the imprisonment of the English commissioner Garth, and the execution of Garth's son, because he dared to slay O'Connor Faly's son. It may be objected that the Anglo-Irish accounts give a different story. Therein the Earl is praised for having been a terror to the "Irish,"⁸ but in all such reports, and particularly in communications which it was intended that the King of England should read, the hammering of the Gael is stressed as much as possible in order to show the King what a good and loyal servant Kildare is. The relations between Kildare and the Gael can best be judged by what the Gael say about him themselves. Their records are sufficiently clear. The best known of them, the *Annals of the Four Masters*, describe him as "a knight famous in deeds of arms, royal and just in word and judgment."

Gerald may not have remembered the events of 1459, but he must have remembered those of 1467. This was the year in which at the parliament held by Worcester, that Renaissance "butcher," famed as much for his culture as his brutality, the two greatest nobles in Ireland, Gerald's uncle and father were attainted and sentenced to death. The sentence on Desmond was carried out: but Kildare escaped to England, gained the King's ear, and achieved such a speedy success that by the very same parliament at which he had been attainted his attainder was reversed. These happenings cannot have failed to make a profound impression on Gerald, then a boy aged eleven. The "extortionate slaying" of Desmond "by colour of the laws," subsequently to be condemned by Richard III, has never been explained. After Pilltown, and under a Yorkist king, one would have imagined that the position of those Yorkist nobles Desmond and Kildare would have been impreg-

⁸ Hol. vol. i., p. 83. "His name bred a greater terror to the Irish than other men's armies."

nable. Later on the Great Earl was himself to experience changes of fortune more remarkable than his father's, when, after ruling Ireland for many years, his property was declared confiscate, his life at the King's mercy, and he himself, seized by treachery and carried off to England, was imprisoned in the Tower, only to be released, to be given the King's cousin for wife, and to be sent back to "rule all Ireland."

His father's attainder and the reversal thereof by the same Drogheda parliament show that pliability of parliament which as Earl he was himself to experience, sometimes to his cost but more often to his profit.

The most important result of the Butcher's execution of Desmond was that it placed the Earls of Desmond outside the struggle for government. In fury, at the execution of Earl Thomas, his successor James, Earl of Desmond, enlarged on a previous privilege and refused to attend parliaments. This placed its earls out of the running for the Deputyship, and led to that more Hibernicisation of Desmond which Richard III failed to check. The Earls of Ormond were absentees in England. The Earls of Kildare were consequently left with no serious rivals for the Deputyship, and it is this which—in addition to their personal gifts—explains the almost hereditary tenure of that office which they were soon to enjoy.

From a study of his environment some idea may be obtained of the influences which the Great Earl came under at Maynooth.

The castle was a fortress of great strength. Sir William Skeffington in a letter to the King of the 26th March, 1535,⁹ shortly after through the treachery of Paris he had succeeded in taking it, writes that it "was so stronglie fortified booth with men and ordenaunce, as the liek hath not been seen in Irlonde, synes anny your moost nobell progenitors had furst domynion in the lande." He adds that "ther was within the same above 100 habill men, whereof were above 60 gonners." Yet this fortress was almost a palace. Stanyhurst describes the contents on its capture as follows:—"Great and rich was the spoile; such store of bedds, so many goodly hangings, so rich a wardrob, suche brave furniture, as truly it was

⁹ *State Papers, Henry viii.*, vol. ii., p. 236.

accompted, for householde stuffe and utensiles, one of the richest earle his houses under the crowne of Englande."

As there is no direct record of how Maynooth Castle was furnished in the lifetime of the Great Earl, this can best be judged by noting how it was furnished in the time of his son, remembering that in his own boyhood the appointments were probably a good deal rougher. In his son's time there was a distinct Renaissance influence. To this an irrefutable witness still survives. It stands in the formal garden in front of the house at Carton. It is a stone table of the time of Gerald the Younger. Around it are inscribed the following words:—"Geraldus Comes Kildarie Filius Gerald, A.D.N. MCCCCXXXIII., si Dieu Plet. Crom A Bo."; whilst on its legs is the same Renaissance ornamentation as can be seen on the background of Holbein's portrait of Henry VIII. In the Shell House, moreover, there is a magnificently carved wooden mantelpiece which is said to have been in the castle, but the authority for the statement is unknown.

It is natural that there should have been an Italian influence at Maynooth. The Geraldines considered themselves to be descended from the Gherardini, and the Florentines exchanged letters with the Earls of Desmond and Kildare. When the Great Earl was a young man Italy was moving towards the full glory of the Renaissance, and where letters went there must have been a cultural link as well. We do not know what happened to Giovanni Betti di Gherardini, who in the year 1440 came to Gerald's grandfather James of Desmond bearing letters from Leonardo Bruni, the Secretary of State to the Florentine Republic. But judging from the interest afterwards displayed by the Kildare branch of the Geraldines in their Italian connection—as shown in the Great Earl's letter of 1507¹⁰ it is likely that they sought him out and invited him to stay at Maynooth. That there were other Italians in Ireland is well known. Octavian del Palatio, the Archbishop who wrote the unkind Latin verses about Armagh, and unsuccessfully tried to obtain the Chancellorship, despite the Great Earl, after 1488, was an Italian. An Italian by whom the Earl is more likely to have been influenced, was Dr.

¹⁰ *Ibid.*, pp. 274-5.

Marcello, a Doctor of both laws, the turbulent protégé of the Earl's great supporter, James Keating, Prior of Kilmainham. That the Geraldines were known of in Italy is shown not only by the letters from Florence, but by the verse of Ariosto in the tenth canto of his *Orlando Furioso*:—

“Or guarda gl'Ibernesi; appresso il piano
Sono due squadre; e il Conte di Childera
Mena la prima; e il Conte di Desmond,
Da' fieri monti ha tratta la seconda.”

“Nello standardo il primo ha un pino ardente;
L'altro nel bianco una vermiglia banda.”¹¹

This digression is merely intended to show that the Earls of Kildare lived in some splendour and that the Great Earl was not cut off from the chief cultural centre of his day. Despite the letter of 1570 Italian influence can have played only a small part in his life. In methods of living the Great Earl must have been largely influenced by England. In the purely cultural sphere, as in the political, Gaelic influence must have been strong. Peregrine O'Clery says that he “succoured and relieved the poets of Ireland.” For these poets there was no English substitute. No book could take their place. Among his books also the Gaelic influence was strong. In his library,¹² where Latin books predominated, Gaelic manuscripts came next in number. There were more French books than English. The French were chiefly romances. The English were similarly romances and histories. Among the Latin were works of Virgil, Juvenal and Terence. Some of the Latin and most of the Gaelic volumes, were devoted to religion. There was a gilt copy of the Psalter in Latin on parchment. In

¹¹ *Orlando Furioso*, Canto X, stanzas 87, 88.

“Now see the Irish, near that level land
Two squadrons; that's of Earl Kildair the shield
Who leads the first; Earl Desmond next succeeds,
Who from the savage hills the second leads,
Kildair bears in his arms a burning pine,
Desmond on argent a vermillion bend.”

Trans. Wm. Huggins, 1757.

¹² For the full list of books see Appendix 2.

Gaelic there were the lives of various saints, but there were also "Coucullyn's Actes" and a "boke wierein is the begynning of the Cronicles of Irland."

There is no reason to suppose that Gerald was artistic or that he had himself any scholarly inclination. Although he is said to have had a bookish son Richard,¹³ he himself must have been far happier out of doors. He was, as a writer of the discourse in the *Book of Howth* assures us, "as good a man as could ride a horse."¹⁴ He probably spent a lot of his time hawking. It received as much attention then as fox-hunting does now. Its popularity may be judged from an enactment of a parliament held before him at Dublin in July 1480,¹⁵ which recites that though there were formerly a plentiful supply of hawks in Ireland, merchants of England and Ireland have exported so many for the purpose of making gain that there are none left for the nobles, and which accordingly imposed a heavy export duty of 13/4 a goshawk, 6/8 a tiercel, and 10/- a falcon. It is also shown in the careful provision for the supply of hawks in the Great Earl's Red Book and in his son's *Rental*. As Ireland in those days was far more wooded than it is now,¹⁶ it is likely that in the time of the Great Earl, just as two hundred years afterwards, the Deputy and all who "either pretende to or delight in hunting

¹³ Mrs. Green: *The Making and Undoing of Ireland*, p. 335.

¹⁴ *Book of Howth* (henceforth *Bk. of H.*), p. 179.

¹⁵ Item al requisicion des comunes que come hawkes de divers natures come accipitrees (goshawks) tersalletes (tiercels) et des aultres natures furent iaditz de graunde plente deins la terre dirlande al pleasoure de nostre soueraine seignour le Roy et aultres seignours & gentilx de son Roialme dengleterre & de sa terre dirlande ore il est issint que marchautes sibien del dit Roialme dengleterre come del dit terre dirlande ount preigneiz si plusours hawkes hors del dit terre primement pur marchaundise de estre vendeuz queascun aultre cause en taunte queulx hawkes poient my estre ewez al pleasoure de nostre dit soueraine seignour le Roy & sez seignours. Sur queux premisses tendrement considerez ordeine est aigue & enacte par auctorite du dit parliament quequiconz marchaunt preigne ou carie hawkes hors del dit terre dirlande paia pour chescun accipitre xiii s. iiii d. une tersalle vi s. viii d. une faucon x s de custome et le poudage accordaunt et quiconque marchaunt face le contrarie a cest acte que si souent come il issint fait de chier en la peine de xl s moite au Roy & moite son preignoure ou empecheoure."

¹⁶ See the necessity for cutting passes, Baron Finglas's "Breviate of Ireland." Harris: *Hibernica* (henceforth quoted as *Hibernica*), p. 41.

and hawking or raceing " used to resort to the open plain of the Curragh " for in this clearer and finer aire the falcon goes to a higher pitch, or mount soe as often to be scarce visible, the hounds enjoy the scent more freely and the courser in his swift carreare, is lesse sensible of pressiure or opposition than otherwhere." ¹⁷

We do not know by whom the Earl was educated. The writer of the account of him in the Book of Howth ¹⁸ makes out that he was ignorant and "but rudely brought up." ¹⁹ Gilbert repudiates the assertions of the Book of Howth as being inspired by a Lancastrian desire to make such a prominent Yorkist appear ridiculous, and this appears to be likely, for though we may well imagine that Gerald was more accustomed to ride than to read, it is certain that he was by no means a barbarian. In the rental drawn up shortly after his death for his son, Gerald Oge, there is given an inventory not only of elaborate plate, ²⁰ but of a library of books in Latin, French, English, and Gaelic. The list is long and varied, and presumably the Great Earl had read some of these books. He certainly spoke English; his relationship with the Gaelic princes make it likely that he spoke Gaelic; and as the records of the parliaments over which he presided are almost invariably in Norman-French, it is probable that he was not altogether ignorant of that language. Moreover, at a time when some of the leading merchants in Dublin could not sign their names except by putting their marks the Great Earl could at least initial his, for various examples of his signature still exist. Thus it cannot be said that he was a dunce.

Stanyhurst speaks of the Great Earl as "open and plaine," and further on says that "notwithstanding his simplicitie in peace" he was of great "valour and policie in war" in which "he used for policie a retchless kind of diligence, or a heady

¹⁷ *A descriptive account of the County of Kildare drawn up for Sir William Petty by Thomas Monk, 1660-1664, quoted by W. M. Hennessy, P.R.I.A. Feb. 1866.*

¹⁸ "A Discourse of the Variance between the Earls of Kildare and Ormond"; *Bk. of H.*, pp. 176-181.

¹⁹ "This Earl was but half an innocent man without great knowledge or learning, but rudely brought up according to the usage of his country, and was a man of no great wit." *Bk. of H.*, p. 180.

²⁰ See Appendix 3.

carelessness, to the end his souldiers should not faint in their attempt were the enemie of never so great power."

It is difficult to know exactly what Stanyhurst means by this phrase "simplicitie in peace." He may mean that the Earl had not Sir John Ormond's "reach of policie," and it certainly seems that with the dubious exception of the Guild of St. George, Kildare did not try to carry through any far-reaching scheme for the benefit either of himself or of the community. He was not a statesman: he was "a good Justicer." His middle position, embodying what appealed to him in English and in Gaelic custom, was essentially empirical. But if he were simple, his simplicity was extraordinarily successful in obtaining for him the results which he desired. A clever man could not have thought of a more effective way of disposing of the irrefutable charges brought against him before Henry VII in 1496, by the Archbishop of Cashel and the Bishop of Meath, than by relating such comic stories about his accusers that he made the King laugh. The astute Italian, Polydore Vergil, says "Non defuit tamen ingenium ad levandam culpam."²¹ "Simple" the Earl may have been in the sense of being outspoken, but he was certainly not "but half an innocent."²²

It is unbelievable that a stupid man should have been such a successful negotiator, and should have so often turned the tables on his enemies. Downrightness of character and of expression are quite compatible with shrewdness, and his career induces a belief that except when interfered with by his temper the man "who had bin Lord Deputy and Lord Justice of Ireland three-and-thirty yeares"²³ was shrewd.

It is, however, as "a mightie man of stature full of honnor and courage" rather than as a negotiator that he should be remembered. The best description of him is Stanyhurst's. In it we are shewn the Earl big-bodied, turbulent, hospitable; "a warrior incomparable"; a man who was "hardlie able to rule himself when he were moved to anger," yet "not so sharpe as short, being easilie displeased and sooner appeased";

²¹ Polydore Vergil, *Angliae Historia* (pub. Basle 1570), p. 595.

²² *Bk. of H.*, p. 179.

²³ *Hol.*, vol. i., pp. 82-83.

a "good Justicer," but "towards the nobles that he fansied not, somewhat headlong and unrulie." This nature led him to actions which he may afterwards have regretted, as when in the Simnel rising he hanged the messenger from Waterford on Hoggin Green; but there was nothing small about him, and it is not surprising to see it recorded that he was well-beloved.

CHAPTER II.

In the statutes of Edward IV published by Dr. Berry there are various references to one Gerald Fitzgerald, and at first glance it may be thought that this is the future Great Earl. In a parliament held before Thomas, Earl of Desmond, in 1465 royal letters patent are confirmed which grant "to our beloved cousin Gerald Fitz-Gerrot esquire" the manors of Turvey, Rush, and Balscadden for life.¹ The same parliament confirms a patent² granting to "Gerrot FitzGerrot gentleman and Thomas Walsh clerk, the office of controllers of the customs and cockets of Dublin and Drogheda."³ Another parliament held in 1471-2 before Thomas Fitzmaurice, Earl of Kildare, Justice and then Deputy, by Chapter 21 (subsequently vacated) confirms a royal patent making Gerrot FitzGerrot gentleman, Constable of Dublin Castle for life. But it seems likely that in each of these three instances the Gerrot FitzGerrot is not the future Great Earl of Kildare, but his cousin Gareth⁴ whom the Four Masters mention as having been killed in 1477.

There is, however, one far more important act in connection with which it is quite clearly the future Great Earl who is mentioned, namely the act which founded the body out of which grew the full-fledged Fraternity of Arms sometimes known as "The Guild of St. George," the nearest thing to a standing army ever attained by the Pale. This body first took

¹ Ed. IV., chap. 23; Berry, (*Statutes of Ireland*), p. 305.

² If this patent does refer to the future Great Earl the office of Controller must have been a sinecure, since in 1465 Gerald must have been a boy of 9.

³ Chap. 75, Berry; (*op. cit.*); p. 423.

⁴ This Gareth was the son of the Earl of Desmond, which would explain the King's reference to him as "our beloved cousin." The manors granted are not mentioned in the Earl's "Red Book." And the name itself would imply that the man meant is not the future Great Earl, for in the statutes of that period Thomas Earl of Kildare is known not as Thomas Fitzgerald, but as "Thomas Fitzmorice," and in the same way his son is known as "Gerot Fitzmorice." (See chap. 60, 12 Edw. IV., Berry).

shape in a parliament held before Gerald's father, Thomas, Earl of Kildare, as Deputy to George, Duke of Clarence, at Naas on the 4th December, 1472, and thence adjourned to Dublin in the following March. Chapter 60 of this parliament enacts that "for the resistance of *Irish enemies*⁵ and for the eradication of the great extortions and other mischiefs done on the loyal liege people of the king⁶ by *English rebels*⁷ most piteously and lamentably," there shall be raised for a quarter of a year in the four counties, (Dublin, Kildare, Meath and Louth) a retinue of eight score archers and 63 spears, "of which spears Gerot FitzMorice, son and heir of the most puissant and gracious lord Thomas Fitzmorice, Earl of Kildare, Deputy Lieutenant of Ireland, shall be a companion with 24 of the said spears," ("des quex sperez Gerot fitzMorice, fitz et heire al trespuissaunte et gracieux seignour Thomas fitz-Morice Count de Kildare depute lieutenaunt dirlande sera une accompaign oue 24 de mesmez les sperez."⁸ The chief captain is to be Sir Roland FitzEustace, knight, Lord Portlester, Chancellor of Ireland, the Great Earl's father-in-law, while the sub-captains are Lord Gormanstown, Lord Slane and Alexander Plunket, esquire. The retinue is to be permanently ready at the call of the Deputy or the sheriffs of the counties.⁹ For the keep of the archers eight score marks are to be raised from the four counties, and £42:13:4 which is due to the Deputy ("quex parteignerount al dit depute") is set aside for the support of the spears. As this is not enough to meet the cost of the retinue it is enacted that Sir Roland and, with his consent, Lords Gormanstown and Slane¹⁰ may lodge them wherever they may be ("en toutz tielx lieux come il eaux happa de resort . . . pour le bone publique del dit terre,") except that they are not to take coign or livery in any part of

⁵ Strictly speaking this should only apply to those of the Gael who are hostile but the term is sometimes loosely applied to them all.

⁶ Those of the Anglo-Irish who are amenable to English law.

⁷ Those of the Anglo-Irish who are not amenable to English law.

⁸ Unpublished Statutes, R.P.O., Dublin; (henceforth quoted as 'Unpubl. Stats.')

⁹ "Que adoncez ils en semblable manere a responder al Seneschalle de Mithe pour chastiser le mesme et issint en semblable manere a responder en chescune aultre compte come necessite requira."

¹⁰ Sir Alexander Plunket is not mentioned.

county Dublin unless they are called in there with the consent of the sheriff, nor are they to levy it on the spiritual possessions of the Church, ("sur les possessions de la sainte esglise queux sount meris spiritualx.") They are authorised to parley and make peace with *Irish enemies* and *English rebels*; and empowered to correct, judge and punish all manner of rebels, traitors, felons, robbers, homicides and malefactors, according to their demerits; and if their action provoke any disturbance ("ou pour quele ascune revengement ou guerre sera fait") then all the inhabitants of each of the four counties, according to their power, shall answer for the defence of the retinue.

This temporary measure was essentially Geraldine. The Earl of Kildare paid for half the archers, and the captains were his close connections or supporters. The four counties were, as will be seen subsequently, the only stretch of country in Ireland where the king's writ ran effectively. The imposition of coign and livery was frequently referred to in terms of the greatest abuse, but it was not to be eradicated until long after the Great Earl's death. Coign comes from the Gaelic word "coimheadh," (the right of the Irish kings to be maintained as they travelled through the country¹¹). It is impossible to give an exact account of what it amounted to, for it varied with time, with place, and with person. We are told it was damnable and universal. Sir John Davies describes it as "the most wicked and mischievous custom of all others." In Poyning's parliament it was defined as "horse meat and man's meat, for the finding of their horsemen and footmen, together with fourpence or sixpence daily to be paid to each, by the poor earth-tillers and tenants." James, Earl of Desmond, Gerald's grandfather, is alleged to have been the first to practise these exactions upon the king's liegemen. In his "Breviate of Ireland"¹² Baron Finglas writes of him as "James Erle of Desmond, grandfather to the Erle that now is, and it is a little about fifty-one winters sithence he died, and he was the first man that ever put coyne and livery on the king's subjects," but they were almost certainly exacted

¹¹ Curtis: *History of Mediaeval Ireland* (henceforth quoted as Curtis), p. 325.

¹² *Ibid. Hibernica*, p. 51.

before his time. Shortly before this Finglas writes as follows¹³ "these wer callid the statutes of Kilkenny: wherof the first was, that noo man shuld take coyne ne livery upon the Kyng's subgetts, which wuld destroy Hell, if that were usid in the same." Notwithstanding all this abuse it should be realised that coign and livery was such a normal method of maintaining troops that at this time and for long afterwards it was very difficult to provide for them without it. Thus the English administrators of the Poynings regime, who had so strongly condemned the Great Earl for using it, were themselves forced to licence their own supporter, Sir James of Ormond, to exact it.

It could not be expected that a temporary force, largely paid for at the expense of the Deputy and perhaps primarily intended for the advancement of his family, should be maintained wholly without the aid of coign and livery but from this temporary retinue of 1472-3 there evolved a permanent force paid for out of the public funds. This force was the "Fraternity of Arms."

The Fraternity of Arms was established by chapter 3¹⁴ of a parliament held at Dublin on Friday next after the feast of Saint Patrick (i.e. on March 18th, 1473/4.) "before Thomas Fitzmaurice, Earl of Kildare, then Deputy of George, Duke of Clarence, thence adjourned to Kilmainham and there finished and ended." The preamble states that the land of Ireland, by which it means the four counties of the Pale, has been greatly wasted by *Irish enemies* and *English rebels*, "because there is not nor before this time has been" any permanent force for its defence. "Item al requisicioun des comunes que come cest terre dirlande est graundement geste et destrue sibien par les Irrois ennemyez le Roy come par Englois rebelx par cause qil nest ne deuaunt cest temps adeste nule continuale resistance ordeine et provide pour la defense del mesme.") Accordingly a permanent force is at last set up. It is

¹³ *Ibid. Hibernica*, p. 41.

¹⁴ *Unpubl. Stats., Roll 14, Ed. IV., chap. 3.* Gerald's name is not mentioned in this enactment, as its provisions are practically the same as those of the Act by which he re-established the Fraternity after it had been suppressed by the Bishop of Meath. It seems preferable to give them here at its inception.

established in the form of a Fraternity of Arms of 13 important persons. ("En consideracion est ordeine est establie et enacte par auctorite du dit parlement que de ceo ensuaunt soit une fraternite des armez del nombre de 13 persouns del plus honourables et foialment disposes persouns pour la comune prouffite dicest terre.") The names of these persons were as follows, viz., for the county of Kildare, Thomas, Earl of Kildare, Sir Roland Eustace, Lord Portlester, and Sir Robert Eustace, kt.; for the county of Dublin, Robert, Lord Howth, the mayor of Dublin for the time being, and Sir Robert Dowdall, kt.; for the county of Meath, Robert, Lord Gormans-town, Edward Plunket, Seneschal of Meath, Alexander Plunket esquire, and Barnaby Barnewall; and for the county of Louth, the mayor of Drogheda for the time being, Sir Laurence Taffe, kt., and Richard Bellew esquire. These gentlemen were to assemble annually on St. George's day in the city of Dublin to elect their captain for the following year, ("de eslier par lour sagete et discrecioun le plus hable person de lez ditz 13 de estre capiteigne pour le ane adonques proschien ensuaunt de auer le reule de lez ditz freres pour cele anne") and they were to be known as the Captain and Brothers at Arms, ("quex capiteigne et freres par le dit auctorite serount createz par le noun del capiteigne et freres dez armes"). The captain had at his command 120 archers on horseback, 40 horsemen and 40 pages. ("120 archiers oue chialx et bien herneisez pour la guerre, 40 hommes a chiuale suirment arraiez pour la guerre et 40 pages"). Each archer received 6d. by the day for meat, drink and wages; each horseman 5d. by the day for him and his page, and 4 marks annually as wages. For the support of these men parliament ordained that the brethren and their successors should have 12d. of every pound of all manner of merchandises entering or leaving Ireland, ("al venaunce et retourne,") hides excepted, and freemen of Dublin and Drogheda excepted. The mayors of Dublin and Drogheda were to be receivers of the said poundage, during good behaviour, ("si longement comme ils bien porterount eaux ou aultrement lez ditz freres de faire aultres en lour lieux"). The brethren had power to make laws for themselves and to elect new brothers in the place of those who died,

and the captain was given wide powers of arresting all manner of outlaws, those attainted of treason or felony, and also all rebels who would not be amenable to law, and of committing them to gaol until they should be dealt with according to law.

Violent disputes ensued at this time. They seem to have been private quarrels. Chief Baron Cornwalsh insulted Thomas Earl of Kildare¹⁵ at the Council table. James Keating, Prior of Kilmainham, one of the most powerful supporters of Kildare, attacked Sir Robert Dowdall, Deputy Treasurer and Justice of the King's Bench, with a drawn sword. Doctor Marcello, the Italian, was sheltered by Keating in defiance of an act of parliament, and occasioned great discord amongst the clerics;¹⁶ but curiously enough in August 1474 the King by privy seal pardoned Marcello of all his offences, and set aside the enactment of the Irish parliament decreeing his exile.¹⁷

During this period there seems to have been considerable disorder in the country, to judge from a royal patent of August 5th, 1474.¹⁸ The patent releases the citizens of Waterford from rendering account for their fee farm twice yearly at the Exchequer of Dublin. Instead the Chancellor of Ireland is instructed to appoint commissioners each year from the more discreet men of their city to audit their account, and it is granted that they shall not "while the present troubles last, be compelled to make any account at the said Exchequer, as the city of Waterford is 60 miles away from the city of Dublin and there is nothing but rebellion, murder, robbery and war around."

Some light on the position of affairs at this time, shortly before the Great Earl succeeded his father, is shed by a document in the Public Record Office, London. As it has not hitherto been printed it seems worth giving it here in full:

Instructions of the Parliament of Ireland to Gilbert Debenham and others going to England to the King.¹⁹

¹⁵ The Great Earl's father.

¹⁶ Gilbert: *Viceroy's of Ireland*, p. 397.

¹⁷ See *C.P.R.*, p. 474.

¹⁸ See *C.P.R.*, p. 446.

¹⁹ *Chancery Miscellanea*, Bundle 10, number 29, c. 14. Edw. IV. For the date of the instructions and for notes on Debenham, Norres, Ketyne and Bold see Appendix 4.

"Enstruceyons youen and opened by the iii astates of our soverayn liege lord the Kynges high court of parlement in Irland and his counsell of the same to the kynges dyscrete servauntes Gilbert Debenham knyght, James Norres, David Ketyn and Sir Robert Bold knyght, to be presented and shewed for the hasty socour and relief of the said land to the kinges highnes in England.

Furst, that after as humble recommendacyon as is possible to the kynges highnes it be shewed thereonto on the behalf of the sayd iii astatis and counsell, where it hath plesed his good grace of the tendre zeles and affeccyon that he bereth unto his sayd land and subgettes of the same, to send unto them his discrete servauntes Gilbert Debenham, knyght, James Norres escuyer, and David Ketyn, in enbassade wt so comfortable aunsweres for the relef and socour of his said land and undoubted credence by the which they conteyne ryght wele the kynges hyghnes hath not had they in oblivion, and that the same his highnes understandeth the myserable state and desolacyon of his said land and his tru subgettes of the same, whereby they ben gretly confortd and coraged into the resistance of her ennemys, and thank his highnes in as humble wise as they can thynk, beseching at the reverence of God for the relief of the same his lande and subgettes, it wold lyke his gode grace to accomplyssh and performe the tenoures of the sayd aunswere and credence, orels they may not long endure under his obeysaunce or ligeaunce or by distrese to depart owt of the land.²⁰

Also where the said enbassatours, by virtue of her said credences, have comyned and reasoned with the said iii astates and conseil on the Kynges be half, of the causez of the pitiose decay of the said land and subgettes, and howgh it myght be best relieved and rescused, it isse that not oonly dayly experienne sheweth unto the enbassatours that thextreme subduyng and destrucyon of the sayd land ys as well by the Kynges Iryssh ennemys and Englysh rebelx, as by the meanes

²⁰ Apparently this means that they would have to throw in their lot with the *Irish enemies* or leave Ireland.

of Scottes which ben entred and dwellen in Ullester to the nomber of XMⁱ [10,000] and more which proponen and dayly conspiren to subdue al thys land to the obeysaunce of the Kyng of Scottes havyng in their mynd the grete conquest that Bruse som tyme sen' to the Kyng of Scottes made in the same land, whos malycyous entent to resist is impossible to the kynges subgettes of the said land, which ben but pety nombre in conparyson of the grete multitude of her Iryssh ennemys Englysh reblez and Scottes.

Also another cause of the destruccyon of the comynalte of the said land is that the lieutenautes and her Deputies which haue had the governaunce of the same land afore this tyme for certen yeres haue not payed the comunes for her vitales, but shortly departeth owte of the land for lak of payment of her wages owte of England, for the which nother they myght pay her dettes nor contynu still for defense of the land, but lewe it wors then they fynd it, by the which the kynges subgettes in substaunce ben avoyded the land, the which causeth grete desolaycon and desert in the Englyssh parties of the same lande.

Also it is thought to the said iii astates and conseil that the relief and adepycon of the sayd land moost be by August next comyng at which tym or rather the sayd ennemys and rebelys entenden to destroy and bren all cornes and frutes of Englyssh parties which then wold suffice for the sustentacyon of such as shold come for the said relief or els it wold be undone or help come. And that it wold please the kynges gode grace to come personally unto his said land for the relief of the same, or to send his derrest brodyr of Clarence his lieutenaunt of the same land or some other lord of his moost noble blode accompanied w^t M [1000] bowes or mor, and money suffeycent after VI^d an archer by the day, accordyng hys honour, w^t whos contynuaunce and payment with help of the cowntre wold suffice with Goddes grace for the relief of the same unto the tyme it pleasid the Kyng to procede to the hold conquest of the said subgettes shall do as ample seruice as ever they did to any of his noble progenitours w^t encrease possible.

Also in aydyng and sustaynyng of the said werres and noon other wise to be employed, ther is graunted by auctoryte of the said parlement tonnage and poundage,²¹ that is to saye of every xx s. worth of all marchandises to be sold commyng in to the said land xii d. and in lyke wise coyng [going?] owte of the same land other xii d. the which was not hade afor this tyme, and that it wold please the kynges hyghnes to approve and conferme the same.

Also it is thought to the sayd iii astates and consell full necessary that afor the commyng of the said army open proclamacyoun were made in all places necessary wt in the realme of England, accordyng to a statut made at Leycestre in Henry the VIth dayes that all maner persons of Irland byrth, of what astate degre or condycoun they be of dwellyng wt in England, except studyantes at Oxon, Cantebrige and at London in court upon a certen payne shall come into the said land of Irland by a certen day to be lymyted, to thentent to enhabit such contries as shall [be?] conquered and that upon the payn comprised in the sayd statute.²²

Also the said iii astates and counsell graunten in aidyng to the sayd relief of XL speres of Irland and C English archers yerely wt payment accordyng wt their personall services upon her propre costes in this partyes at all tymes covenable on the revenues of the sayd land so that the sayde tonnage and poundage be confermed therto.

Also in aduertysyng the kynges highnes to the lyghly recouere of the sayd land it is so the furst conquest therof was obtened

²¹ This must refer to chap. 3 of 14 Ed. IV. The parliament held at Dublin on Friday after the feast of St. Patrick before Thomas FitzMaurice, Earl of Kildare, then Deputy of George, Duke of Clarence, the King's "derrest brodyr," then his "Lieutenant of the same land," which established the Guild of St. George and supported it by poundage of 12d. on every 20s. worth of merchandise coming in and going out. The constitutional position is curious. The King is asked to confirm an act passed by the Irish parliament, and that this was no mere form is shewn by the fact that in 1474 he had set aside by privy seal an act of the Irish parliament dealing with Dr. Marcello.

²² In other words the Council thought it "full necessary" that they should seize the absentees' lands.

wt a full smale nombre of Englyssh men at which tyme all the land was under Iryssh obeysaunce, and at thes dayes all the cities castelx and walled townes of the same land inviron ben under the kynges obeysaunce; how be it they may not semble togedyr to put their strengthes in own for their defence for the grete interposycyoun of Iryssh ennemys Englyssh rebelx and Scottes, which ben alwey devided wt in hem self and not of oon power, the which cities castelx and townes at all tymes shall put theym in their effectuell deveirs to the recouere of the same.

Also it is thought to the same iii astates and counsell yf the said land were brought holy under the kynges obeysaunce and lawes as of very lyklyhed is full lyght to his hyghnes so to do, which doon consideryng the grete tresour²³ of mynes of all manner metalx and aloms wtin the same wt the grete commodities of landes and lordships and the grete richesse and revenues of ryvers and hauyns of the same with the lam-presstoun and fysshying of the Ban which reuenues employed to the kynges use with pollytique prouysyon, actyf and marshall governaunce, wold amount in short space to the somme of C ml [100,000] marcs ayere and so it was of old tyme, by the which and wt lytyll help of the realme of England the kynges highnes which is reputed here in prophesyes the whyte lyon and sextus Hib[ernie] which by the sayd prophesies shall wyn this land and many other realmes, myght apply the same his highnes at all tymes to the subduyng of his grete

²³ The Great Earl's "Red Book," begun in the year 1503, starts with the following list:—

"The myndys beyng in Irland;

"Item: Ther is in the Erle of Desmond's countrey a mynde of goolde, and parte of the ore thereof was brought to Waterford, and there sayne by the Recordor and others.

"Item: there beth besides Watirford, Knokhtogher, and in Ormond a myndis of silver, the whiche have ben proved good by Sir Gilbert Depnam, that had gret quantities of that same prys, and also by John Fagan of Watirford.

"Item: In Magilpatrick's countrey, a myne of lede, whereof XVIII. unces tryed made XIII unces myttal.

"Item: there beth so many mynes of yron that Irishmen do occupy noo yron but suche as they make themself.

"Item: a myne of alleme in (blank) laboured by Henry Fagan of Watirford and others afor, brought thence, which was proved good."

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ennemys of Fraunce and Scotland and all their adherent frendes.²⁴

Also the astates of counsell aforsaid advertyse the kynges hyghnes for as moch as of very ryght the realme of England is bound to the defense of his land of Irland by resoun that it ys oon of the membres of his moost noble corone and eldest membre therof, the which land cannot be releved withowte great labours and costes, that his said hyghnes shall so proclaim his ryall service called escuage in England, the profites wherof wold preserve his sayd land of Irland with yerely encrease for a grete seson and tyme."

It seems likely that Sir Gilbert Debenham arrived in Dublin in the autumn of 1474.²⁵ These instructions would therefore have been given to him to take back with him to England about the end of that year.

Nothing came of this project for the complete conquest of Ireland. There was little chance that the "kynges gode grace" would "come personally unto his said land." If he had not come in his vigorous youth he was not likely to come now in his hedonistic middle age. The whole project may have been a politic bluff on the part of the Anglo-Irish. Knowing that when asked for assistance England sent them as a rule either puny forces or no forces at all, they may have urged Edward to complete the conquest of Ireland solely in order to obtain sufficient forces to overcome an attack which they feared would be made in August, or for some other such purpose. At all events it is likely that they wished to use Edward IV rather than to serve him. In this their policy was similar to that of the Great Earl, but there was a difference, all the more significant since if Debenham's instructions are of the year 1474, they must have expressed the policy of Gerald's father, Thomas, Earl of Kildare, who was at that time Deputy. The Anglo-Irish lords in 1474 were still suggesting a complete conquest of Ireland. They hoped to accomplish

²⁴ The attention paid by English Kings to France and Scotland was one of the chief reasons they did not make a more determined attempt to conquer Ireland. France was a more attractive country to fight in. Scotland was a more pressing danger.

²⁵ See Appendix 4.

this by means of an English army. Like his father, the Great Earl desired to obtain control over the whole of Ireland. Unlike his father, he nearly succeeded. But the Great Earl never sought to win the control of Ireland by means of an English army. His means were marriage alliances, fosterage, and the strong hands of himself and of his friends both Anglo-Irish and Gaelic. Instead of trying to use the English to force his rule upon the Gael, he used the Gael to force the English to retain him as their Deputy in Ireland.

In addition to asking for English forces the Dublin parliament instructed Debenham to ask the King to confirm Tonnage and Poundage, the shilling in every pound's worth of merchandise entering or leaving the country, which had just been imposed by them²⁶ to support the Fraternity of Arms, and they stated that if it were confirmed they would be ready to maintain forty spears and one hundred archers yearly.

Poundage seems to be the key to the otherwise obscure contentions that were about to follow. In 1475 Kildare was deprived of his office and superseded by his enemy William Sherwood, Bishop of Meath.

Sherwood held a parliament in 1475-6, and another in 1476-7. At the first of these the licences to go to England (chaps. 61 & 63) are a sign of trouble, for on each governmental dispute adherents of both the conflicting parties were always sent to the King. In the second parliament (chaps. 5 & 6) the Bishop himself prepares to depart. He is authorised to appoint a deputy with power to prorogue parliament while he is in England. No reason for the Bishop's departure is given—except, as always, that it is for the relief and succour of the inhabitants of Ireland, but chapter 13 states that he is bearing letters from the three estates to the King, and from the remainder of this chapter it seems clear that the real reason of his departure is to protect himself and his party against various charges which the Geraldines and others have made against him.²⁷ Therefore the lords of parliament are invited

²⁶ This certainly implies that the Irish parliament was inferior in status to the King. It does not imply that the Irish parliament was inferior in status to the English parliament.

²⁷ Gilbert: *Viceroy of Ireland* (henceforth quoted as "Gilbert"), p. 400.

to set their hands to a message to the King asking him to thank the Bishop for his services as Deputy Lieutenant. It is added that no lord shall be compelled to sign. Sherwood's quarrel with the Geraldines was of long standing. "It was thought Bishop Sherwood was an active instrument in this prosecution," says Ware,²⁸ with reference to the beheading of Desmond, and attainder of Kildare, in 1467. The Bishop introduced no enactment expressly hostile to the Geraldines; on the contrary, in his second parliament (chap. 19), provision is made that the Earl of Kildare shall not be prejudiced in his manor of Moylagh, and Lord Portlester (chap. 24) is also favoured, but by far the most important enactment of these parliaments is chapter 14 of 16-17 Edw. IV., which appears to have been passed shortly after the Bishop's second parliament had been adjourned to Dublin in January. Although not openly so, the enactment is anti-Geraldine. It repeals poundage, and thereby dissolves the Guild of St. George, the Geraldine standing army, which was supported by poundage. The chapter starts with a pretty preamble which recites that the prosperity of Ireland rests for the greater part on commerce ("et en especiale cest pource terre quele ne poet pas estre garde ne defende saunz concourse et resorte dez marchantez"), and therefore as it has been proved that poundage prevents merchants from coming to the country, ("entreupte ouertement lez ditz marchantes de loure restore en cest terre pour le plus part") it is enacted that from the Tuesday after the coming feast of the Purification of the Blessed Virgin Mary it be no longer levied ("le dit nouvelle custume de poundage de cest temps enauant soit annulle et repelle.") As to an alternative defence the Bishop's enactment states that those who paid poundage are willing to defend the country in person or by proxy. ("par issint que toutz ceaux quex doient paier le dit poundage voillent aller et chivacher ou pour eux mittier toutz foitz qu'ant necessite requiert oue lez enhabitautes del cite de Divelin et la vile de Drogheda pour la defense et sauvgarde de la dit terre.")

The repeal of poundage and the suppression of the Guild of St. George were not to be permanent. They were to be

²⁸ Ware's Works (ed. Harris, Dublin, 1739), p. 150.

restored with more stringent provisions by the Great Earl in the parliament held by him 19-20. Edw. IV. The Bishop's visit to England was unsuccessful. He lost his office and was succeeded by Thomas FitzMaurice, Earl of Kildare. Wood²⁹ suggests that the latter was appointed on Sherwood leaving the country, and that Earl Thomas was Justiciar is proved by chapter 46 of 19-20. Edw. IV., which refers to royal letters patent attested by him on March 2nd, 17, Edw. IV., as Justice of Ireland.

The Great Earl's father did not remain long in office. He died on the 25th March, 1477. The Four Masters erroneously place his death in 1478, under which year they have the following laconic comment:—"The Earl of Kildare died, and Gerald his son took his place" ("Iarla Cille Dara décc agus Gearóid a mac do gabáil a ionaid"). The Four Masters, however, are not always reliable in their dates, and in this instance they are incorrect, for this should be, to quote a note on p. 82., of Archdall's *Lodge* (1789 edition), "rather 1477,³⁰ as appears by a note of the obits of this family, taken from a book belonging to Gerald, Earl of Kildare, and Elizabeth Grey, his Countess."

Earl Thomas was buried beside his father in the Monastery of All Hallows near Dublin, on the site of which Trinity College now stands.

²⁹ *P.R.I.A.*, 1921-1924, p. 237.

³⁰ This ascription has been followed by the best modern authorities, e.g., Gilbert, p. 400; and *Earls of Kildare* (ed. Charles William, 4th Duke of Leinster), p. 42; and Curtis, p. 385. There can be little doubt that 1477 is the correct year.

CHAPTER III.

About the same time as he succeeded his father Gerald must have come of age, but whether he were already 21 or not he would appear to have taken advantage of at least some of the provisions which his father had had enacted for him in connection with his nonage in the parliament of 1470: for the act of that parliament not only permitted him to enter on his father's lands despite his nonage¹ but also absolved him from the necessity of submitting to the usual *Inquisitio post mortem*. The act² states "That whenever it shall please almighty God that the said Earl (i.e. Earl Thomas) depart and pass out of this world, that immediately after his decease, the King's hands be amoved from all his castles," etc., and that by authority of parliament his son shall have "as full livery of the same" as if he had sued out livery and the requisite inquisitions had been taken "according to the course of the Common Law," the neglect of the inquisitions or any part of them notwithstanding. If these inquisitions had been taken it is almost certain that they would have been transcribed into the Great Earl's Red Book, which largely consists of such inquisitions, yet makes no mention of these.

On the death of his father, Gerald became not only Earl of Kildare, but Justice³ of Ireland: he did not of course inherit this directly, but the Council elected him to fill the place which his father had vacated. Within a few months of his election the new Justice of Ireland was involved in a dispute which foreshadows the Simnel affair of 1487. His force of character and power are shown by the fact that in this as in the later affair he ignored the King's instructions and did so with

¹ Appendix I.

² 10 Ed. IV. chap. 7. Berry, p. 661.

³ For the meaning of the words "Justice," "Deputy," and "Lieutenant" see Wood's "Office of Chief Governor" *P.R.I.A.* 1921-1924, p. 207, et seq.

impunity. The occasion of the dispute was the sending over of Lord Grey as Deputy in the year 1478. The Justice, whom he was designed to replace, the Council and the Judges, who were nearly all supporters or nominees of the Geraldines, refused to receive him. In the meantime the *fainéant* Lieutenants whom the quarrelsome *de facto* rulers were supposed to represent, had changed. In February 1478, George, Duke of Clarence, the King's "derrest brodyr" and Lieutenant of Ireland, had been attainted and put to death. In succession to him the King appointed⁴ John de la Pole, Duke of Suffolk, as Lieutenant for 20 years, but almost immediately he deprived him of office, and appointed⁵ in his place his infant son, Prince George, as Deputy to whom Lord Grey came to Ireland.

In the meantime Gerald had summoned his first parliament, the enactments of which were subsequently to be declared null and void by the parliament which Grey called in November. By Chapter 6 of Grey's parliament, all the records of Kildare's assembly were ordered to be destroyed. But although heavy penalties were provided against persons retaining any of these records, the statutes of that parliament were preserved in the Record Office, Dublin, until they perished with so many other valuable documents in the destruction of the Four Courts in 1922. Fortunately accurate transcripts of these and other statutes had been made⁶ from which the following and preceding information is taken.

Gerald's first parliament met at Naas on Friday (29th May, 1478) before the feast of St. Petronilla the Virgin, in the eighteenth year of the reign of King Edward IV, before Gerald Earl of Kildare, "Justice of the lord the King of his land of Ireland." It was prorogued to the 6th July, when it met at Dublin Castle before the said Justice and it was then held at Connell on the 14th September, 1478. As this was Gerald's first parliament and its enactments are of some interest it is worth while considering them in detail.

Chapter 4: declares that pestilence is rife in the four counties ("la plage de pestilence est sy universale entour

⁴ On March 10th, 1478, *C.P.R.* p. 90.

⁵ On July 6th, 1478, for two years *C.P.R.* p. 118.

⁶ For the Public Record Commissioners,

Englois dez c(ountees) de Divelin Mith Louth et Kildare"). As there is no record of how Earl Thomas died one may conjecture that he died of this or some such plague, for had he been killed in battle, it is more likely that the manner of his death would have been recorded. The statute enacts that if Earl Gerald be absent his father-in-law Sir Roland FitzEustace, Lord Portlester, Chancellor of Ireland, shall have full power to take his place and prorogue continue or adjourn parliament whenever necessary. ("que adonqz Roland FitzEustace Chivalier seignour de Portlester Chancellier dirland eit plein power de seer en le noun du dit Justice et de proroguer continuer ou adiourner le dit parlement sy taunt de foitz comme happe le dit Justice destre absent").

Chapter 5: is reminiscent of the provisions in the patent about Waterford referred to above. It recites that in a parliament held recently in Dublin, and in various other parliaments, it was ordained that no one should be admitted to a parliament as a proctor for clergy, county, city or borough who was not resident in the place for which he sought to be proctor, but that owing to the great distance of the roads and the great peril from the King's "Irish enemies and English rebels" both by sea and land ("graund distance dez chimyns and [sic] graund perill du roiall Irrois enemiez et Englois rebelx sibien par mier comme par terre") and the great mischiefs done in the south, north, east and west they would not be able to send proctors ("que ils ne purroient envoyer proketours chivaliers citecins ne burgeis accordaunt as ditz acts"), and therefore these acts are declared void. It is of commonsense practical convenience and at the same time it probably increased the private power of the Justiciar. The Justiciar, presumably, had an important voice in deciding who should be proctors, and he would hardly be slower to take advantage of the situation than was the White Earl of Ormonde who is alleged to have made his horseboys members of parliament. The Chapter goes on to order that all manner of lords, spiritual and temporal, deans, chapter and clergy, sheriffs and portreeves, who had not yet returned their writs should do so at their peril at the next prorogation or adjournment of the

parliament, and that all proctors, etc., so returned should be lawfully admitted despite the rescinded acts.

Chapter 6: attempts to restrain the evils consequent on the exaction of "saute."⁷ It recites that, whereas it often happens that divers Idlemen kern and several others who do not obey the King's law ("bocoup foitz que diverse Idilmen et Kerne et plusours aultres que nobeieront past la ley du Roy") take pledges from divers inhabitants and others feigning matters against them, and that whereas when taking these pledges it often happens that some of the Idlemen, kern or others, or their horses, are killed or wounded, thereupon they levy a "saute" on the inhabitants even though these have committed the injury in self defence, which is to the final ruin of the said inhabitants ("que est au final anientesment des ditz enhabitaunts"), and it is therefore enacted that all the inhabitants of the town shall combine to pay the said "saute." In the margin of this enactment appear the words "vacat per concordat." (annulled by agreement).

Chapter 7: also deals with disorder. It orders Piers Botiler, son of Edmund Pierson, and divers others of the names of Herbrike, Bathe, O'Dogherty, and O'Hynnous, to deliver themselves up in the King's Castle of Dublin on Tuesday next after the feast of the Translation of St. Thomas, on penalty of attainder to answer a charge of "open preying and robberies on the king's faithful people and divers other great offences and high treasons."

Chapter 9: is typical of the parliaments of those days. It makes divers grants to a supporter of the man in power at the expense of people whom he does not like. By it Sir Roland FitzEustace⁸ Chancellor of Ireland, and father-in-law of the Great Earl, is to have four score marks out of Drogheda. The act recites that by royal letters patent he holds the office of

⁷ For this exaction see Berry; *Stats. of Ed. IV.*, p. 717, where he defines it as "Saute (Irish) a ransom for murder or manslaughter."

⁸ As will be seen later, Sir Roland and Brother James Ketyng are the two most frequent recipients of such grants in the Great Earl's parliaments,

chancellor on the same terms as Sir William Welles held it; it states that the said Sir William as chancellor had four score marks yearly on Drogheda, and it therefore enacts that notwithstanding any letters patent, act, or grant of parliament, or otherwise, made to the said mayor and sheriff (*"nient obstaunt ascuns lettres patentes, actes ou graunts de parlement ou aultrement fait al dit mair et viscountes"*) they shall pay Sir Roland four score marks annually from their fee farm, and if they refuse to pay they shall forfeit for each offence £100., half to the King and half to Sir Roland. In addition to the four score marks they are also to pay Sir Roland the fifty-two marks which the King gave them by letters patent for the making of a bridge which they have not made "as by their common seal they have made indentures with the same Roland and have not kept the covenant of the same indentures." This interesting chapter goes on to confirm all manner of grants of the chancellorship, treasurership, and the lordship of Portlester, farms, wardships, etc., made to Sir Roland by the king, and enacts that no resumption be valid which does not specify to Sir Roland the said grants (*"ne fera ascun lesion al dit Roland sil ne soit especifie en la dit resumpcioun dez ditz lettrez patentes officez et graunts"*). This looks as if it were intended to guard against the approaching Act of Resumption of Grey's parliament and the royal letters patent on which that act was based.

Chapter 10: grants the prayer of Archbishop John of Dublin and passes—a frequent occurrence in these parliaments—a little private Act of Resumption for his benefit. It recites that the Archbishops of Dublin by reason of their great and notable possessions were of very special assistance in the defence of the land (*"par reason de lour tres graundez et notables possessions ount mys ulx en tres graund devoir pour le defense et saugard du dit terre"*) but that these possessions are wasted because Archbishops Richard Talbot and Michael Tregurry had given grants of them on too low terms: and therefore Parliament revokes these grants. With reference to this Ware⁹ has a curious piece of information; he states that upon the

⁹ Ware's Works (ed. Harris), vol. i., p. 342.

resignation of Archbishop Walton (14th June, 1484) Gerald, Earl of Kildare, then Deputy, forcibly entered into 24 townlands belonging to the See of Dublin in the lordships of Ballymore and Castle Kevin, and held them to the time of his death. "Possibly," he says, "these were the lands alienated by Talbot and Tregury before mentioned, and which were restored by Act of Parliament to this See. The next successor, Archbishop Fitz-Simons, never stirred in the recovery of them; although he was a man of power, was Chancellor and Deputy, and sat twenty-seven years." Ware goes on to say that his successor, William Rokeby, in 1514, petitioned Gerald, Earl of Kildare, (the Great Earl's son), and the Council, for a restitution; and that the matter was referred to the judges who two years after made an award in favour of the Archbishop and "the See was restored to its rights after dispossession of about thirty-two years." But the matter was not ended here. Ware continues "the House of Kildare still layde claim to these lands, and again forcibly seized them. I have seen a petition of Archbishop Inge to the Earl of Surrey, Lord Lieutenant, against Thomas FitzGerald, complaining of this Force, and desiring a restitution; which was decreed him on 21st December, 1512, and from what appears, the See hath been quiet in them ever since."

Chapter 16: gives Sir Roland FitzEustace a third part of the lordships of Naas and Ballykeyn, county Kildare, and a third part of the manor of Rathfarnham, county Dublin, free from incumbrances which the Parliament states have been feigned.

Chapter 18: grants a subsidy, at the prayer of Roland FitzEustace, for the walling of Kilcullen and Calfstown, county Kildare, which towns are stated to be "in the borders of the March next adjoining the Irish enemies," and "are a great safeguard for all English men, and cannot continue unless they be walled round, and the inhabitants of the said towns are not able to wall them unless they have help from the country."

Chapter 20: confirms James Ketyng, the Prior of Kilmainham, in his rights over the parish church of St. Bride of Martry in

the diocese of Meath, as against William, Bishop of Meath, the anti-Geraldine, who is declared to be contumacious and therefore to have been excommunicated at the High Cross of Dublin.

Chapter 21: resumes at the prayer of John, Abbot of the House of St. Thomas the Martyr, near Dublin, divers grants whether made under the Common seal or Convent seal. It was at this house that the Great Earl had his Dublin quarters; it is more generally known as Thomas Court. Among the unfinished petitions which end this Roll there is one in which the name of Davy Ketyng, esquire, appears.¹⁰

This parliament was adjourned to Dublin Castle on Monday next after the feast of SS. Peter and Paul, 18, Edw. IV. before the said Justice and there continued (6th July, 1479).

Chapter 3¹¹ of the re-assembled parliament recites that the Great Earl has to go hither and thither at great labour and expense, resisting the wickedness of the King's "Irish enemies" and "English rebels," and therefore empowers him to adjourn and prorogue the present parliament as often as he wishes.

The parliament then met at Connell on Monday, (14th September, 1478) next after the feast of the Nativity of the Blessed Virgin Mary, 18. Edw. IV.

Chapter 2: resumes the various grants at the prayer of the Abbot of St. Mary's, Trim, because "many of the said farms and grants were given by constraint of the great temporal lords having at that time the rule and government of the said land."

Chapter 9: confirms a grant made by James Ketyng. This looks as if it were one of those afterwards objected to by the Grand Master of the Order.¹²

It is a grant made by him with, it alleges, "unanimous con-

¹⁰ See Appendix 4, David Ketyng.

¹¹ Roll No. 2, 19. Ed. IV. (Unpubl. Stats.).

¹² In 1482.

sent" of the brethren, of all the tithes of corn and hay at Chapelizod, and the house in which they now dwell within the close of the court of Kilmainham together with an orchard pertaining to it, for 30 years at 13s. 4d. of silver per annum, to Philip Vernevall and Katherine Ketyng, his wife.

In the meantime Lord Grey had arrived in Ireland. The exact date of his arrival is unknown, but it was probably at the end of August or in September, 1478, because there is a patent of August 9th, 1478, by which the King appoints commissioners to take muster at any suitable place near "Conwey" of three hundred men at arms and archers whom the king has ordered to Ireland with "Henry Gray, sub-Lieutenant of his last-born son George, Lieutenant of Ireland," for the resistance of his enemies there and to certify thereon to the King and Council.¹³ It is worth noting, with reference to the subsequent activities against Kildare, that one of these commissioners was named "John Botiler." When Grey landed in Ireland Kildare and the other chief officers of state refused to recognise his appointment, because it had been made under privy seal. Thus the representative sent from the King was rejected by the Justiciar elected by the Irish Council. The Chancellor, despite the King's letters, declined to surrender the English Great Seal for Ireland. The Constable of the King's Castle of Dublin (i.e. James Ketyng, the Prior of Kilmainham) refused to admit the King's representative, resisted him by force, broke down the drawbridge, and retained his office despite the King's patent¹⁴ of July 6th, 1478, which had granted it for life to "Thomas Danyell, knight, lord of Rathwyre, and Edward Danyell, his son." Kildare's power is admirably shown in that, despite his offences, he managed afterwards to secure Ketyng in his office.

The motive of the Great Earl in this affair is not very clear. It seems probable that the primary reason why he and his officers resisted Grey was that they did not want to lose their offices. No doubt they also wished that due deference should be paid to Gerald's election as Justiciar under the statute of

¹³ *C.P.R.* p. 121.

¹⁴ *C.P.R.* p. 120.

FitzEmpress, a method of appointing a governor which on the election of his father in 1471 they had declared, "the land being without a governor by avoidance of the Earl of Worcester," to be "by authority of parliament good and effectual in law." Their alleged reason was that Grey was improperly appointed, since he had been appointed by privy seal; and for this view they had a precedent since a similar set of circumstances had arisen in the case of Richard Talbot and Edward Dantsey.¹⁵ In that case Richard Talbot, the existing governor, the Council and the judges, refused to recognise the appointment of Edward Dantsey since he had been appointed as Deputy by the then Lieutenant, the Earl of March, under his privy seal; and they still refused to recognise him even though a writ had been obtained from Westminster. He, however, succeeded in the end in getting himself acknowledged. Alternatively Kildare may have based his legal reasoning—what there was of it—on the enactments of the parliament of 1460¹⁶ which declared that according to ancient prescription the King's subjects in Ireland were not bound to answer any writs save under the Great seal of Ireland, and that any officer attempting to put decrees from England into force in Ireland should incur forfeiture of all his Irish property and be fined 1,000 marks.¹⁷

Lord Grey's parliament¹⁸ met at Trim on Friday (6th November, 1478) next after the feast of All Saints, 18 Edw. IV. It was speedily adjourned to Thursday (19th November, 1478) next before the feast of St. Katherine the Virgin at Drogheda; from whence it was adjourned to Monday (31st May, 1479) next before the feast of the Holy Trinity at Dublin. Chapter 1: is significant. It states that whereas the sheriff of the county of Dublin has not returned his writs with the names of the knights elected to appear in the parliament he

¹⁵ Gilbert, p. 319.

¹⁶ That this enactment was not forgotten is shown by its repeal in Poynings' Parliament.

¹⁷ Gilbert, p. 369.

¹⁸ "Coram Henrico Grey domino Grey deputato dilecti & carissimi filii dicti domini Regis Georgii locum tenentis ipsius domini Regis terrae suae Hiberniae." Unpubl. Stats.

shall do so at the coming adjournment. The adjournment appears to have followed forthwith.

The parliament then met at Drogheda on the 19th November. It was at this assembly that acts were passed against the Great Earl and his rival parliament. Grey's parliament was not yet complete, for Chapter 5 states that the sheriffs of Louth "*de Vriell aultrement appelle Loueth*" has not returned writs and he is given a day's respite to do so. The really important enactment was now to follow.¹⁹

Chapter 6: "Item, at the request of the Commons; Whereas our sovereign lord the king, by his letters both of privy seal and of the signet addressed to Gerald, Earl of Kildare, now pretending himself to be Justice of the land of Ireland, charging and commanding the said earl to cease from exercising every manner of function of the said Justice and not to commence summon, hold, proceed with or prorogue any parliament in the same land, nor to impose or demand any subsidy, tax or tallage from his subjects of the same land, commanding also by his other letters of privy seal the mayor and sworn men of the city of Dublin to make open proclamation that none of his subjects should pay any subsidy or tax if any were granted or demanded to or for the said Earl in the said parliament; contrary to which high command the said earl summoned a pretended parliament to be held before him at Naas on the Friday next before the feast of St. Petronilla last past in which pretended parliament divers acts were made and a subsidy granted contrary to the said commands of the King and to the hurt and destruction of the King's faithful subjects of the same land, whereupon, the premisses considered, it is ordained enacted and established by authority of the said parliament that the said pretended parliament thus commenced and held before the said earl on the said day and place and all statutes, acts, ordinances, provisions, grants, and resumptions made or ordained in the same at any time be void and of no effect or force in law." The act then goes on to provide that all letters patent, exemplifications, etc., sealed under any of the King's seals, and all records and fines made

¹⁹ The whole enactment in Norman-French will be found in the Appendix 5.

thereon shall be of no force or effect in law, and that if any of the above or any record of the "pretended parliament" shall come before any of the King's Courts of Record that then the judges of that Court shall cancel and annul it; and if any judges shall not thus cancel any of the said acts, statutes, ordinances, provisions, actions, exemplifications, etc., within 15 days from proclamation made in the Court of which he is judge, that then the said judge shall forfeit his office and lose to the King £1,000. The act further ordains that any person, of whatever estate he may be, who has any roll, act, statute, record, bill, etc., of the "pretended parliament" shall deliver it to Thomas Dowdall, Clerk of the Rolls, within 13 days from proclamation made in this parliament on pain of being a felon attainted, and that the King's Justices of his Chief Place shall have full power to proceed in the King's Bench against any person retaining any of the above.

Nearly every one of the other acts of this parliament makes a direct or implied attack upon the Earl of Kildare. Chapter 8 deals with the power of holding Parliament in divers places. It will be remembered that the Great Earl summoned his "pretended parliament" to Naas in his own country. Grey's parliament enacts that in future no Lieutenant, Deputy Lieutenant, Deputy Deputy Lieutenant, Justice, or any other governor shall summon or adjourn parliament to any place except Dublin and Drogheda; and that if he do so, that then all the provisions of such a parliament shall be void and of no effect in law; provided that this act shall not in any way extend to Lord Grey nor to any other lord of England who shall have the governance of the said land. ("ne a nule aultre seigneur dengleterre qui aura la goueraunce dicest dit terre"). The reason alleged for this is the "great doubt and peril of the roads."

The following Chapter confirms Grey's appointment, allows him to constitute a Deputy in his absence, and declares that it shall be lawful for him to go to Lambay or any other island if he so desires.

The next subject to be dealt with was the mode of electing Justices of Ireland, a matter of considerable constitutional importance. Chapter 10 which was clearly directed against

Kildare declared that before this time there had been great doubt amongst the judges as to the manner of electing a Justiciary, some holding that the election should be solely by seven persons of the King's Council, whilst others held that the electorate should be larger. Grey's parliament naturally took the opinion of the latter, and enacted that in the future the Justiciary should be elected by the whole King's Council along with the Archbishops of Armagh and Dublin, the Bishops of Meath and Kildare, the Mayors of Dublin and Drogheda, and all the spiritual and temporal lords of parliament of the four counties, duly summoned to appear at Dublin or Drogheda 15 days before the election. It should be noted that Kildare was never on the best of terms with the bishops or the towns, whilst the then Bishop of Meath was his particular enemy. This enactment therefore was an attempt to do away with the wellnigh hereditary succession of the governorship enjoyed by the Earls of Kildare by virtue of the support and vote of their kinsmen and adherents in the chief offices.

Having dealt with the Great Earl, the obedient parliament went on to deal with his father-in-law. It is clear that trouble had been anticipated from Sir Roland, for Chapter 11 quotes a royal mandate sent to Lord Grey stating that if it should happen that Sir Roland FitzEustace should disobey the Deputy and absent himself, or retain the Great seal from the said Deputy, that then the latter on the advice of the King's Council should have another Great seal made and should damn, annul, and suspend the one in Sir Roland's possession. Accordingly, as Sir Roland had done all these things, (*"pour ceo que est evidentment apparaunt a chescune personne que le dit Seignour Roulande volontariment luy mesme absente del dit depute et reteigne le dit graunde seall del dit depute contrarie al volunte le Roy"*) Grey's parliament suspends the seal, and everything sealed with it, until it shall be delivered to the Deputy. This Chapter also constitutes Thomas Archbold Master of all the King's Mints in Ireland—as against Germyn Lynch, the Great Earl's adherent,—and orders him to make a new Great seal as like the old seal as possible with the difference of a rose in every part.

The parliament then turned its attention to Brother James

Ketyng, Prior of Kilmainham and Constable of Dublin Castle. Chapter 12 declares that if he do not immediately substantially and sufficiently repair the bridge of Dublin Castle his office shall be void, and it goes on to attack him in his other capacity by enacting that Lord Grey may appoint a Keeper of the Priory of Kilmainham until the Grand Master of Rhodes or the Prior of St. John's of London shall nominate someone in his place.

The next chapter dealt with Lord Grey himself on the authority of letters patent from the King. It restored in his favour the liberty of Meath with all its franchises and free customs, and confirmed Henry, Lord Grey, as seneschal of the said liberty with as ample powers and profits as any previous seneschal.

Then the parliament returned to Sir Roland, this time in another aspect, for in addition to the chancellorship, this secular pluralist held the office of treasurer. In order to prevent him from doing any mischief, parliament laid down the important constitutional principle that in future the treasurer for the time being should make no tallies of any sum, nor assignments to any person of any of the king's revenues, except by warrant signed by the Lieutenant or Deputy-Lieutenant for the time being: for since the King had granted all the revenues of his land of Ireland to Lord Grey, Sir Roland had promptly made divers assignments of them to various persons without the assent of the Deputy. Financial matters were further arranged by chapter 15, by which parliament granted to Lord Grey a subsidy of 10s. on each ploughed land in the four counties to be used for the defence of the land.

Chapter 16 is also financial. It is finance on the grand scale. On the plea that by the great extortions of "English rebels" and the continuous war with "Irish enemies"—the invariable plea—they have been reduced to such penury that they cannot part with their goods as bountifully as is requisite, Grey's parliament resumed at the King's command from the 24th day of the previous September, all manner of castles, lordships, manors, towns, villages, lands, tenements, rents, customs, revenues, annuities, and so on, to which the King was or had been entitled by reason of his inheritance, and also all offices,

with their wages and appurtenances, all licences of absence, fees, wages, wardships, manumissions and discharges, etc., however granted or confirmed by parliament, by letters patent, or in any other manner by the reigning King, by his immediate progenitor of blessed memory Richard, late Duke of York, "quele dieu reste" or by Henry VI "tarde en fait et nient en droite Roy dengleterre." Such a resumption was not uncommon at this period. It was a convenient method of putting all Grey's enemies at his mercy. There was a list of exceptions in the act itself, and in addition Lord Grey was empowered to make provision for any person he chose. ("prouider et prouisions faire pour ascune persoun ou persouns queux luy plerra")²⁰ during the continuance or adjournment of parliament. These provisions were to be as effectual in law as if they had been part of the said Act of Resumption. It is not stated whether persons thus favoured had to pay for their exemption.

The act also recites that in despite of the resumption of revenues, divers persons and officers (this looks like Sir Roland again) have hastily made assignments and tallies of revenue to divers other persons who have raised them to the great hurt and fraud of the said Deputy. (From which it would seem that the Civil Service was somewhat Geraldine). Parliament, accordingly, enacts that any who have received any portion of the revenue shall appear in person in Dublin Castle on Monday next after the coming feast of St. Andrew the Apostle, and shall then deliver to the Deputy or his assigns the money so received.

Government was impossible under such conditions. The antagonists had reached a stalemate. The King, in the role of *Deus ex machina*, accordingly intervened, and set aside many acts of both parliaments. This was done by a royal ordinance,²¹ which, under the circumstances, was strangely favourable to Kildare. The events leading up to this ordinance are not very clear. Both parties went to England. Grey appears to have departed as early as January, 1479, for on the 14th

²⁰ Memoranda Roll, Exchequer, 19 Ed. IV.

²¹ It is printed in full at the end of Gilbert's *Viceroy*s, (pp. 592-99),

January Sir Robert Preston, who had just been made Viscount Gormanstown, is found acting as deputy for him.²² Kildare must have gone soon after, for a patent of February 10th, 1479, gives a safe conduct to "the King's kinsman, Gerald FitzMorice, Earl of Kildare," to William, Archbishop of Dublin, to Brother James Ketyng, to William, Prior of All Saints by Dublin, to Alexander Plunkett, and to others in their company; who, it states, are coming to the King's presence from Ireland for certain causes concerning the peace of the land.

The result of their diplomacy is seen in the royal precept already referred to. Gilbert ascribes this un-dated document to the year 1480, but it must be of the preceding year, since the parliament which carried out its instructions met in December of 1479.²³ The articles state that they express the King's will, determination, commandment and pleasure, upon the parliaments lately held at Naas and Drogheda and upon the parliament that shall now next be held within his land of Ireland. They recite that in view of the "Gret variances" that have arisen over the said two parliaments, the King directs as follows:—

"Furst, we considere, that in the said two Parliamentes were communed and concludet pryncipaly two actes, the oon touching the grauntes of certayn subsidies for the wele and defence of our said land, the second concerned resumpcions as well of offices, as of our revenue.

"As touching the subsidies²⁴ graunted in our Parliament holdyn at Drogheda, for as moche as we understand that it was granted, and also in gret part, as we ben enformed, leveed for the wele and defence abovesaid, we woll that the same graunte, with all that thereto apperteyneth, be gode and

²² See Christ Church Deed No. 1014. "Sworn before Sir Robert Preston, lord of Gormaneston, then deputy of the deputy-lieutenant of Ireland," dated at Dublin 14th January, 1478-9. *App. 2, 24th Report of the Deputy Keeper of Public Records in Ireland*, p. 108. He is also found acting for him on the 6th February, ("Roberto Preston, militi de Gormanston, deputato Henrici Grey, Deputati delecti et carissimi filii Georgii, Locumtenentis Hiberniae apud Dublin, 6 Februarii anno 18.")

²³ Unpubl. Stats.

²⁴ Grey's subsidy of 10/- from each ploughland in the four counties.

effectuell, and also auctorized by the Parliament in our said land now next to be holdyn.

“ As touching thaetes of Resumpcions in eather of the said Parliaments passed, which of parcialte and malice been and have been more hurtyng to our subjects ther, than to us or the wele of our said land profitable, we will that the same acts be maid void, and of none effect in the lawe; except the resumpcion of offices, and of chauncellershyp and Tresorership made in the Parliament holdyn at Drogheda, the which we woll that hit stand in his force and effect; Consideryng that therevppon we have made the Bishop of Meth our Chanseler, and S^r Rouland Eustace Knyght our Tresorer there; and we woll that a generall act of Resumpcion fro’ the furst day of Kyng Henry VI^t be had and made in the next parliament touching our Revenue, and that such provisions be made vpon the same by our depute lieutenaunt there accordyng to our plesure; which our plesure we have shewed vnto our Right trusty and wellbeloued cosyn, Therle of Kyldare, whome we haue ordened to be depute lieutenaunt, and to the Reuerend fader in God the Bisshop of Mythe, whome we haue ordeyned, as is abouesaid, to be our Chanseler.

“ As touching the Resumpcion of offices, forasmoche as the offices of Chanseler and other, in the deputies commysion named to vs oonly reserued, we will that the offices of Chief Baron of the Eschequer, and the Maister of our Mynt there be resumed in this same parliament, and our lettres patents be made thervppon vnder our gret seall there to thos persons to whom we haue made our grauntes vpon the same.²⁵

“ And as to other offices to vs in the said Commyssion not reserued, we be contented that suche of theym be resumed, and they for the wele of vs and our said land by our said depute lieutennaunt, soo disposed as shalbe thought by hym moste expedient.”

Kildare had scored a great victory. Grey had been ousted. Kildare himself had been appointed Deputy. Even the little left to Grey was taken away. The seneschalcy of Meath which had been revived in his favour was resumed. Kildare’s

²⁵ See Patents of October 5th, 1479, signed by the King at Woburn. (*C.P.R.* p. 164).

victory had entailed little loss to himself or his party. Port-lester had been forced to give one of his offices, that of chancellor, to the anti-Geraldine Bishop of Meath. That was all: and even that was not as serious as it seemed, for the ordinances went to declare that if any act had been made "in derogaicione of our Corone in restreyning of Tonnage and pondage It be vtterly revoked and adnulled, and in this parliament the old graunt thereof be renovelled and establissed, as shalbe best for our right wele and honor." Thus the King had authorised the Great Earl to repeal the Bishop of Meath's enactment, and implicitly to revive the Fraternity of Arms, which in his following parliament he accordingly did. The bishop might be chancellor, but his policy was reversed. In the royal precept it is worth noting that the King ordered the repeal of "suche an Act as heretofore hath ben made in the land there restreyning that noo man within the land shuld be called out of the said land by any precept or commaundement made vnder the Kynges grete seall, prive seall, or signet in England." This command does not appear to have been complied with, at any rate if it were, no statute enacting it is extant. The King also commanded that in the resumption which he had ordered, provision should be made that the towns of Dublin and Drogheda should retain all such grants as he or his predecessors had made to them.

After laying down the foregoing general instructions the precept dealt in detail with the Chancellor of Ireland, the Clerk of the Rolls, and the Clerk of the Hanaper, commanding them as to how they "shall demene theym . . . in executyng of ther offices"; and then it gave a list specifying the amount to be paid for writs given out of Chancery. As regards the Chancellor it ordered him to abide in the place "wher the Kyng's courts be kept, unlesse ther be a grete and urgent cause by the Depute, wyth the advice of the more part of ye Kyng's Consele it be thought his absence to be followed"; a pious injunction which was not followed, and could not have been without great political inconvenience, for the Chancellor of those days was primarily an officer of state, and could not be treated as an ordinary judge.²⁶ The precept gave long

²⁶ Ball: *Judges in Ireland*; vol. i., p. 93.

instructions to Sir Roland FitzEustace, whom the King had made Treasurer. These are interesting in connection with the Great Earl, because the enemies of Sir Roland were his enemies also. Sir Roland is told that he "shall well and trewly behave hym in the occupieng of his said office," and he is enjoined to "remitte and forgete all malice, and evill will, that he haith borne and berith unto the Bishop of Mythe, Bermingham,²⁷ the Justice, and all others the Kyng's subjects, within y^e said land: For the Kyng's Highenesse haith comandet them in semblable wise to do toward hym. Also, the King wol that he delivere his grete sele beyng in his kepyng unto the said Bissshop of Mythe, whom he haith deputed and made his Chaunsellor of his said land of Irland." Sir Roland was also instructed to keep the appointment which the King had made between him and Sir Robert Eustace. The latter had been quarrelling with the Great Earl and Sir Roland, as is shown by several enactments directed against him in the Great Earl's Parliaments.

As to the Great Earl himself the precept reads as follows: "In the Articles folowing ben comprised the Kyng's plesure howe, and in what forme Gerard, th' Earle of Kildare, Depute unto his Lievtennant, shall be demeaned in the peerceifing of his office of the said Depute within his land of Irland.

" Furste, the said Erle shal wel and trewly serve the Kyng, as depute to his lievtennant of Irland, in all and everith thing comprised in his comisscione.

" Item, he shall to th' uttermoost of his power defend the Kyng's lands, and his subjects within the said land against the Kyng's rebels and Irish Ennemyes.

" Item, he shall not assent to the hurt, damage, or alienacione of the Kyng's lands, revenues, or rights within that land, but to the best of his power avance and encreas them, and lete those that wold attempt to do the contrary.

" Item, he shall not pardon th' entre of any of the Kyng's tennants upon the Kyng's possessions, nor yet graunt to eny suche licence without a resonable fyne furste to be therupon

²⁷ The Chief Justice of the King's Bench, whom Lord Grey's Parliament had authorised to take proceedings against any person retaining records of the Great Earl's "pretended parliament."

made and certyfyed unto the Kyng's Eschequer there, soe that his Higheness may be always lerned thereof.

" Item, he shall graunt no pardon to eny man upon his provision purchased, or to be purchased, from the Court of Rom, ne therof he shall adresse no warrant unto the Chauncelor, without ye Kyng's knowleche and assent.

" Item, he shall favor, aide, and assiste all ye Kynges officers within the same land in the doing of their offices, and resist all theym that wold maliciously attempt agens theym for the doying of ye same.

" Item, he shall effectuously endeavour hymself, that Sir Rouland Eustace delivre unto the Bisshop of Methe, whom the Kyng haith deputed to be his Chanseler of the same land, the Kyng's gret sele.

" Item, in noo parliament to be holdyn hereafter ther shall no subsidie be axed ne graunted in the same upon the Commouns, ne levied, but one in a yere, whiche shall not excede the extent of twelve hundrith mark, as haith ben accustomed."

The commission referred to by these articles, does not appear to be extant. The only commission known is that given to Kildare on the 12th August in the following year (1480). For some reason not stated, the date of this commission,²⁸ which it itself gives, has been questioned; but that it is correct is proved by external evidence. On May 5th, 1479, the King had appointed his son, Richard of Shrewsbury, Duke of York, as Lieutenant of Ireland for two years.²⁹ To this temporary Lieutenant the King must have, by the unknown commission referred to in the royal precept, appointed the Great Earl as a temporary Deputy. But by a patent of August 9th, 1480,³⁰ he extended Duke Richard's appointment for a further 12 years; on the 12th August, 1480, he gave the Earl the following indenture:

" This endenture made betwix the King our souerain lord, Edward the iiijth, on the oon partye and his Right trusty and wellbeloved cousin Garrot Erl of Kyldare, on the other partye,

²⁸ Printed by Gilbert, pp. 600-601.

²⁹ *C.P.R.* p. 163.

³⁰ *C.P.R.* p. 210.

witnessith that where our said souerain lord by his letters patents ondre his great sele of England, bering date the ixth day of August the xxth yere of his reigne, hath ordeyned the right high and mighty prince, his right trusty and right entierly beloved sonne, Richard Duc of Yorke, his lieutenaunt of his land of Irland. The whiche Duc for certain reasonable causes may not personelly goo towards the said land nor there abide, for the saufgarde thereof, but, by the advys and commandement of oure said souerain lord, hath made and ordeyned the said Erl of Kildare to be his depute from the vth day of May next cummyng, for and during the terme and space of four yeres than next ensuying, as by letters patents of the same Duc ondre the Kings prive sele more plainly it doth appere, thereupon the same oure souverain lord, willing the profite peace and tranquillitie of his said land and subgetts, by the advys of his counsell hath reteyned towards him the said Erl of Kyldare, deputie of his said sonne, in the said land of Irland, for and during the tyme and space abovesaid, the whiche Erl hath taken upon him surely and sauflly to alle his power to kepe the said land to thuse and proffitte of oure said souverain lord during the tyme aforesaid. And the said Erl shal have contynually during the said tyme with him for the saufgard and keping of the same land lxxx. yomen, hable archers and xl. other horsemen called speres. And the said Erl shal have and perceyue for the fynding of the said archers and speres and for the exercise of his said office of Deputy yerely, during the said yeres, six hundred li. to be payed and contented of our said souerain lord of the revenues of his said land of Irland over the ordinary charge thereof by the hands of the Tresorer of the same for the tyme being, at the termes of the festes of nativite of Saint John Baptist and nativite of oure Lord, by even porcions, yf so be the same revenues wol amounte thereunto.

“ And in caas the said revenues will not estend thereto, that duely certified onto the King our said souerain lord, the said Erl shall have his payment owt of England by thandes of the Tresorer and Chamberlains of the Kings Exchequier for the tyme being of that that shal lak of the said soume of six hundre li. And the said Erl byndith himself to make moustres

of humselfe and his retynue, from tyme to tyme, during the said terme afore suche persones as thereto shall be deputed on our said souverain lorde behalve, whenne and as oft as thereto he shallbe duly warned and required.

“ In witnesse wherof, etc. To the lord privy seale.

“ Dat. xii. die Augusti A°. rr.E.III^{di} XX^{mo}.”—Brit. Mus. MSS. Titus B. xi.”

The perfect concordance of the dates and sense of this indenture with the patents to Duke Richard quoted above make it indisputable that it is, as it states, of the 12th August, 1480. (12th Aug. 20. Edw. IV.) This indenture contains a clue as to the previous unknown commission referred to by the royal precept. It states that the Great Earl shall be Deputy to Duke Richard for four years from the 5th May, 1481: on this date in all probability his previous unknown commission expired, so it would accordingly have been a commission for two years from May 5th, 1479, when Duke Richard was appointed.

After obtaining his two years' commission the Great Earl returned to Ireland, and there, as instructed by the royal precept, he summoned a parliament to carry out the arrangements which the King had made. The parliament met at Dublin on Friday (10th December, 1479) after the feast of the Conception of the Blessed Virgin Mary, “in presence of the noble and most mighty lord, lord Gerald, Earl of Kildare, Deputy of the beloved and most dear son of our said lord the King, Richard of Shrewsbury, Duke of York, Lieutenant of our lord the King's own land of Ireland.”³¹

It was adjourned to Naas on the 8th May, 1480, and there prorogued to May 15th, and prorogued again to Dublin on the 10th July. At this parliament the Grey controversy was finally settled, and settled very much to the benefit of the Great Earl. The turning of the tables is all the more remarkable because it is done by royal authority. Chapter 22 recites that (“come devant cest temps vne pretense liberte fuit use

³¹ “Coram nobili et prae potenti domino domino Geraldo Comite Kildar’ deputato dilecti et carissimi filii dicti Regis Ricardi Salopiensis Ducis Ebor’ locumtenentis ipsius domini Regis terrae suae Hiberniae.”

et ewe en Mithe quele pretense liberte la bone grace le Roy voet qil soit devoide,") the pretended liberty of Meath shall be annulled in accordance with the royal command and a sheriff appointed instead of the seneschal.

By a patent of October 5th, 1479³² the King had appointed his "kinsman Gerot earl of Kyldare deputy lieutenant of Ireland," along with the Bishop of Meath, Sir Roland Fitz-Eustace, Philip Bermingham, Master William Lacy, and William Robyns, commissioners with full power to summon before them any persons who had received any part of the subsidies granted in the last parliament in Ireland, any part of the profits of the King's Mint there, or any of his other Irish revenues since the first day of Henry, Lord Grey's Deputyship: and by Chapter 55 of the Great Earl's parliament the amusing conclusion was reached that whereas a subsidy had been granted to Henry Grey, then Deputy Lieutenant of Ireland, much of which remained unpaid, Gerald, Earl of Kildare, Deputy Lieutenant of Ireland, should appoint auditors to audit the collectors' accounts and should make them answer for the remainder due which was to be paid to him for the defence of the land.

The most important of the royal commands had been that ordering an Act of Resumption. This was passed by Chapter 5 of the Great Earl's parliament. It recites that in consideration of the great war of the King's "Irish enemies" in the land of Ireland, and of the great charges which His Highness sustains annually out of England at his own cost for the safeguard of the same, he desires that his revenues of that land shall be resumed into his hands for the defence of the same; therefore, in accordance with the royal commands, parliament resumes into his hands from the 27th September last past all manner of castles, lordships, manors, towns, villages, franchises, and so on, with their appurtenances, revenues, annuities, rent charges, services, reversions, fees, fee farms, wards, marriages of those being under age, forfeitures, offices and so on, made to any one in the said land of Ireland in any manner, whether by letters patent, parliament, or great

³² *C.P.R.* p. 164.

council, since the time that Henry VI became King. After this comprehensive resumption the parliament passed an almost equally comprehensive list of exceptions. This began naturally enough by declaring that the said act of resumption should not extend nor be in any way prejudicial to the very puissant and gracious lord Gerald, Earl of Kildare, Deputy Lieutenant of Ireland, concerning his said office, or any gifts or grants or any other things made or had to him before this time or to his father of blessed memory whom God rest. ("que le dit acte de Resumpcioun ne extende my ne soit preiudiciale en ascune manere al trespuissaunt et gracieux seigneur Gerot Count de Kildare depute lieutenaunt dirlande del dit office ne de ascunes dones ou grauntez ou de ascunes aultres choses faitz ou ewez a luy devant cest temps ou a son pier del benoit memorie quele Dieu reste.")

That these Acts of Resumption, which were really no more than reiterated acts of public dishonesty, caused considerable hardship and inconvenience is shown by chapter 39 of the Great Earl's parliament which on the prayer of James Welles, Master of the Fraternity of the Guild of St. Mary the Virgin, of the Bridge-End of Dublin, which had been founded "par lassente et entier devocioun" of Richard, Duke of York, the king's father, recites that these grants and foundations and their letters patent have been so often resumed and avoided and the fraternity has become so impoverished by the cost of renewals that "the praise of God and his glorious Mother" is daily decreased and will cease altogether unless parliament establishes a remedy. Parliament does provide the remedy and re-establishes the fraternity under the name of the "Fraternity or Guild of the Blessed Virgin Mary of merchants of England," with a master, wardens, beadles, business meetings, a court to execute justice over the merchants, and a chantry of one or more chaplains "to celebrate Divine Service every day for ever in the said chapel of the Blessed Virgin Mary for the health of soul and body of the said Edward IV., King of England and France and Lord of Ireland, our most dread lord, and for the health of soul and body of the said Gerald, Earl of Kildare, Deputy Lieutenant of the said lord, the king, of his said land of Ireland," and similarly for

the other founders, the brethren and sisters and all the faithful departed for ever.

Chapter 23 gave the Great Earl the same powers of exempting persons from the Acts of Resumption as Lord Grey's parliament had given him in similar circumstances; it enacted that it should be lawful for the Earl of Kildare to provide and make provisions for any persons he chose by reason of the Resumption passed in that parliament during the time of its continuance, prorogation, adjournment, or dissolution, ("pendant le temps del continuance prorogacion adiournement ou finissment del dit parlement") and that the said provisions and each of them should be as good and effectual in law as if the said Deputy had made them a part of the Act of Resumption. By means of these acts the Earl was enabled to exact fines, to favour his friends, and to harass his enemies. The Butlers became uneasy, as is shown by the following petition³³ from Thomas, Earl of Ormond, which has not previously been published:—

"To the kyng our Liege Lorde.

Please it your highnesse to graunt unto your humble and faithfull liegeman Thomas, Erle of Ormond, that by warrant of this byll signed with your gracious hand my lorde priue seale may do to be wretyn and added, in thendentes betwixt your said highnesse and therle of Kyldare depute lieutenant of your lande of Irlande of late made of his retendre for the governaunce and defense of the said lande, the clause herundre wryten in such form to be made accordyng to the effect and tenour of the same.

Furthermore this same endentur witnessith that the saide

³³ It is the Public Record Office, London, *Chancery Miscellanea*, bundle 10, file 27, no. 7. It is not dated, but from internal evidence it is clear that it must have been made shortly after the 12th August, 1480, the date of the indenture "of late made," between Edward IV and the Earl of Kildare, and to have been a move of the Earl of Ormonde to safeguard himself from the Act of Resumption passed by chapter 5 of the Great Earl's assembly, and from which he had not apparently been exempted under chapter 23. As the Earl's parliament had re-assembled at Dublin on the 10th July and passed several acts there, the reference in the petition is explained which asks that provision should be made in that parliament if it "be not yet dissolved."

Erle of Kyldare upon certain Actes of Resumpeioun Repelling and Adnullacion made in a parliament byfore hym late holden att the cite of Dyvelyn within the saide lande, that be holden and bounden by thies presentes, yf the saide parliament be not yet dissolued, to yeve unto Thomas Ormond, Erle of Ormond, brother and heir to Sir John Ormond, knyght, such a lawful promise as by his learnyd consail can be devised for his seurte and indempnite ayenst the saide actes, concernyng the restitucion hertofore by auctorite of parliament made unto the forsaide Sir John Ormond and to his heires of al maner lordeshippes and manoirs landes tenementes rentes reversiones servises and advousonis with their appartenaunces, wthin the saide lande whereof James, late Earl of Wilts and Ormond, was seised, as in the same Act of restitution, and our saide souveraine lordes lettres patentes of confirmacion therupon made unto the saide Thomas now Erl of Ormond more plainly is conteyned. And if the saide parliament be dissolved, before the graunt, due allowance and execution of the said prom[i]se, the saide Erle shal not put in execution the saide actes, ayenst the forsaide Thomas Ormond, but shall see and provide that he and his assignes have and peasibilly enioye the forsaide lordshippes landes and tenementes and other premisses, wt the rents issues and profites therof hederto growen and to growe, til the next parliament to be somened and holden within the saide land. And that in the same parliament he shal doo auctorise ratifie and conferme the forsaide restitution and confirmacyon soo to the forsaide Sir James Ormond and Thomas made as is above expressid, and so repelle casse and adnull all other grauntes and actes hertofore mad(e) to tham preiudiciall in that partie. And if the saide Erle performe not the premisses or doo or suffre to be doon or attempted any thing to the contrarye, he willeth and graunteth that thees presente endentures of his reteindre shal stand voide and of noo force nor effect."

The same Chapter (23) which enabled the Great Earl to grant exemptions from the Act of Resumption also did away with the restriction which Grey had attempted to impose on his power and the power of other Irish-born viceroys of holding parliaments wherever they chose, a restriction which had not

been mentioned in the royal precept amongst the acts which the king had directed to be annulled. The Great Earl's parliament enacted for him that despite any previous statute he might adjourn it to any place he liked and as often as he liked, whenever he considered this to be for the common profit of the land "provided that no adjournment of this said parliament be prejudicial to the ancient privilege of the lords spiritual and temporal aforetime exercised in such case" ("forsprise que nule adiornement dicest dit parliament soit preiudicale al auncient privilege de les seigneuries espiritualx et temporelx devant temps en tiele cas vse.")

Perhaps the most important enactments of this parliament were those (chaps. 24 & 27) which re-established poundage and the Fraternity of Arms: for the first of these the Great Earl had obtained an express, and for the second an implied, royal authorisation. The preamble to the re-establishing acts and the constitution detailed therein are copied from those of the Act 14, Ed. IV. chap. 3, (see above, pp. 15-16) by which the fraternity was established under the Great Earl's father. The statute recites that the land of Ireland is greatly wasted and destroyed both by the King's "Irish enemies" and by "English rebels" because there has hitherto been no continual defence ordained and provided for the defence of the same, and accordingly it sets up a Fraternity of Arms of 13 of the most honourable and loyally disposed persons in the four counties. Although this and the earlier enactments are very similar the differences are most significant, for they are strong evidence that this fraternity was essentially a Geraldine standing army. Just as in the earlier enactments his father had been the leader, so now the Great Earl is leader, but his leadership of the brethren is more stressed than his father's had been. The act goes out of its way to say that his is the first and chief name among the brothers, and that upon him the charge of this land rests ("les queux freres sount nosmez en mesme le acte dezqueux le trespuissaunt et gracieux seigneur Gerot Count de Kildare Depute Lieutenaunt dirlande est la prime nosme et principale de lez ditz freres, sur quele le charge dicest terre reste"). By the authority of parliament he is empowered under the name of "Gerald, Earl of Kildare,

Captain of the Fraternity of Arms, of the land of Ireland," to grant and let to farm the said custom called poundage to whomsoever he chooses to have it from the feast of the Epiphany of Our Lord next coming, fully and entirely, for the greatest profit that he can obtain, for the augmentation of the revenues, and this under his seal of arms, or signet. The lease so made is itself to be a sufficient warrant to the grantee for levying and receiving the said poundage during the said year, and the receipts of the said Earl so sealed are to be a good and sufficient discharge in law.

The brothers named in the act are as follows:—
for the county of Kildare,

- x Gerald, Earl of Kildare,
Sir Roland FitzEustace, Lord of Portlester,
- x Sir Nicholas Wogan, Knight.

for the county of Dublin,

- x Brother James Ketyng, Knight, Prior of the
Hospital of St. John of Jerusalem in Ireland.
Robert St. Lawrence, Lord of Howth,
The Mayor of Dublin for the time being.

for the county of Meath,

- x James Fleming, Baron of Slane,
Sir Robert Preston, Knight, Lord of Gormanston.
- x Sir John Plunkett, Knight.
Alexander Plunkett, esquire.

for the county of Louth,

- Richard Bellew, esquire.
The Mayor of Drogheda for the time being,
Nicholas Taaffe, esquire.

The names of those who had not been members of the Fraternity in 1474 are marked with an x. Nothing shews better the essentially Geraldine nature of this organisation than the names omitted and the names substituted. It will be seen that for the county of Kildare Sir Robert Eustace has been omitted, and his place filled by Sir Nicholas Wogan. Sir Robert Eustace was the man whose quarrels³⁴ with the Great

³⁴ That they were then on bad terms may be seen by Chap. 14, 18 Edw. IV., Roll no. 1, P.R.O. Dublin.

Earl and Lord Portlester had been such that a peaceable agreement with him had been especially enjoined upon Sir Roland by the King in his royal precept. In the county of Dublin the most significant change of all is made, Sir Robert Dowdall being replaced by Brother James Ketyng, the most notorious of all the Earl's supporters. Sir Robert was the very man whom Brother James had attacked with a drawn sword in 1462. As regards Brother James, the Great Earl had succeeded in getting him fully restored. On the 14th May, 1479, the Great Earl with some others had gone bail that he would do no damage in future to any of the king's lieges,³⁵ and by letters patent of the 22nd December, 1479, signed by the Great Earl, he had been granted once more the office of constable of Dublin castle. He is now appointed, in the quaint customary phraseology of the act, "for the common profit of this land" ("pour la comune prouffite dicest terre") among the 13 most honourable and loyally disposed persons of the four counties ("13 persouns del plus honourables et foilalment disposez") in succession to the Chief Justice whom he had attacked, and who, incidentally, was the father of the Thomas Dowdall to whom by chapter 6 of Grey's parliament all the records of the Great Earl's "pretended parliament" had to be delivered within 13 days. In the county of Meath another noteworthy change is made, for the Baron of Slane, with whom the Great Earl had made a marriage alliance, is given the place of Barnaby Barnwall. It was by such alliances, and by the placing of his supporters in such official positions, that the power of the Great Earl was secured.

It is evident that poundage had been unpopular with the merchants, and that by various fraudulent methods they had attempted to avoid the payment of it, for the provisions of the Great Earl's re-establishing act are more stringent than those of his father's act. The Mayors of Dublin and Drogheda are no longer to be receivers of the poundage; the Captain

³⁵ Geraldus comes Kildar,' Willelmus Wellysley dominus de Dengyn, Willelmus Houth armiger et Christoferus Hall gentilmon manuceperunt pro Jacobo Ketyng priore hospitii Sancti Johannis Jerusalem in Hibernia quod nullum dampnum faceret in futuro alicui ligo Regis. 14 Maii. (*Rot. Pat. et Claus. Canc. Hib. Cal. Hen. II.—Hen. VII. p. 270*).

(i.e., the Great Earl) and Brothers are to appoint receivers who shall hold during good behaviour ("si longement come ils eaux bien porterount ou aultrement lez dits capiteigne et freres de faire aultres en lour lieux") and who shall account to the said Captain and Brothers. It is enacted that any of the exempted freemen who assists anyone to escape from paying poundage ("que voet colourer lez biens dascune homme que doit paier le dit poundage . . . ou faire ascune aultre colusion a defrauder ou diminuser le dit poundage"), shall as before—lose his franchise and have no pardon without the consent of the fraternity, whilst in addition it is now definitely stated that he shall not enjoy the franchise again without consent. There is also now specific legislation against those merchants who conceal foreigners' merchandise under their mark or by any other means: such merchandise is to be forfeited to the king (that is to say, to his Deputy in Ireland, i.e., the Great Earl) whenever it is discovered. The provisions as to those who are exempt are also made more stringent. They are, as before, the resident freemen of Dublin and Drogheda, but Waterford, which had been exempted by chapter 56 of the Bishop of Meath's parliament, 15-16, Edw. IV.—before by a subsequent act it repealed poundage altogether—is not now declared exempt.

The Great Earl's power in enforcing his wishes with regard to the Fraternity of Arms is well shown from the fact that the Bishop of Meath was Chancellor at the time that the Earl and his parliament annulled the acts which the bishop's parliament had enacted.

Although the provisions against the fraudulent avoidance of the tax are made more stringent, the common sense of the Earl can be seen in that he removed, or sought to remove, some of its most unpopular features, for the new enactment provides that the receivers shall not delay the merchants more than two days from selling and using the remainder of their merchandise, a provision which implies that hitherto the goods had been held up for unreasonable periods before poundage had been collected from them. In addition to hides, wines of foreigners are also now exempt: and instead of the old list of excepted names the simple principle is laid down that the

act is not to prejudice any spiritual or temporal lord of the land, any student of the same studying at Oxford or Cambridge, or any gentleman studying the law in London.

Among the lesser enactments of this parliament³⁶ the Great Earl was granted his prayer that his lordship of Moylagh, which was stated to be so greatly oppressed and wasted by "English rebels" and "Irish enemies" that practically all the husbandmen had left it, should for the next ten years be assessed for only two plough lands instead of for three as hitherto.

The Great Earl's association with these "Irish enemies" is, however, more truly expressed by Chapter 41, by which Conn More O'Neill, who had recently married—with the now usual defiance of the statutes of Kilkenny—the Great Earl's sister, Eleanor, was made of free estate and condition in law. As this alliance between the greatest of the Old English and the greatest of the Old Irish is of considerable importance, it is worth while quoting the chapter in full:

"Item at the request of the Commons, that in consideration of the faithful service done by Henry O'Neill, Captain of his nation, to our sovereign lord the king and his liege people, and also the service done by his son Conn O'Neill of late married to Elianor daughter to the very good lord Thomas late Earl of Kildare, whom God rest, it is ordained and enacted by authority of the said parliament that the said Conn be of free estate and free condition in the law as the king's liege man, and that the said Conn and Elianor be adjudged English and of English condition in all manner as the king's subjects, and also by the said authority that the said Elianor have receive and enjoy all manner of possessions rents and services in English land which she has or in any manner can have, without any hindrance or impediment from the king his heirs officers or ministers in time to come, and that the said Conn can plead and be pleaded against and answer and be answered as the king's liege man in all the king's courts in the same form and manner as if he had been born a subject of the king in all respects."

³⁶ Chap. 29, 19-20 Edw. IV., P.R.O. Dublin.

In the phraseology of the time Conn was the King's *Irish enemy*. This meant that he was descended from persons inhabiting Ireland before the time of Henry II, and that he was outside the jurisdiction of the law courts of Edward IV. As it would be inconvenient for Conn and Eleanor and their children not to be able to acquire and protect any lands within the Pale according to the ordinary course of the Common Law parliament gave them as good legal rights as any of the "obedient English."

Conn More O'Neill and the Lady Eleanor had a son Conn Bacagh, who became the first Earl of Tyrone, and who made another union with the Fitzgeralds, for he married his first cousin, Alice, daughter of the Great Earl. There has been much confusion over these two marriages.³⁷ From the statute above, there can be no doubt that the Lady Eleanor was the Great Earl's sister, and that the man whom she married was Conn More O'Neill. The Four Masters are equally clear. Under the year 1497, they record the death of Eleanor in these terms: "Elenora, the daughter of Thomas (namely of the Earl of Kildare) son of John the Stooped and wife of O'Neill, (Conn, son of Henry, son of Owen) died," whilst, again, under the year 1498, they record how Henry Oge O'Neill was slain by the two sons of Conn, son of Henry, son of Owen, namely, Turlogh and Conn Bacagh, the sons of the Earl of Kildare's daughter, in revenge for their father, Conn, who had been murdered by his wicked brother Henry in 1493 ("le da mhac Cuinn mic Enri mic Eoghain, Toirrdhealbhach, acus Conn bacach, clann inghine iarla Cille Dara.") The first of these states as expressly as the statute that the lady Eleanor was married to Conn More O'Neill: the second clearly shows that Conn Bacagh O'Neill was their son.

The future heroes of Irish Ireland were descended from the Great Earl. In a letter of the 18th February 1565-6, from Shane O'Neill to the Lord Deputy, Sir Henry Sydney, he writes, "I care not to be made an Earl, unless I may be better and higher than an Earl, for I am in the blood and power better

³⁷ For various reasons: see Gilbert, p. 410, and *Earls of Kildare*, p. 42, who are incorrect.

than the best of them; and I will give place to none but my cousin of Kildare, for that he is of my House." ³⁸

The marriage alliance between the Great Earl and the O'Neills was speedily followed up by a military alliance. In the same year as the statute was passed the Great Earl led an army into the north to assist his brother-in-law against a hostile branch of the O'Neills. The Earl and his brother-in-law did not succeed in taking the castle of Sean Buidhe O'Neill, which they were attacking, but the latter made peace with Conn. The episode is thus related in the *Annals of the Four Masters*, "An English army ³⁹ came into Tyrone, with Conn O'Neill to Shane Boy O'Neill's Castle, viz., the Earl of Kildare, the Saxon King's representative in Eirinn, and the English of Meath. Shane Boy himself was in the castle, and he kept and stood the place in spite of that army. And the army then went back, and Shane Boy made peace with O'Neill." There is no record of any particular depredations having been committed by Sean Buidhe on the king's subjects, so the Great Earl was probably using his position as Deputy, primarily at any rate, to help his brother-in-law. The incident must have taken place during the adjournment of the parliament or after its dissolution, which was probably about August, 1480.

A graphic description of contemporary life in its lesser aspects is given by chaps. 16-18 of the Great Earl's parliament. The first of these orders the various sons of Esmonde fitz Richere (Edmund fitz Richard Butler) and other idlemen of the families of O'Doghirdy and O'Hynn timer to appear in Dublin Castle to answer for various and several injuries, extortions, oppressions, coigns, liveries, and felonies, which from day to day they have committed on the loyal liege people of Meath, "most piteously and very abominably, without mercy or pity had for them." The second chapter is on the prayer of a man called Morice Martyn of Leixlip, which recites that as he was coming on the high road from Skreen on the 23rd day of July, various men called O'Hynn timer, servants of

³⁸ *Earls of Kildare* (*op. cit.*, Addenda, p. 49). This work is henceforth quoted as *Earls of K.*

³⁹ O'Curry.

Esmonde Perisson (Edmund fitz Piers Butler), lord of Dunboyne, and Perce Botiller, his son, took the said Morice prisoner to the house of one of the O'Hynhouse in Offaly, and there kept him prisoner until he agreed to pay a ransom of 30 marks 8 shillings with various other tributes, to his final ruin: whereupon Parliament orders that his assailants shall deliver their bodies to the custody of the Constable of Dublin Castle (Brother James) without bail to answer for the above: and they shall not be delivered out of the said castle "except by the assent of the most puissant lord Gerot, Earl of Kildare, Deputy Lieutenant of Ireland, and such of the King's Council as he may select." One of the minor duties of the Great Earl in his position as Deputy is now detailed. He is authorised to levy from the lands, goods, and chattels of these culprits as much as will cover the ransom of Morice, and to pay this to him as compensation. The Great Earl probably took a personal interest in the matter, for quite apart from there being a "Botiller" in the case, he had himself been injured by some of the same band. The next chapter is on his own prayer. It recites that whereas he was seized in his demesne as of fee of the Lordship of Moynalvey, and enjoyed the profits thereof, one Esmonde fitz Richer, gentleman, (the father of those concerned in chapter 16) came lately and entered by force of arms into the said lordship and took the issues and profits of it contrary to the King's law; and because the said Esmonde is of "March and Irish disposition and is not amenable to the Common Law" parliament ordains that he shall appear in person before the Chief Justice of the Common Bench bringing with him any evidence by which he claims any title to the said lordship. Moreover if he does not appear in person at the appointed time, or if he does not remain continually throughout the proceedings, that then he shall forfeit every right which he claims to the said lordship. Further in the event of the Judge deciding in favour of the Earl, Esmonde, or any person acting on his behalf, who shall enter any part of the lands or molest any of the inhabitants thereof, shall be attainted of felony.

A far more important enactment, and one far more profitable to the Great Earl than these petty provisions, was Chapter

53, which was directed against absentees. It enacted "that the statute against absentees made in the days of King Richard II. in England and sent into this land of Ireland be authorised, approved, and confirmed by authority of this parliament, and and that by the said authority the most noble lord, Gerot, Earl of Kildare, Deputy Lieutenant of Ireland, shall have full power during the time that the said Earl shall be Governor of this said land, to make receivers of the two parts of all manner of rents, issues, profits, customs, and all other commodities, which may accrue and increase, to any person or persons being absent out of the said land, or who should be in time to come without the king's license according to the authority of the law, during the time of his or their absence. And that by the same authority the said receivers so made and every of them shall have full power to receive and take the two parts of all the said rents, etc., in every place where they shall newly increase and accrue, and they shall pay and deliver them to the said Earl during the time that he shall be governor of the said land to the use and profit of our sovereign lord the king, and to be employed and expended for the defence and safeguard of the said land without any impediment and without any hindrance to the said receivers from the king, his heirs, officers, or ministers, in time to come, provided that this shall not be prejudicial to William, Bishop of Meath, nor to Sir Roland Eustace, Lord of Portlester, Treasurer of Ireland, nor to the students who are at London, nor to the others who by the license of the said Deputy shall be in a similar manner at London to hear the law, and that this act shall commence at the feast of St. Michael, the Archangel, against Philip Bermingham only." ("enuers Philipp Bermingham taunt soulment").

The resident lords had always encroached on the lands of the absentees, and with some reason, as they had to defend them against the King's "Irish enemies." The effect of this act, if it were duly executed, must have been to give an immense increase to the lands and power of Kildare. It was stated that the two parts of the lands of the absentees over which he was to appoint receivers were merely to be enjoyed by him as royal representative, and for the term during which

he held that office. But there was no check to prevent him from using the profits of these lands for his own purposes, and we have just seen that in the case of the army sent north with Conn O'Neill it is likely that he used his public powers for private objects. As a corollary it should be remembered that it is equally likely that he used his private means for public ends: in fact, that is why he was Lord Deputy; the state rested upon his private power.

This act was complimented by another with more extreme provisions. It is stated in Archbishop Alan's *Register* that this was passed at a parliament held before the Great Earl at Limerick the 22nd year of Edw. IV.⁴⁰ The rolls of this parliament have not survived, but Chapter 14 of 1 Ric. III.⁴¹ refers to a parliament which the Great Earl held at Limerick at the very end of Edw. IV.'s reign, and states that the king died while this parliament stood adjourned. *The Earls of Kildare, 2nd Addenda*, p. 15 onwards, quotes the account of this act given in the *Alani Registrum*, which states "that because the said Erle submitted, he did releve and peaceably bring to the King's obedience the countyes of Catherlaghe and Kyldare, and the lands of the same, from the hands, power, and oppression, as well of the Kynges Irish enemies as of his English rebells within his said land, which afterweards remained wast through negligence of the inheritors of many and divers parcells of the same"; that parliament directed that the absentee owners should return within 12 months "or elles from the town of Calveston unto the castle of Catherlaghe, and on to the bridge of Leghlin, then waste and not inhabited in forme aforesaid, it sholde be laffall for the said Erle at all times after to enter in all and singular the premises"; whilst the absentees were to be perpetually disinherited if they did not come within six years and pay the Great Earl the amount which he might have expended on their lands. The chief of the proprietors whom the Great Earl's parliament thus legislated against was the man for whom—in theory—he was Deputy, the young Prince Richard, Duke of York, and Lieutenant of Ireland, who was soon afterwards murdered in

⁴⁰ *Earls of K. 2nd Add.* pp. 15-16, and Gilbert, p. 410.

⁴¹ P.R.O. Dublin,

the Tower. This act gave the Great Earl the possession of county Carlow from the town of Calveston to Carlow castle, and the great stretch of territory thus given to him if the absentees did not appear, was given to him not as Deputy but "to have and to hold to him and his heirs for ever." The act was repealed at some period not stated, but in the report sent to the king on the state of Ireland in 1534 it is stated that "the Erle of Kyldare, his brother and kinsmen haiv the countes of Kildare and Carlaghe tyll it com unto the Bryge of Leighlyn." As—in consequence of the repealing act—these lands belonged to them *de facto* and not *de jure*, they escaped the confiscation of the Kildare lands after Silken Thomas's rebellion, and a royal army had to be sent to recover them.⁴² It is this act of the Limerick parliament which explains the incident during Poynings' expedition when the Great Earl's brother, James, held Carlow Castle against that English Deputy.

The Great Earl's parliament did not confine itself to passing petitions in his own favour, it passed several in favour of his friends. There is one⁴³ of these which is worth noting, for it is characteristic of the period. It strikes at "Bermingham, the Justice," amity with whom had been enjoined upon Sir Roland by the royal precept of 1480, and strikes at him in a particularly welcome aspect, namely as attorney of the Earl of Ormond. At the prayer of Sir Roland Eustace, knight, lord of Portlester, it is enacted that whereas Walter, abbot of the house of the Blessed Virgin Mary near Dublin, and Philip Bermyngham, "attournees al Count de Ormonde en Irlande," had promised to the said Roland 10 marks annually for life from the land of the said Earl in Ireland, on condition that the said Roland should use his influence with the reverend father in God, William, bishop of Meath, (at that time Deputy of Ireland) to have livery of the lands of the Earl of Ormond in Ireland out of the king's hands,⁴⁴ and whereas he has used his

⁴² *Earls of K. 2nd Add.* pp. 16-17.

⁴³ Chap. 10 of parliament held at Dublin, 1481, Monday next

⁴⁴ "Issint que le Roulande voudroit labourer al reverende pier en Dieu William euesq' de Mithe, depute Lieutenaunt dirlande de aver livere dez terris del dit Count de Ormond en Irlande hors des mains le Roy."

influence and has obtained livery, and that notwithstanding, the said abbot and Philip refuse to pay him the said money "contrary to all law and conscience"—the premises considered, Parliament enacts that if the said abbot or Philip do not pay the said Roland the said 10 marks annually according to their promise, that then it shall be lawful for the said Roland and his assigns to distraint for them annually on all the lands which the said Earl of Ormonde has in the counties of Dublin and Kildare.



CHAPTER IV.

In June, 1483, Richard III. acquired the throne. His reign is of considerable importance in the life of the Great Earl, and had it lasted longer it might have been of great importance in the history of Ireland. Richard III., however, has been regarded solely as the murderer of his nephews, and his reign has received too little attention. It was politically wise for his contemporaries to refrain from praising him during the reign of Henry VIII., and posterity has turned aside from him with moral disfavour. Holinshed dismisses him in the following lines:—"When this monster of nature and cruell tyrant, Richard the Third, had killed his two yoong nephues, and taken upon him the crowne and gouvernement of England, he preferred his owne soone Edward to the dignitie of lord lieutenant of Ireland, whose deputie was Girald, earle of Kildare, that bear that office all the reigne of king Richard, and awhile in Henrie the Seuenth his daies." Ware gives him relatively even less space, for he allots fifty-six pages to Henry VII., and but fifteen to Richard III. After narrating the murder of the princes he states that "their said Unkle usurped the Title of King by the name of Richard the Third, who chiefly minding to settle himself in the Throne of England, did not concern himself much with the Affairs of Ireland"—a statement as inaccurate as it is brief.

On July 19th, 1483, Richard III. appointed his first-born son, Edward, as Lieutenant of Ireland for three years on the usual conditions, and he sent over Master William Lacy to the Earl of Kildare with instructions which are printed in full in Gairdner's *Letters and Papers Illustrative of the Reigns of Richard III. and Henry VII.*¹ These instructions deserve noting. They show the pressing desire of the King to induce the Great Earl to act as Deputy to his son in order to con-

¹ Gairdner: *Letters and Papers* (henceforth quoted as *L. and P.*), vol. i., pp. 43-46.

solidate his position in Ireland. At the same time, they show his intention of reforming the government of Ireland by making the royal officers hold their offices at pleasure, instead of for life or for long terms of years. (An intention which exactly foreshadows chapter 2 of Poynings' parliament). They also state that the King will come over to Ireland himself as soon as it is possible for him to leave England.

The Great Earl's opinion of this policy and of Richard III. can, to a limited extent, be gathered from the royal replies to his requests. It is perfectly clear that he did not wish to hold office merely at the royal pleasure; and also, from his previous policy and his subsequent enactments, (e.g. chap. 8, 2 Ric. III. P.R.O., Dublin) it is equally clear that he wished his supporters to hold office for life. As regards Richard III., there is no evidence that the Great Earl had any moral disinclination to hold office under him. It is not known what particular rumour as to the fate of the princes in the Tower was most generally believed in Ireland: that men's minds were doubtful on this point is shown by their subsequent support of the pretenders. Moreover, murders were not then quite as unusual as they are now. Gerald's brother-in-law, Conn, was slain by his brother Henry in 1493, and among the Great Earl's own kinsmen by blood, James FitzThomas, Earl of Desmond, was murdered in 1497 at the instigation of his brother, Sir John, who was then put to death by another brother, Maurice. It is evident, however, from his instructions to John Estrete, that the Great Earl did not relish the idea of trusting himself to Richard III. in England.

The difficulty in Lacy's mission was to induce the Great Earl to act as Deputy, and indent with the King in England; and at the same time to arrange that in future the offices should be held at pleasure. These two objects were found to be irreconcilable, and the Earl prevailed. The royal instructions state that "because the disposition of the said erle of Kildare aught furst to be understande afore any shewe or openyng to be made to other of the counsaile ther, considering that the gret part of al the direcions to be takyn in this behalve, resteth upon his assent in taking upon the said deputacion, therfore the said maister William Lacy shal practise to have

speche with him afore any othere." And it goes on to say that "in delivering the kinges particular lettres direct to the said erle, and in showing to him his credence apart he shal say that the king our soverayn lord hathe the said erle for his gret merits in special favor and tendreness, trusting right moche upon his saddenes [discretion] and trouthe. And for that he hath abled him to be deputie to the said mighti prince his first begoten son, as it shal appere by a commission made to him as deputie."

The Earl would certainly not have objected to serving as Deputy to Prince Edward whom, as stated earlier in the instructions, the King had ordained "to be lieutenant of his said lande of Irland fro the xix day of July last past"; but the length of time for which Prince Edward had been appointed was only "during the termes of thre yere next following," and the Earl himself was merely offered a commission for one year.

King Richard desired to look into the affairs of Ireland himself. The instructions state that "the said master William shall shewe that the king after the stablissing of this his realme of England, principally afore othere thinges entendeth for the weele of this lande of Irland to set and advise suche good rule and politique guying there as any of his noble progenitors have done or intended in tymes past to reduce it." Therefore Lacy was instructed to show "that therle of Kildare is ordeyned and made deputie lieutenant to Edward his said first begoten sonne during a yere following, to begynne at the last day of August next commyng, and so lenger to contynue at the kynges pleasure, receyvynge for wages and fees ratelly as it shal be requisite for the same. And," says the document, "the cause is why that the king wolle alwey be at his libertee, to thentent the relief of that lande by his immediat auctorite, whensoever he may have furst leiser therunto."

If the Earl agreed to take the charge upon him, Master Lacy was instructed to give him "as well the commission which the king hath made to my lord prince, as that my said lord prince hathe made to him," and "upon thacceptacion of the said commissions and office the said maister William shall insist that the said erle come or sende in all possible hast to the king

in England to endent with his grace as it shall nowe be best accorded betwene thaim havynge respecte as well to the ease of this tymes as to othere presidentes passed afore." The instruction further stated that "the said master William shall have with him a copy of the last indentur, and therupon commune with the said erle by protestacion that nothing shalbe takyn for concluded in that matier without the kinges especiall advice and assent, soo and in such wise that the mater of the said endenture may be wele ripe afore. And as for any certain terme to be assigned therin, the king wolle that it be for one yere, to begynne the first day of Octobre next to come, and so furthre at the kinges pleasure, the charges and emolymentes to be borne and perceyved ratelly for suche a tyme above the said yere according to the said indenture." In addition to his general instructions, Master Lacy brought with him letters under the King's signet to the Irish Council in general as well as to the particular persons of the same to whom he had been instructed to proceed, "deviding the maters according to the personages that he shal speke unto." Among the general instructions the one which must have been most unwelcome to Kildare as well as to his officers, was that by which Master William was directed to show "that the king wolle that every of the kinges officers shal aswell in his courtes, the chief justices of bothe benches and barons of theschequer as other officers ther, to enjoie theyr offices during the kinges pleasure." The other general instructions were not so important. The King asked for an account of his Irish revenues; he made various ordinances as to the mint; he ordered his seals of Ireland to be altered; and he directed that the Council should enforce the statutes of Praemunire.

Richard III. had grasped the fundamental principles on which an English reform of the administrative system in Ireland might have been attempted, namely, the personal attention and visitation of the King and the abolition of that life tenure of royal offices, which from an English point of view resulted in "great and manifold inconveniences" because those who had their offices granted to them for life "were," as Poynings' parliament put it, "the more bolder to misuse their such authority." But Richard III. was occupied in

“stablisshing” himself in England: he had no time to spare for Ireland. Whatever, therefore, the English king may have wished, the Great Earl was master of the situation, and from his reply it is clear that he knew it. If Richard III. had appointed one of the Butlers as Deputy, or had sent over an Englishman, there would have been war in Ireland. The Great Earl’s most unanswerable qualification was that he could prevent anyone else from ruling Ireland. He had already shown this the time Lord Grey was sent over in Edward VI.’s reign. He was to show it again under Henry VII.

Lacy’s message directed the Earl “to come or sende in all possible hast to the king in England to endent with his grace.” The Great Earl did not go to England in person. He sent over in his stead John Estrete, the King’s Serjeant-at-law in Ireland, with instructions² to excuse his absence, and to request in return for his support an extension of the term of his commission as deputy to nine or ten years (a longer term than had ever been granted to him before); a grant of the manor of Leixlip and the custody of the castle of Wicklow; an annual salary of £1,000 during the term of his deputyship; and a document signed by some of the great lords of England guaranteeing his safety should he visit the King in England. To induce the King to grant these large demands, John Estrete in the “secret credence” which he showed to the King on the Earl’s behalf, was directed to stress to his majesty the wide ramifications of the Great Earl’s power and the number of kindred and allies for whom he could answer; to show how well treated he had been by Edward IV., who had given him better terms than those offered to him by Lacy; and, as usual, to urge the King not to listen to the malicious reports of his enemies.

The King’s reply to the Great Earl is extant. It is now in the British Museum among the Cottonian MSS., and it has been printed by Gairdner: *Letters and Papers of the reigns of*

² Gilbert: pp. 412-414. The date of Estrete’s instructions has been disputed. For a note on this subject see Appendix 6. The Great Earl’s instructions to Estrete, if they are extant, have never been published. The above account of them has all its statements expressed or implied in the royal reply.

Richard III. and Henry VII. (vol. i., pp. 91-93). It runs as follows:—

“ Instruccions yeven by the kinges grace unto his counseillour and servant John Estrete to be shewed to Therl of Kildare, etc.

“ Furst, as touching the article of the petitions of the said erl for to have his office of deputie lieutenant of that land for the terme of ix or x years, the said John Estrete shall say that to thentent the kignes grace may be better counsell, conclude and devise for the bringing of the said land of Irlande into pleyn obeissaunce and such estate, welth, and prouffitte as it hath be in tyme passed, he desireth in that partie to here thadvise of the said Erl, considering that for the long rule that he haith borne there, ther can no man therin better counsaill his grace than he.

Item, his grace hath ben wele advertised that the said Erl in his said office served king Edward iiiijth nobely, trewely, and hardely, and moche better after the tyme he had been with him in this his royalm (i.e. England).

Item, his grace trusteth that upon mutuall sight and communication had betwixt his grace and his said cousin, his grace shall the rather be enclined to take his said cousin into his nigh favor and grace, and his said cousin on his partie shall moche the better be couraged, moved and sturred trewely and fastely to serve his grace, and therupon in his owne persone conclude, not oonly for himself but also for his childer, bredern, kynne, and alies, according to the secrete credence whiche the said John Estrete on the behalve of the said [erl shewe]d u[nto the king]es grace. For whiche causes and the perfite performacion of the same the king willeth and desireth his said cousin her . . . sses and excuses aparte, and be with him personelly in this his royalm before the furst day of August next commyng whersoever[er] his grace shall than be. And for the suretie of his persone and of alle suche as shall comme in his company for the tyme of his or their commyng, abiding, and retornyng, the king marveilleth that he can desire any promises, seales, or writings of any of his lordes more than of his grace oonly, considering not oonly that suche a suretie

can not stand with the kinges honour, but also that neither the said erl ne any other hath seen that his grace hath broken promyse or assurance by him made unto any persone. Wherfor his grace sendeth by the said John Estrete unto the said erl his lettres of proteccion and tuicion undre his signet and signe manuell, whiche he wol as duely kepe and see kept as if they were passed undre the seales of alle the lordes of his land.

Item, the said John Estrete shall say that upon the said erles commyng and being with the king by the said day, the king shall as benignely, tendrely, and largely take him into the favor of his grace as ever did King Edward the iiijth, and in so ample wise departe with him as shalbe to thencrese of his honor, prouffite and preferring, and at the same tyme enlarge his graunt of his said office of deputie lieutenant of that his land for ix. or x. yeres according to his desire.

[Item] to the second article of the said erles petitions concerning thassignacion of m^l. li. for his wages in the said office, the said [John E]strete s[hall say] that the kinges pleasir is that the said erl, at his forsaid commyng unto his grace, bring with him in writing the certainte³ of the kinges revenues of that his land of Irland, with the charges going owte of the same, whiche seen shall nowe appere what remayneth clerly unto his grace, and if the same wol answere the said m^l. li. the king is content at his commyng unto his grace to make him a graunte therof for his wages. And in case the said revenues comme not clerly to somoche,⁴ his grace wol that at the commyng of the said erl soo covenant and indent with him for the certainte of his wages and contentacion of the same as of reason he shal have cause to hold him content and pleased.

Item, where the said erl desireth to have of the kinges graunte to him and his heires masles the manoir of Lexlep and the keping of the castell of Wekenlowe, the said John shall say that upon the said erles commyng unto his grace, the king is

³ The King had already asked for this in his instructions to Lacy.

⁴ From the proviso in the Great Earl's indenture of 1480, that if the Irish revenues will not clearly amount to £600 per annum, he is to be paid "that that shal lak of the said soume . . . owt of England," it is obvious that they will not clearly amount to £1,000.

content and wol make him a sufficient graunte therof according to his desir.

Item, finally, the said John shall shewe unto the said erl that there is noo thing doon by the said erl in tyme (passed) ne (suche) reporte of him made unto the king ne favour, affection or ennemyte of any persone of [w]hat condicion so ever he be, that shall tornne his grace from the said erl, but that upon his commyng unto his presence he shalbe as good and gracious lord unto him as is above rehersed, and more largely if the said erl can it reasonably desire."

The Great Earl had not over-estimated the strength of his position. The King's reply granted him every important request on condition that he came over to indent with him in England. This indenture does not appear to be extant. But that the Great Earl did go to England is proved not only by the negative evidence⁵ of Bishop Barrett's mission, but by the positive evidence of a grant of Leixlip made to Gerald at Westminster, on the 6th August, 1484.⁶ Incidentally, this grant was made to him for life, and not in tail male as the King had promised through Estrete. Therefore, as one might expect, the Earl got less when he went to England than had been specified in the instructions which induced him to go there. But even though the royal promises in the instructions may have been whittled down in the personal interview, the Great Earl would have had good reason to be pleased.

The exact date of the visit is not recorded but as the King had expressly commanded the Earl "excuses apart" to "be with him personally" in England "before the furst day of August," and as the grant of Leixlip which was expressly conditional "upon the said erles commyng unto his grace" was made on the 6th August, he can not have arrived later than the end of July (1484). He must have left England before the end of August for the Dublin parliament which had been adjourned was to re-assemble on the 30th of that month.

The Great Earl's first parliament under Richard III. met at Dublin on Friday (19th March, 1484) next after the feast

⁵ See below, p. 76.

⁶ *C.P.R.* p. 475,

of St. Patrick,⁷ and it re-assembled at Naas on the 30th August, 1484. Among its most interesting enactments is chapter 4, which gives a detailed account of the aid granted to the Great Earl by authority of parliament for the fortifying of his castle at Kildare. Such grants are very frequent in the statutes of the parliaments of the period, and they serve to explain how it was that the nobles managed to erect such large and costly structures. The chapter runs that whereas the most puissant and gracious lord Gerot, Earl of Kildare, Deputy Lieutenant of Ireland, has made and intends to make great and strong fortifications and ditches at his manor of Kildare to the aid and succour of the King's loyal subjects, and the restrictions of his "Irish enemies and English rebels," it is ordained, granted, and enacted by authority of this parliament, that four-score workmen out of the barony of Castleknock in the county of Dublin; four-score workmen out of the barony of Dunboyne, and another four-score workmen out of the barony of Ratoath in the county of Meath, shall be at Kildare on the Tuesday next (6th April, 1484) before the feast of Palm Sunday. These workmen are to be "able and strong in their bodies to work" ("potents et fortes en leur corpseiz de laborer"). In each pair one is to come with a spade and the other with a barrow. They are to come with victuals for five days, the first day to go to Kildare, three days to work there, and the fifth day to return home. They are to be summoned out of a sufficient and plentiful house, and punishment is decreed for any sheriff or sergeant who shall be partial or negligent in this matter. The workers are to receive daily from the residents of the said baronies 6d. each, and this is to be levied on the residents by two men of each parish named by the Deputy. These men are to be fined if they are negligent and their fines and the fines exacted from the sheriffs or any others who may be remiss are all to be paid to the Great Earl to be expended on the strengthening of the castle. Somewhat similar provisions were made by chapter 18 of the same parliament for Thomas FitzGerald, knight, who was

⁷ He summoned it as Deputy to Prince Edward—presumably by virtue of the temporary commission which Lacy had brought him. Unpubl. Stats,

erecting a castle in his town of Lackagh. This was the Great Earl's brother, and it is noteworthy that in this enactment he is described as "Chaunceller dirland." He had been made Chancellor in the previous year.⁸

In this parliament (chap. 5) the Great Earl also had an act passed establishing his right to a market and to free warren in Maynooth. At the request of the commons, parliament enacted that whereas the noble ancestors of the most puissant and gracious lord Gerald, Earl of Kildare, had in right of their lordship of Maynooth a market in the said town, the said Earl and his successors should enjoy annually and weekly each Thursday, the said market. It was further enacted that they and their heirs should have and enjoy their free warren in the whole of the said manor, and that no one should enter it without the licence and will of the said Earl and his heirs. It was also enacted that the Earl and his heirs should take such customs on all manner of merchandise for sale in the said town as were taken by the mayor and bailiffs of Dublin in that city, but this act was not to prejudice the city of Dublin, the town of Drogheda, or the freemen of either of them.

A special case under the statutes of absentees now came up for discussion (chap. 6). This related to the profitable prisage of wines which had long belonged to the Earls of Ormond (the royal Botillers). As the Earl of Ormond was an absentee, parliament supported by legislation the right of the Great Earl as Deputy Lieutenant to two-thirds of these prise wines. It was laid down "at the request of the Commons" that "the two parts of the prise wines of Ireland belong to the most noble lord Gerald, Earl of Kildare, Deputy Lieutenant of Ireland, as in right of our sovereign lord the king, by reason of the absence of the Earl of Ormond according to the act concerning the matter." It was then recited that these prises were retained in the city of Limerick by one William Comyn and Thomas Comyn of the same without reasonable cause: and they were accordingly ordered to make satisfaction to the said Deputy by the coming feast of St. Peter ad Vincula, on pain of being attainted felons. The Great Earl did not rest at

⁸ Ball: *Judges in Ireland* (henceforth quoted as Ball), vol. i., p. 187.

this. Parliament enacted for him that if the said prise wines were not duly paid to him or to his assigns, it should be lawful for him to take the goods and bodies of William, Thomas, and their aiders and maintainers dwelling in the city of Limerick wherever they might be found in Ireland, and to distrain on their goods and bodies until such time as he should be duly satisfied and paid all that which of right belonged to him by reason of the said prise wines. There is, unfortunately, no record of whether the Great Earl managed to exact his two parts of the prise wines. It probably did not grieve him that the right which he was claiming was a right against the Earl of Ormond, but he cannot be accused of partiality in having made this claim against the Butlers, for there is a letter from the Mayor of Waterford among the Cottonian MSS. in the British Museum (Titus B. xi., vol. i., fol. 54) which shows that the English Deputy Poynings also tried to exact two parts of the Butler prise wines.⁹ This letter also shows that ten years later than the date of this statute members of the Comyn family were still receiving the prise wines of the Earl of Ormond.

The Great Earl at this parliament is very clearly seen in one of his aspects which has not hitherto been stressed, namely, that of law officer, for both parliament and Deputy fulfilled, in addition to their better known functions, services which would now be rendered by a court and judge. Chapter 16, which is not otherwise of much interest, shows them acting in an unmistakably legal manner. It is at the prayer of a man called John Pippard, and recites that a certain Patrick Feld has sued him in the King's Bench for a debt of 2 marks and has recovered judgment against him for the debt and damages, and that thereupon, the aforesaid John Pippard has sued "a writ of error returnable and returned in this Parliament" ("sur quele le dit John ad sue vne brief de erreur retournable et retourne en cest dit parliament"), and on it has specified ("ad assigne") the errors which he alleges, as appears of

⁹ As this letter has just been published in Conway: *Henry vii's relations with Scotland and Ireland*, I have decided to omit it, but in the Appendix 9 are given two other documents which are sufficient by themselves to acquit the Earl of partiality in this matter.

record in the keeping of the clerk of the parliament. And the chapter goes on to say that as a *Scire Facias* can only be awarded at common law at the next parliament ("que nule Scire facias ne poet my aultrement agarde a la comune ley mes al proschien parliament") which is far off and uncertain, it is ordained by authority of this parliament that the afore-said Patrick Feld shall come and answer to the said errors on the first day of the coming prorogation or adjournment of this parliament, after proclamation made, ("vient et respoigne as ditz erreurs le primeiour del proschien prorogacion ou adiournement dicest dit parliament apres proclamasion faite"), and that if he make default and do not appear ("respoigne") that then, by the said authority, the most noble lord Gerald, Earl of Kildare, Deputy Lieutenant of Ireland, with the lords of parliament, may lawfully proceed to the examination of the said errors ("que adonques par la dit auctorite le tresnoble seignour Gerot Count de Kildare depute lieutenaunt dirland oue lez seignouries du parliament poient loialment proceder al examinacion de lez ditz erreurs"); and by the same authority execution is stayed until the errors are determined ("et que par mesme lauctorite toute maniere execucion ou execucions de cesser iesques al temps lez ditz erreurs soient discusses et aiugez").

In this parliament the Great Earl introduced various enactments dealing with coinage, a subject which in those days was a perpetual cause of dissatisfaction and of legislation. During the Deputyship of the Great Earl legislation on the subject is particularly frequent. The enactments now passed were consequent on a royal proclamation¹⁰ of the 18th July, 1483; for Richard III, among his other proposed reforms, intended to reform the coinage, as was already shown by the provisions as to the mint included in Lacy's instructions. The Great Earl's enactments in this parliament are found in chapters 7, 8, and 9. These ordain that in accordance with the King's command the coinage shall be of a different design in Ireland to that in England. The Irish coinage is to have on the one side the arms of England with a cross trefoil in each quarter with this inscription in Latin, "Richard by the grace of God

¹⁰ For which see *L. and P.*, vol. ii., p. 286.

King of England and Lord of Ireland, and on the other side three crowns one above the other with a cross trefoil in each quarter bearing on the circumference of the same the name of the place. ("de avere en le vne partie lez armes dengleterre oue vne croys tresfoile en chescun fine oue cest escripture Ricardus dei gratia Rex Angl' et dñs hibern' et en aultre partie del mesme iii coronas vne suiz le aultre oue vne crosse tresfoile en chescun fine portaunt en le circumference del mesme le noun del lieu"). Very stringent provisions are made that this coin shall be accepted by all the King's subjects in Ireland. If they refuse it they are to be fined heavily, and if the citizens or burgesses of Waterford, Kilkenny, Limerick, and of various other towns, refuse to obey the statute they are to lose their franchises until such time as they have paid a fine to the King for their contempt, the fine to be imposed at the discretion of the Great Earl. Dublin and Drogheda are exempt. The towns specifically legislated against seem for the greater part to have been the particular enemies of the Great Earl. Being his enemies they would have been the most likely to refuse the coinage struck under his control. The third chapter on coinage dealt directly with the Great Earl. It recites that in consideration of the great and costly charges and expenses and the trouble from day to day which the good lord, Gerald, Earl of Kildare, Deputy Lieutenant of Ireland, has in the defence of the King's subjects against his "Irish enemies and English rebels," he shall, by authority of parliament so long as he be Deputy, receive the profits of the mint, and it is further enacted that he may give a good discharge for them under his seal at arms.

In this parliament it appears that the Great Earl is now at enmity with one of his former supporters and is on good terms with one of his former antagonists. Chapter 13 is directed against Germyn Lynch who was the Great Earl's coiner at the time of the Grey controversy.¹¹ It recites that whereas much counterfeit money is made by him in and near Waterford and by divers Irish kerds in those parts, any one finding such coin shall break it, whilst all patents, grants and acts of parliament made to the said Germyn as Master of the Mint are

¹¹ See above, p. 37.

annulled. On the other hand, chapters 20 and 21 are passed in favour of Thomas Dowdall, to whom Grey's assembly had ordered the records of the Great Earl's "pretended parliament" to be delivered within 13 days;¹² and that the good relations now subsisting continued between him and the Great Earl is shown by Dowdall's complicity in the Simnel affair.¹³

King Richard III., who according to Ware "did not concern himself much with the affairs of Ireland," now sent over yet another envoy. In August, 1484, the nominal Lieutenant of Ireland, Prince Edward, died, and by a patent of the 21st of that month¹⁴ the King appointed in his place John, Earl of Lincoln, his nephew, whom he was to designate as heir to his throne, and who was afterwards to appear in Ireland in the time of Simnel. On the 22nd September, 1484, the King gave a passport to his councillor, Barret, Bishop of Enachden, "to alle maires, shireffes, bailliefes, constables, and alle manner otheir our officers, liegemen, and subgiettes, aswele within this our royaume as oure land of Irland."¹⁵ The Bishop, therefore, probably arrived in Ireland in October, 1484. He bore a letter to the Great Earl informing him of the change in the lieutenancy and saying that the King had "advised and willed" his nephew "that ye shalbe his deputie . . wherunto he is agreeable . . . in the which we pray you to doo and continue as you have doon for the good and wele of our said land."¹⁶ The King is, therefore, pleased with the Great Earl. The Bishop's instructions deal with a politique recovery of the Earldom of "Wolstre" in the best Henry VIII. manner, and with preventing James, Earl of Desmond, from becoming too Irish because of the "extortionate slaying" of his father. The King endeavours to win the support of many Irish lords and praises Sir Alexander Plunket for his "fast and good demeaning," whilst in the credentials given to the Bishop to be shown to the Earl of Kildare he says that his "will and

¹² See above, p. 36.

¹³ Ball., vol. i., p. 109.

¹⁴ *C.P.R.*, p. 477.

¹⁵ For this and all the other documents quoted in connection with Bishop Barret, see *L. & P.*, vol. i., pp. 67-74.

¹⁶ He would not have said this if the Earl had disobeyed his command to go to England.

pleasure" is that "he, the Plonketts or any other lord or nobleman of that land, bordurer or other" shall in every way assist in furthering whatever scheme the Bishop may devise for the accomplishment of his desires.

The letter to the Earl of Kildare is as follows:—"Right trusti, etc. Certifieng you that as touching the lieutenantship of our land of Irland, we have ordeigned and appointed our entierly biloved nepveu Therl of Lincolne to that office; and have advised and willed him that ye shalbe his deputie in the same, wherunto he is agreable, as your servant besides this can acertaigne you more at large; in the which we pray you to doo and continue as ye have doon for the good and wele of our said land. And over this where as we sende at this tyme unto thoes parties the reverend fader in God our ful trusti counsellor the bisshop of Enachden, bringer of these, for certain materes greatly concernyng our pleasure, which by our commandement he hath to shewe unto you, we desire you therin to yeve unto hym ful feith and credence, and with al diligence to the performyng of the same, what great pleasure in soo doing ye shal ministre unto us oure said counsaillor shal in like wise on our behalve enforme you.

Yeven etc. the xxij. day of Septembre."

The matters which the King commanded Barret to show unto the Earl were detailed in the following credence:—

"Furst, he shalle shew unto the said erle that the specielle and singuler cause of his message at this tyme is to endeavor him to accomplisshe the kinges gret desire forto enduce by alle meanes possible suche persones as deteigne and kepe from his grace his right and enheritaunce of his erldom of Wolstre, and that it may be ordeyned and brought to the kinges handes and possession, as it hath been in late dayes of his progenitors. Wherin the king[es] said grace thinketh and perfetely understandeth that no man can do more than his said cousyn, seeng and considred ¹⁷ that the gret Onealle that hath married the said erles sustre hath and occupieth most part therof; whome the kinges grace for the cause of that mariage and the love of his

¹⁷ Note this contemporary evidence, that the bride was the Great Earl's "sustre" and the bridegroom was Conn More O'Neill ("the gret Onealle.")

said cousyn, wolde be the rather applied to accept into his favor, as his brother late king of England before had his fader, and gave unto him his lyvree.

Moreover, if Odomnaylle, by the meanes that the kinges grace hath committed, and shewed unto the said bisshop, wolde come in, and either to be his liegeman or true peax man, that his said cousyn of Kildare shalbe content so to receive and entre[at] him, as the said bisshop shalle advise him more at large by mouthe, or at the leest that his said cousyn, setting apart almaner parcialite, affeccion, or favor, shalle take partie fortiefie and support thoos of them havynge of the said lyvelode by whoos meanes, strengthe, and commyng in the said erldome may sonnest be had and reduced to the kinges handes and possession.

Also, over this, he shalle shewe to the said erle that the kinges wille and pleasur is that he for his part, the Plonkettes, or any other lord or noble man of that land, bordurer, or other, shalle in alle wise conforme and applie him to alle suche good weyes, meanes, and advertesementes touching the goode effecte and wele of the premisses as by the said bisshop shalbe devised in any wise."

It is unfortunate that the "meanes" which the King had committed and showed unto the said bishop as to how O'Donnell was to be brought in and induced to be either a liegeman or at any rate a "true peax man" are not divulged. There is also practically no evidence as to what Kildare thought of this plan. The Earldom of Ulster which had fallen to the Crown had long ceased to have more than nominal significance. These instructions look as if the King wished to recover some jurisdiction over the earldom which was in name his, by turning it into a sort of palatinate whose Irish rulers would acknowledge him as their superior lord: and that to bring about this state of affairs the King hoped to utilise the Irish influence of the Great Earl.

Much light is thrown on the position by the events of the preceding year. Just as the great quarrel in the south was between Butler and FitzGerald, the great quarrel in the north was between O'Neill and O'Donnell; and just as the Great Earl in fighting with Sir James of Ormond was to have Sir

Piers Butler on his side, so Hugh Roe O'Donnell in fighting with Conn More O'Neill was to have Hugh O'Neill on his side. The Great Earl, as we have seen, had married his sister to Conn More O'Neill, and in 1480 had brought an army to assist him in attacking some of the hostile faction of the O'Neills. In 1483 Hugh Roe O'Donnell allied his forces with Hugh Oge, son of Hugh Boy O'Neill, and together they attacked the Great Earl's brother-in-law, Conn More O'Neill. The Four Masters relate that they went forward despite every enemy that lay in their path to the town of Dundalk, and that they pillaged and burned that town and the country around it, and that the Great Earl had accordingly to lead a large English force against them. It seems uncertain from the wording whether the Great Earl won or lost the consequent battle. O'Curry's translation¹⁸ reads as follows: "However they [i.e. the Irish] bore that heavy pursuit without shrinking but they were ultimately defeated and routed and a great number of the English were killed." O'Donovan's translation runs: "The others [i.e., the Irish] however sustained the attack of the powerful pursuers, routed them, and slew a great number of the English." It seems safest to give the Irish and let readers choose for themselves: "Ar a aoí ro iomchairsiort somh an tóir throm sin co neimhshníomhach, agus do sraoineadh forra, agus do marbhadh drong mhór do Ghallaibh."¹⁹

This "great war," (*F.M.*) and the burning of Dundalk, explains the King's desire to make O'Donnell liegeman, or if that be impossible to make him at least his "true peax man." It also explains why Kildare had to be instructed to be "content" to receive him, and why the King directed that he should set aside "almaner parcialite, affeccion, or favor" which he might be expected to show in the interests of his brother-in-law against O'Donnell, although later, the Great Earl is known to have been on as good terms with O'Donnell as he ever had been with O'Neill.

The royal designs for "Wolstre" had no chance of being tested, for in less than a year Richard had fallen at Bosworth.

¹⁸ Ger. Coll., p. 169.

¹⁹ *Annals of Four Masters* (henceforth quoted as *F.M.*), pp. 1125-6.

His other great object in this mission concerned, not the Great Earl but his kinsman, James, Earl of Desmond. In this connection, however, it is worth noting that the King expressly disclaimed and condemned the event of 1467 (i.e., Worcester's attainder of the Great Earl's father and uncle and the execution of the latter). In his instructions to the bishop he ordered him to show to the Earl of Desmond that "albe it the fadre of the said erle, the king than being of yong age, was extorciously slayne and murdred by colour of the lawes within Irland by certain persons than havying the governaunce and rule there, ayenst alle manhode reason and good conscience; yet, notwithstanding that the semblable chaunce was and hapned sithen within this royaume of Eingland, as wele of his brother the duc of Clarence as other his nigh kynnesmen and gret frendes, the kinges grace alweys contynueth and hathe inward compassion of the dethe of his said fadre, and is content that his said cousyn now erle by alle ordinate meanes and due course of the lawes, when it shalle lust him at any time hereafter to sue or attempt for the punysshement therof." It is also worth noting that the King sent with his envoy "a color of gold of his devise" which the bishop was to give Desmond upon "perfite understanding" that the latter "shalbe of hoole entencion and promise to his powair to perfourme the premisses."²⁰ This collar of gold seems then to have been the sign of perfect royal absolution and the same significance must be attached to the collar of gold of the King's livery which the Great Earl, after the making of his homage to Edgecombe, "wore throughout the sayd Citty of Dublyn, both outward and homeward."²¹ Incidentally, it is not known whether the bishop gave Desmond the collar, but it is known that despite the King's instructions this earl married Margaret, daughter of Tadhg O'Brien of Thomond.²²

In 1485²³ the Great Earl held another parliament. This met at Dublin on the 18th March, 1485, and is stated to

²⁰ The bishop was to require Desmond "to renounce the wering and usage of the Irisshe array" and to dress in future "after the Englishe guyse."

²¹ *Voyage of Sir Richard Edgecombe in Harris' Hibernica*, p. 33.

²² Gilbert, p. 418.

²³ Unpubl. Stats.

have been held before "Gerald, Earl of Kildare, then Deputy of the late king of his land of Ireland." Before many provisions had been passed it was adjourned to Trim, and it is also stated to have met once more in Dublin although as the date given, 24th October, 1485, falls within the reign of King Henry VII., this does not seem likely.²⁴ The first enactment of this parliament, after the usual preliminary chapters on the church, etc., recited that the most noble lord, Gerald, Earl of Kildare, was from day to day in his own person attending the wars of the King in the marches of this land subduing his "Irish enemies" for the increase of the public weal of the King's subjects in the same, and that therefore he could not be duly present in parliament for the continuance, prorogation and adjournment of the same. It was, therefore, ordained by authority of parliament that so often as it should fortune the said Deputy to be absent it should be lawful for him by writing under his privy seal to empower the Chancellor or the Treasurer or any other of the King's councillors to continue, prorogue, or adjourn parliament, provided that this should be to a competent and sufficient place in any of the four counties. Some light is thrown on this enactment by the following passage from the Four Masters under the year 1485, "The Sliocht Malmora of Mullagh (O'Reilly) were driven out of their country, and the sons of Glasney O'Reilly took possession of their country and built a castle in it. They then brought the Earl of Kildare (Garret Fitz Thomas) down on the sone of Glasney, and fifteen Boolies of Cows were taken from them by force, and Gilla-Isa son of Glasney was captured on that occasion."²⁵

In 1491, as we shall see later, the Great Earl was again called in to the O'Reilly's country. He probably found these expeditions both pleasant and profitable, but the conflict with the Irish referred to by chapter 14 must have been a more serious matter. For then there was a plague in the four counties, some of the Irish—(what Irish is not stated)—had taken the opportunity to confederate together, and the Great

²⁴ See note by Dr. Berry in the MS. catalogue to the unpublished Statutes, P.R.O., Dublin.

²⁵ O'Curry, *Ger. Coll.*, pp. 169-171.

Earl found it difficult to gather sufficient forces to resist them. Parliament had to make special provisions to meet the danger. The chapter recites that the King's subjects of the city of Dublin and other ports and places of the four counties are infected with plague, "*sount enfectez oue cest perillose plage de pestilence reignaunt entre eaux,*" and cannot be called out by the Great Earl for the defence of the same ("*ne poient my estre appelez de estre en la company del tresbone et noble seignour Gerot Count de Kildare and depute lieutenant dirland en defense del mesmez pur le eminent perill del plage*"). Therefore, parliament enacts that the Great Earl shall have £100, 70 marks on Meath, 40 marks on Dublin, 20 marks on Kildare, and 20 marks on Uriel, to be raised like an ordinary subsidy. Presumably, with this money the Great Earl was able to hire soldiers for their defence. These soldiers were probably Irish mercenaries such as those referred to by chapter 16. Incidentally, this chapter (i.e., chap. 16) is indicative of some of the temporary disorders. In it we find certain gentlemen by the name of Taaf who have hired Irish kerns promising to pay them, but who have broken their promise, and at the end of their service have refused to pay them, whereupon the said kerns have seized certain tenants of the Archbishop of Armagh, the Abbot of Melifont, and the Great Earl's father-in-law, Lord Portlester, and have held them to ransom. There is, of course, no suggestion that the Great Earl behaved in this dishonest manner to his mercenaries.

In addition to kerns who let themselves out for hire the Great Earl had probably the assistance of Cahir O'Connor, captain of his nation, who is mentioned as following in chapter 18 passed by the same parliament when it re-assembled after its adjournment, "*that wheras Cahir OCongher, Captain of his nation, has done good and faithful service to our sovereign lord the King in this his land of Ireland in the company of the most puissant lord Gerot, Earl of Kildare, Deputy Lieutenant of Ireland, and is in arrears of his wages for the year last past, it is ordained and granted by authority of this parliament that the said OCongher shall have xl. d. from every ploughland in the county of Meath, to be raised by the collectors of the great subsidy granted to the said deputy at this time, and that all*

reasonable waste and distresses shall be allowed." The "great subsidy" was the unusually large grant of 13s. 4d. which by chapter 17 parliament had granted the Great Earl "in consideration of his good and notable services done to the King and of the great and unbearable charges and labours which he sustains from day to day in resisting the malice of "Irish enemies and English rebels."²⁶ The "wages" paid to Cahir O'Connor were not, however, an isolated and special remuneration for his assistance in defending the Pale at the time of the plague. It appears from chapter 13 that they were a black rent on Meath. This chapter ordains at the prayer of Alexander Plunkett that, whereas, when he was sheriff of county Meath, he was charged to levy the wages of O'Connor during the terms of his office, "as it was of ancient times usual in the said county for the said wages to be paid," he may by authority of parliament distrain for arrears and defend himself against any person who shall resist him in so doing. These black rents which the four counties had to pay as a condition of their existence were, on a small scale, similar to the "wages" paid by the dwindling Byzantine Empire to the surrounding military leaders. They were partly reward and partly tribute. It is clear that in the case of O'Connor the recipient did perform some service in return for the money. It should be stressed, however, that in their case, and in the cases of the Deputy's other Irish allies, they were, despite the phraseology of the parliaments, allies of the Earl rather than allies of the King. Cahir O'Connor's daughter, Maeve, was to marry Oliver of Killeigh—a son of the Great Earl by his second marriage. So close was the alliance between Kildare and O'Connor Faly, that in 1492 when Cahir O'Connor's son Calvagh was killed by Master Garth and some of Sir James Ormond's people the Great Earl, despite the fact that Garth and Ormond were royal commissioners and that his own position was none too sure, did not hesitate to hang Garth's son and capture and imprison Garth himself.

The Great Earl had obtained a large stretch of territory in Carlow because he submitted that he protected it, and that the absentees, to whom in theory it belonged, did not. This

²⁶ For the mode of collection of this subsidy see Appendix 7.

argument was founded on fact as is shown by chapter 15 of the parliament under discussion, which gave him a grant of labour towards the building of a castle at Trestledermot, "which built and finished will be the true redemption of all the waste land of that county of Carlow." The provisions as to this labour are laid down in detail and heavy fines are decreed in cases of default; but as one set of regulations concerning labourers has already been given when dealing with the fortifications of the Great Earl's castle of Kildare, it would be redundant to give a similar set now.

It was at this parliament that John, the blind Archbishop of Dublin, resigned to allow Walter FitzSimons—of whom we will hear more hereafter—"a native and born in this land," to succeed to the archbishopric "which for a long time past had not been seen, enjoyed or possessed in the person of any such manner of native person." The prayer of the new archbishop was granted, that as divers benefices of his diocese were situate among the King's "Irish enemies," and he had linguistic and other difficulties in filling them with men from the Pale, he might for the next two years give such benefices to clerks "of Irish nation and language" who should swear loyalty to the King and his Deputy or Justice of this land.

The most important enactment of this parliament from the Great Earl's point of view was chapter 8, which marked his victory in carrying through his wishes despite Lord Grey and despite King Richard III. It repealed chapter 10 of Lord Grey's parliament by limiting the electorate of a Justiciar to the chief officers for the time being, most of whom were Kildare's own supporters, and it diametrically contradicted the royal instructions which Lacy had brought by enacting that the chief officers should hold for life. The statute²⁷ runs as follows:—"Also at the request of the commons that the statute of Henry Fitz Empress, ordained for the election for the governor to be had in this land at any time it shall happen to be without any legal governor, by authority of this parliament be confirmed, ratified, and adjudged good and effectual in law. And when it shall happen to this land of Ireland, at any time

²⁷ A translation of it has been printed in *Earls of K. 2nd Add.*, pp. 18-20.

to come, in any wise to be without any such manner of governor, that then so often as it shall happen to be vacant; by authority of this parliament, Thomas FitzGerald, Chancellor of Ireland; Sir Roland Fitz Eustace, Treasurer of Ireland; Philip Bermyngham, Chief Justice of the Chief Place of the King in Ireland; Thomas Plunket, Chief Justice of the Common Place of the King in Ireland; Oliver Eustace, Chief Baron of the Exchequer of the King in Ireland, or his Deputy for the time being; Thomas Dowdall, Clerk and Keeper of the Rolls and Records of the King in his Chancery in Ireland; John Estrete, the King's Serjeant at his laws in Ireland, and each of them severally, by the authority of this said parliament, shall be fully adjudged in each of their said several offices, severally, to have and to hold each of them severally his office for the term of his life, any manner of matter, cause or thing, had and to be had, to the contrary notwithstanding. And that by the same authority it shall be lawful as well to them or the greater part of them, as to all other manner of persons or the greater part of them, who so severally shall have and shall hold any of the said offices by reason of the death of any officer of the said offices by gift, under the testimony of Gerald, Earl of Kildare, in any manner as governor of this land, ("par done desouth le testmoignaunce de Gerrald Count de Kildare en ascune manere come Gouvernour dicest terre") according to the tenor, usage and execution of the said statute of Henry Fitz Empress, with the assent of the nobles of this land, according as it is specified in the same statute, upon each avoidance to be had, to elect a noble lord to be a governor, and he shall have the governance as Justice of Ireland, according to the ancient usage, used and acted upon heretofore. ("Accordaunt al auncient usage use et execute devaunt cest temps"). And by the same authority it shall be lawful to each such governor, so elected, to hold parliaments and great councils, and to cause the laws of this land for the public good of the same, to be duly exercised in the same, and executed in every manner as by any manner of governor of the same it has been done and exercised. And the same to be adjudged as good and effective in law as any such that hath been by any manner governor of this land at any time past.

Provided that the election be made each time by the lords spiritual and temporal and the nobles of the said land. And provided that no parliament be commenced except one in the year." This act was well calculated to insure the hereditary governorship of the Kildares, but chapter 2 of Poyning's parliament enacted that the chief officers should no longer hold for life, despite such previous enactments.

Amid this fighting and enacting the Great Earl found time for some piety. Chapter 7 of this parliament is at his prayer and the prayer of Alice, his wife; Thomas FitzGerald, the Chancellor, his brother; Roland FitzEustace, the Treasurer, his father-in-law; Philip Bermynghan, the Chief Justice, and various other officers. It establishes a chantry of three chaplains in the church of St. Nicholas of Dundalk to celebrate divine service in perpetuity for the good estate of the King and for the souls of the founders, their relations and friends, for the souls of all the faithful departed, and especially for Christopher Dowdall late of Dundalk, recently deceased. The chaplains may acquire lands despite the statutes of Mortmain; and the Prior of Dundalk, the vicar of the church of St. Nicholas and the bailiffs of the town of Dundalk, are given power to remove the chaplains for negligence and to appoint others in their stead.

There is in this parliament evidence that the Great Earl exercised the power which it had given him of appointing a deputy to adjourn it. His letter of authorisation, which has never been published, it preserved in transcript in the Public Record Office, Dublin. The parliament had been prorogued till Monday next after the feast of St. Peter ad Vincula (this fell in 1485 on Monday, 1st August). As it is recited in the unpublished statutes that the aforesaid Deputy came not nor was any statute or ordinance passed, but one Thomas Dowdall, Clerk and Keeper of the Rolls in the Chancery of the King in Ireland, as well by virtue of a certain act passed in this said parliament, as well by force of a certain letter of the aforesaid Deputy, addressed to the said Thomas and others for the adjourning of the said parliament, adjourned the said parliament to the Monday next after the feast of St. Luke, the

Evangelist, then next ensuing from Trim to Dublin. The letter which is in English runs as follows:—

“Gerot Erle of Kildare, depute lieutenant of Irland. To oure right trusty and welbiloved Thomas fitz Gerot knight, Chauncellor of Irland, Rouland fitz Eustace knight, lord of Portlester, and Thresourer of Irland, Thomas Dovedall Maister and kepier of the King’s recordes and roulles in his Chauncery in Irland, and to John Estrete, serieaunt at the King’s lawes in Irland, and to every of you greting.

And where as by a certeine acte and ordenaunce bi auctorite of parliament holden before us at Diuelin the friday next after the fest of Seint Patrik the Bishop last past, and from thens adiournet and holden at Trym the Moneday next after the fest of Corporis Christi than next ensuyng, and so proroget till the Moneday next after the fest of Seint Petre the Advincle next commyng, ther than to be held, it is ordeinst to be lefull to us as ofte as it shall require, after oure plesire, for certeine consideracions of oure absence specified in the same Acte and ordenaunce, to directe oure privat sealle to the Chaunceller, Treasurer, or to any othir of the King’s Counseill in this land, commaunding any suche of theym to whom any suche privat seall be directed, to contynue, proroge, or adiourne this present parliament holden and to be holden after oure pleasure, as more plainly it is conteignet and specified in the same Acte and ordenaunce. We therfor, in consideracion of the premisses, for as muche as we may not be at Trym in oure propre person the said Moneday for certeine causes, ordeigne and commaunde you iiij, iij, ij, or one of you in the absence of the othir of you, to be at Trym the said Moneday and ther, than in oure absence bi vertue of the said Acte and ordenaunce, and bi auctorite of oure privat sealle, to adiourne this present parliament to be holden before us at Divelin the Moneday next after the fest of Seint Luke the Evangelist next ensuyng. Youen under oure privat seall at Tristeldermot the xxj. day of Juyll.”

The feast of St. Luke the Evangelist fell within the reign of King Henry VII.

CHAPTER V.

The reign of Henry VII. is the best known period of the Great Earl's life. It is to this time that belong all the picturesque stories about him, and it is now that occur the greatest events in his life—his coronation of Simnel in Christ Church Cathedral, his feud with Sir James of Ormond, his attainder by Poyning's parliament, his imprisonment in the Tower, the death of his first wife, his legendary interview with King Henry VII., and his return to "rule all Ireland" after his wedding with the King's cousin. It is also within Henry's reign that the great battle of Knocktoe was fought as a result of which the Great Earl was made a Knight of the Garter. In this period, far more closely than in the preceding one, the Great Earl's personality is visible. He does not seem to have changed in character during the course of his life. It is impossible to trace in him a development and alteration of mind and personality. This may be, perhaps, due to the fact that although there is more personal description of him than there is of any of his contemporaries in Ireland, yet the sum of that description, even in his case, remains disappointingly small.

From the preceding account of him in the reigns of Edward IV. and Richard III., only an obscure indication of his character can be gleaned. In the dry and detailed enactments of his parliaments, the feuds, the ambitions, and the difficulties which were to effect the whole of his life can be discerned; but from the enactments of his parliaments the impression might reasonably be obtained that the Great Earl, who lived in the age of the Pastons, was as much as the worst of them sullied with the harsh and material avarice of his contemporaries. Such was not the case. The Great Earl was not grasping in the ugly implication of that term. He perpetually sought to increase his power, but it was not for any

mean motive. His parliaments legislated in favour of their holder and his friends and to the detriment of his opponents, but as this occurred in all the contemporary parliaments it cannot be cited as a characteristic of the Great Earl. It was not his characteristic, it was the characteristic of his age. At the same time, it was quite clearly part of the Great Earl's character, and a notable part of it, to be a good friend and a good hater. This is clearly evident not only from his acts, but from Stanyhurst's character study of him. All his force seems to have gone into the increase of the power and the glory of his family, but his wars and feuds were not bread and butter wars, they were what the French have called "guerres de magnificence";¹ they may have resulted in an increase of wealth or an increase of land, but that is not why they were entered into; they were fought for power and dominance. He did not seek office in order to increase his possessions. The contrary was true. He increased his possessions in order to increase his power.

The most outstanding feature of the enactments passed by the Great Earl—for in a very real sense the Acts passed by the pliant and obedient parliaments which he summoned were the acts of the Great Earl himself—was the effort made by him to increase and perpetuate the power of his family. In a constitutional aspect this tendency is patent in the enactments which we have just dealt with, in which despite two kings he legislates to secure the life tenure of his supporters in office and to secure the consequent certainty that this restricted electorate, partly composed of his own nominees, will, whenever the occasion arises, return him to the office of Chief Governor. The tendency is also visible in the Fraternity of Arms. Nothing was a more practical guarantee of power than an armed force. This force would be naturally far more effective if it were always there. There had never been a standing army in the Pale. The Great Earl's father, it seems, conceived the idea. The Great Earl himself as a young man was prominently associated with the carrying of it into effect. The Bishop of Meath, who seems to have headed an opposition party, succeeded in temporarily destroying the realised concep-

¹ Sorel: *Les Moeurs Politiques et les Traditions*, p. 255.

tion. The Great Earl re-established it, and at its re-establishment it is clear that this standing army was markedly Geraldine. The Great Earl was the leader of it; he had ousted his enemies from it and put his most prominent supporters in their places, whilst he had increased its strength by his indenture with Richard III., which had provided him with an additional force of armed men and with money to maintain them.

Another tendency which was to have a considerable effect in his life, and which was closely related to that which we have just discussed, was his rivalry with the Butlers. This was discernible during the reigns of Edward IV. and Richard III., but it was to become far more prominent in the reign of Henry VII. In fact Ware says² it was in 1492 that "began the great Quarrel between the Earl of Kildare who lyeth buried in Christ-Church in Dublin, and the family of the Butlers." It is quite true that it was from that year that the contention with the Butlers became pronounced in the Great Earl's life; but the feud between the two families was centuries old. It had not been so patent in the earlier years of the Earl's life for the very good reason that the heads of the Butlers were attainted absentees; but on the arrival of the far-reaching Sir James the old enmity which had long smouldered burst again into flame.

Nearly all the other features which have previously been noticed in the Great Earl's life also became more apparent in this reign. This may have been due not only to the political circumstances of the time, but also to the fact that the Great Earl was now reaching maturity. For though no marked alteration is at any time discernible in his character, it is only natural that characteristics already visible in youth should become more apparent in maturity. One of the most important characteristics of his political life was the empirical and middle attitude which he at all times adopted between the genuine English of England and the "King's Irish enemies." This position already plain now becomes still more

² *Annals of Ireland* (given in Ware: *Antiquities of Ireland*, 1705), p. 24, henceforth quoted as Ware unless some other work of his is indicated.

unmistakable by the augmentation of his Irish marriage alliances, and is expressed in a manner of the utmost political moment when after the coronation of Simnel the Great Earl avoids the penalties of his act by threatening Henry VII.'s envoy that if he insists in making his by no means immoderate demands he and his supporters will become Irish every one of them. To that threat the King's envoy surrendered, and so the occasion passed of putting into effect a change pregnant with possibilities for Ireland. The Great Earl missed being a Vasa. He remained a Mayor of the Palace. He was content to have the power of a king without the name of one.

In this treatise the Great Earl has been treated as a king. That is to say that more attention has been paid to his policy than to his personality, to his public acts than to his private affairs. As a result, his personality may be submerged under a flood of enactments, but the enactments of his parliament are more decidedly his acts than the enactments of many parliaments held under the direction of kings. Singularly little is recorded about the Great Earl's private life. He had two wives, the first was Alice FitzEustace, who brought him some property and bore him many children; the second was Elizabeth St. John, the King's cousin, who also bore him many children. Of these women practically nothing is known except that the first of them must have been very devoted to her husband if she died, as is reported, of grief when he was imprisoned in the Tower. It is known, however, that the Countess Alice was a patron of Irish poets, for Peregrine O'Clery says of her death, "that was bad news for the poets of Erinn."³ The names of his children and their various marriages have never been conclusively recorded. A correlation of Lodge and Burke, Vicary Gibbs, *The Earls of Kildare*, Curtis, Gilbert, and the older authorities such as Ware, Holinshed, and the Four Masters, leads to the following tentative arrangement. By his first wife:—

- I. Gerald, 9th Earl, m. (1) Elizabeth, dau. of Sir John Zouche, and of Elizabeth, co-heiress of Lord Grey of Codnor; (2) Lady Elizabeth Grey, dau. of Thomas, Marquis of Dorset, son of Elizabeth Woodville, Queen of Edward IV.

³ Ger. Coll., p. 83.

- I. Eleanor, m. (1) Donal McCarthy Reagh, Prince of Carbery, son of Finghin McCarthy; (2) Manus O'Donnell, Lord of Tirconnail.
- II. Margaret, m. Piers Butler, 8th Earl of Ormond.
- III. Elizabeth, m. Christopher Fleming, 13th Lord Slane, Treasurer of Ireland.
- IV. Alice, m. her 1st cousin Conn Bacagh O'Neill, Earl of Tyrone, son of Conn More O'Neill and Eleanor FitzGerald.
- V. Eustacia, m. Ulick Burke, Lord of Clanricarde.
- VI. Joan, m. Maelruana O'Carroll of Ely.

And by his second wife:—

- I. Henry, d. young 2nd July, 1516.
- II. Thomas, d. young 1530.
- III. Sir James FitzGerald of Leixlip, m. a daughter of the White Knight. (Sir James was a Knight of Rhodes; succeeded to the English estates granted to the Great Earl in 1497, and in 1526 acted as Deputy to his brother the Lord Deputy).
- IV. Oliver of Killeigh, m. Maeve, dau. of Cahir O'Connor of Offaly, from whom are descended the FitzGerald of Balloagh and Fortinure. She md. 2ndly. Donogh O'Kelly of Hymany in Connaught.
- V. Richard, m. Maud, dau. of George Darcy of Platen, o.s.p. She was widow of James Marward, Baron of Skreen, and afterwards m. 3dly. Sir Thos. Cusack of Lisnullen, Co. Meath.
- VI. Sir John, a kt. of Rhodes, o.s.p.
- VII. Walter, m. Elizabeth Plunkett, dau. of Robert 5th Lord Dunsany—from whom are descended the FitzGerald of Glassealy, Co. Kildare.

The Great Earl's second wife was fortunate. She did not survive to see the extermination of her children. Henry and Thomas, her first born sons were, of the Great Earl's 14 children, the only two to die under age. The five remaining sons whom the Countess Elizabeth bore to the Earl were all of them executed at Tyburn after Silken Thomas's rebellion. Little therefore is known about the children of the Great Earl's English wife.

By Alice FitzEustace the Great Earl had six daughters and one son. Gerald, his successor, was an able ruler, a valiant warrior, and a man of great power. As a hostage he had been for several years at the English court. He was a man of taste

and culture, as is shown by the records of his library, his plate, his furniture and hangings at Maynooth. He was, moreover, reputed to be the best looking man of his day. Therefore, as contemporary fashion found Henry VIII. so handsome, it is not surprising that Gerald Oge resembled him. That this was so is proved by the portrait of an Earl of Kildare which their descendants, the Dukes of Leinster, possess. It is to be regretted that if any portrait were ever painted of the Great Earl it is not now extant. The portrait of the son, however, fits in perfectly with Stanyhurst's pen picture of the father. In the portrait we see a man heavily built, blue eyed, with eyebrows slanting a little upwards, as they frequently seem to do in portraits of this period; with brown hair with a reddish tint in it, and with a square cut beard which accentuates the rectangular effect of his full long face. It is probably this beard and his heavy build which make him resemble Henry VIII., but he does not seem to be quite as fat, and he had not got that monarch's sensual mouth. His nose is straight, a characteristic, which generally accompanied by blue eyes and rather fair hair, is noticeable in nearly all the portraits of his noble descendants. We will, perhaps, therefore, be entitled to ascribe these features to the Great Earl. We know that he was "a mightie man of stature full of honor and courage"; we also know that he was bearded, for the following anecdote from Holinshed proves it:—"Going in a rage with certayne of his servants for faults they committed, one of his horsemen offered Maister Boyce (a gentleman that retayned to him) an Irish hobby (horse), on condition that he would plucke an heare from the Earle hys berde. Boyce, taking the proffer at rebound, stept to the Earle (with whose good nature hee was thoroughlt acquainted), perching in the heate of his choler, and said: 'So it is, and it like youre good Lordeshippe, one of your horsemen promised me a choyce horse, if I snippe one heare from your berde,' 'Well,' quote the Earle, 'I agree thereto; but if thou plucke anye more than one, I promise thee to bring my fyst from thine eare.'"⁴ Incidentally, this

⁴ This account is given in Holinshed, vol. i., p. 83 of the edition "now newlie augmented and continued . . . to the yeare 1586 by John Hooker."

story proves that the Great Earl had not merely a beard, but a rare sense of humour and a sense of values.

Although he resembled him both in physique and in policy, and although Wolsey called him "the King of Kildare," Gerot Oge does not seem to have caught men's imagination in the same way as Gerot More. The Great Earl had a faculty of attracting legends to himself which his son never had. Thus even if the Great Earl's interview with Henry VII. related in the Book of Howth were absolute fact, it would still be perfect fable.

This myth-making faculty of his descended in full measure to his redoubtable daughter Margaret. This "Great Countess of Ormond" had inherited likewise the most formidable qualities of the Great Earl, as she was to prove in a manner unfortunate for her brother Gerald. The description of her which Stanyhurst gives, shows her to have been so like her father, that it is worth while quoting here:—"The Countess of Ossorie, Kildare's sister, a rare woman, and able for wisdom to rule a realm, had not her stomache over-ruled herself. Through the singular wisdom of this Countesse a lady of such port, that all the estates of the realme couched to her, so politieke that nothing was thought substantially debated without her advice; man-like, tall of stature, very rich and bountiful, a bitter enemy, the only meane, at those dayes, whereby hir husband's country was reclaymed from the sluttish and unclean Irish custome to the English habits, bedding, house-keeping, and civilitie. But to these virtues was yoked a selfe-liking and such a majesty above the tenure of a subject, that for insurance thereof she sticked not to abuse her husband's honour against her brother's follye. Notwithstanding, I learn not that she practised his undoing (which ensued, and was to her undoubtedly a great haevinesse, as upon whom both the blemish thereof and the sustenance of that whole family depended after); but that she, by indirect meanes, wrought her brother out of credite to advance her husband, the common voyce and the thing itselfe speaketh." She is stated to have "led a most exemplary life for charity and devotion." This active and martial housewife who reclaimed her country from the casual and doubtless somewhat dirty

customs to which its people had been used, and who brought in Flemish weavers and English bedding, was in some respects an exaggeration of her father. From him she inherited her stature, her generosity, and the carriage and force of character so great "that all the estates of the realme couched to her." Like her, the Great Earl is reported to have been devout, and there is evidence of this in the chantries which he founded. Peregrine O'Clery pictures him as succouring and relieving "the poor and the wretched of the Lord . . . the poets and the religious orders and the Friars Minors." Whilst again the resemblance between father and daughter is apparent in this description of her, "she was a suere friend; a bitter enemy; hardly disliking where she fancied, not easily fancying where she disliked."⁵

The Lady Eleanor, who was married first to Donal McCarthy Reagh, and then to Manus O'Donnell, bears a sisterly resemblance to Lady Margaret, and again reproduces her father's characteristics. Stanyhurst says of her, "this noble woman was always knowne and accounted of eche man, that was acquainted with hir conversation of life, for a paragon of liberalitie and kinenesse; in all hir actions, vertuous, and godley, and also in a good quarrel rather stout and stiffe." The Kildare family seems more than most other families, to have produced noteworthy and self-willed women. This Lady Eleanor, when a widow, was asked in marriage by Manus O'Donnell. She first of all refused him, then accepted him, in order to gain protection for her nephew; but finding that he did not give her nephew the protection which she had expected, she sent the latter safely to France and left her husband after giving him abundant abuse.

In August, 1485, Richard III. was killed at Bosworth, and Henry VII. obtained the English throne. The news of this battle must have been received by the Great Earl with intense disgust. Richard III. was a son of that Richard of York who "being sent to Ireland, won such favour among that people as could never be separated from him and his lineage."⁶ Henry VII. was regarded "as an obscure Welsh adventurer,

⁵ Hol. vol. i., p. 85.

⁶ Stowe quoted by Curtis, p. 392.

sprung from a doubly illegitimate stock.”⁷ His claim to the throne was, says Curtis, “the poorest since William the Conqueror.” His accession to the throne meant not only that men with better titles such as Warwick, and John, Earl of Lincoln, King Richard’s Lieutenant of Ireland, had been passed over; it meant that the House of York which the Kildares had always supported had been ousted by the House of Lancaster, which was associated in the Kildares’ minds with its supporters, the Ormondes; and it meant that the high position which was the result of all the Great Earl’s efforts was in danger. At the end of Richard III.’s reign, just before Bosworth, the Great Earl’s power was higher than it had ever been before. He had, as we have seen, carried into effect all his ambitions despite the wishes of Edward IV. and Richard III.; and by his indenture with the latter King he had not only increased the power given to him by his re-established standing army, but he had obtained the Deputyship on far better terms and for a far longer period than he had ever held it previously. Now that Henry Tudor had killed his king, and had in his turn usurped the throne, it would have been only reasonable for Kildare to have expected that the new monarch would give office to his supporters, and would turn from office those whom his conquered enemy had favoured.

Henry VII. did not deprive the Great Earl of his office. He was too much concerned with establishing himself in England to risk causing fresh trouble in Ireland; therefore, for a short while he left Ireland entirely alone. Even the Earl of Lincoln, whom Richard III. had made successor to his throne, was not at once deprived of his lieutenancy, although very soon the King did replace him by the Duke of Bedford, (Henry’s uncle). Ware in his *Annals* describes these events as follows:—“The king (Henry VII.) confirmed him (the Great Earl) in his Deputyship, and soon after by new Letters Patent he Constituted him Deputy under Jasper de Hatfield, Duke of Bedford, whom he had designed to be Lord Lieutenant of Ireland. This king confirmed Thomas FitzGerald, Brother to the said Earl, Lord Chancellor; Roland FitzEustace, Baron of Portlester, Lord Treasurer. A man by reason of his long

⁷ Gilbert, p. 422.

experiences very well verst in the affairs of Ireland, as also the rest of the Privy-Council, the Judges, and other prime officers; although he knew many of them to be well wishers to the White Rose. But at that time (a thing to be admired at [i.e., wondered at] in so wise a Prince) he added not to the Council, others whom he knew to be of approved fidelity. What prejudice he received thereby, will hereafter appear."

The Great Earl had, however, good cause to anticipate trouble from the Butlers. In November, 1485, a parliament at Westminster repealed the attainder of Edw. IV., and restored Sir Thomas Ormond to his possession and title of Earl of Ormond "and soon after the said Earl was made one of the King's Privy Council."⁸ Apparently it was then that the Great Earl married his daughter, the Lady Margaret, who has been described above, to Piers Butler.⁹ The Book of Howth says that she was married "for policy"; and also states that the marriage took place "about the year of our Lord 1485"; and if the marriage took place in that year the policy must have been to conciliate the Butlers whom the new King was taking into favour. The marriage was also to be singularly useful to the Great Earl in his subsequent feud with Sir James Butler, and this is the reason given for it in the Book of Howth, which recounts the incident as follows:—"Gerot Earl of Kildare, about the year of our Lord 1485, being in variance with James Butler, Earl of Wormone, and the rest of the Butlers, married his sister, called Lady Margaret, to one Persse Butler for policy. This Persse was in variance with the said James, and was maintained by the Earl of Kildare, by means whereof this said James could not well attend to war with the Earl of Kildare, nor so much harm do as he was accustomed to do; before which time, they so contended, that wheresoever any of them gathered their power upon a sudden, the other could not withstand that." It is clear that in the passage just quoted there is a series of mistakes. In the first place it is quite likely that the feud with Sir James¹⁰ did not

⁸ Ware, p. 1.

⁹ *Earls of K.*, pp. 45, 74.

¹⁰ Conway, *op. cit.*, (p. 50) says "There is no evidence of his presence in Ireland till the winter of 1491-2." Holinshed, the Four Masters and Ware bear out this contention.

start until 1492. Gerot Oge did not succeed to the title until after Sir James had been slain. The Great Earl "was the father, not the brother, of the wife of Piers Butler."¹¹ The slip in the Book of Howth¹² can be explained from the fact that the Lady Margaret was chiefly associated with her brother Gerald, 9th Earl of Kildare. Graves and Prim suggest a further explanation: they say "it is likely that her brother Gerald, afterwards 9th Earl, was instrumental in bringing about the match." If this were so it would be quite understandable that the chronicler, who incorrectly styles Sir James Earl of Ormond, would prematurely style Gerot Oge Earl of Kildare, but the assumption that Gerot Oge was instrumental in bringing about the match scarcely seems a necessary deduction from the passage in the Book of Howth.

The King had not interfered with the Great Earl and his supporters. The Great Earl, by marrying his daughter to Sir Piers Butler, had, to some extent, protected himself against the necessary increase of power which the Butlers would obtain from the accession of Henry VII. It might, therefore, have been expected that the King's marriage with Elizabeth of York would have caused the Great Earl to rest content with the status quo. That this marriage had considerable effect in bolstering up Henry VII.'s title is shown by the great stress laid upon it in the rhyming letter from the Mayor of Waterford.¹³ The manner in which the Great Earl heard of the royal marriage is related as follows by Ware:—"On the 2nd day of February, as the Lord Deputy was at Mass in the Cathedral of the Blessed Trinity in Dublin, Captain George Fame being sent from the King's Council into Ireland to the Lord Deputy and Council, brought the news of the marriage between his Majesty, Henry the 7th, and the Lady Elizabeth, who was the eldest daughter of Edward the 4th. The News being sent to the Deputy, he sent the letter to the Arch-

¹¹ Graves and Prim: *History of St. Canice's Cathedral*, p. 191. All the genealogists are agreed on this point. It is borne out by Stanyhurst's description of the contentions between Margaret and her brother Gerald, 9th Earl of Kildare (the Great Earl's eldest son and successor), which is given above.

¹² Curtis, p. 393, appears to have copied this without noticing its inaccuracy.

¹³ See below, p. 127.

bishop, Walter Fitz-Symons, who caused the Prior of the same to say another Mass for the King and Queen.”¹⁴ But this royal alliance between Henry VII. and Elizabeth of York does not seem to have exercised any perceptible influence on the Great Earl's subsequent conduct, for in the following year in Christ Church Cathedral in Dublin he crowned as Edward VI. of England the boy whom Henry VII. asserted to be Lambert Simnel.

Now, as Ware says, “we come to a time full of conspiracies.” The first of these was, he states, “the wonderful and notable contrivance of a certain subtil priest of Oxford called Richard Symons.” He, early in 1487, brought over to Ireland a handsome boy aged ten, his scholar, whom he asserted to be Edward, Earl of Warwick, escaped from the Tower, the true heir to the throne of England, being the son of George, Duke of Clarence, that brother of Edward IV., who had been not only Lieutenant of Ireland, but had been actually born in Dublin to Duke Richard of York. Henry VII. and his chroniclers declared that this boy was an imposter of low origin, and that his father was a cobbler, a joiner, an organ maker, or some one of a like position; and their view has been endorsed by the great majority of historians. The main incidents of this affair are firmly established, and their importance in the life of the Great Earl can hardly be exaggerated. The same tendencies which have been discerned in the contention with Lord Grey are again visible, but this time they are far more apparent; for on no other occasion is the Great Earl's power shown quite so vividly. It is true that “this business,” as Ware writes, “did occasion great calamities to the Earl of Kildare and had not God supported him it had been both destructive to himself and to his noble family”; his brother was slain, and he was excommunicated; but the significant fact remains that he, as Henry VII.'s Deputy in Ireland, was able to crown in Dublin a rival king and be

¹⁴ Ware, p. 3, where it is stated that “This Memorandum was taken out of the Records of the Council-Book, being the first year of this Reign of Henry the 7th, as also out of the Book called the Chain-Book of the City of Dublin, John Serjeant being then Mayor.”

pardoned and retained in his deputyship by the king whom he had flouted.

Although it is the well known and established fact of the Great Earl's coronation of the lad and Henry VII.'s continuation of the Great Earl in office, that is of paramount importance, it is interesting to inquire whether the Great Earl did in fact believe in Simnel. This question has been answered in the negative by Professor Mary Hayden in her useful and interesting account of "Simnel in Ireland"¹⁵ but it is doubtful whether she is right. Her views on this point are set out on page 624 (*op. cit.*) where she speaks of a plot "by which less than two years after Henry's accession an absurd and fantastic claimant to his Crown was set up and maintained"; and again¹⁶ where she states "some time early in the year 1487 Simons and his young charge crossed to Dublin. Kildare¹⁷ received them with honour and lodged them in his house. He can scarcely have believed in the false prince, and, in spite of Polydore Vergil's statement, it seems unlikely that the Chancellor, Thomas FitzGerald, did so either." Polydore Vergil's statement was, "Thomas Gerardinus insulae cancellarius specie veri deceptus in primis, puerum ut regia stirpe procreatum acceperit hospitio." Professor Hayden gives no reason for rejecting this express statement of a practically contemporary chronicler. To do so seems inconsistent both with her own previously expressed opinion, and with the extracts from practically contemporary authorities which she cites. Thus, on page 625 she writes, "That the child, whatever his origin, and however he was trained, was handsome, intelligent, and of courtly manners, is acknowledged by all who tell his story. Polydore Vergil speaks of him as 'puer non malo usque adeo ingenio.' 'Lambertus erat vultu membrisque decorus,' says John Herd. 'Puer aspectu decoro et docili,' writes Ware. 'Of a gentle nature, and pregnant

¹⁵ Published in *Studies*, December 1915.

¹⁶ *Ibid.* p. 626.

¹⁷ According to Polydore Vergil (pub. Basle, 1570) and the other authorities it was the Chancellor, Thomas Fitzgerald, who first received Simnel into his house. "The Lad was honourably entertained by the Chancellor," writes Ware (p. 4). Kildare may have received him later.

wit,' says the Book of Howth." Miss Hayden has therefore established on the unimpeachable authority of his enemies, that the alleged prince was, as Holinshed puts it, of "princelie behaviour." It is difficult enough for us to imagine how he could have acquired such qualities except by heredity, and it seems only reasonable to conclude that his contemporaries believed that he was of "princelie behaviour" because he was a prince's son. In addition, they had more concrete reasons for believing in him. He had special knowledge. He could answer promptly whatever questions were put to him about the court of Edward IV. "Ille autem arte mala jam instructus ab his qui Eduardi tempora notaverant ad omnia caduciferi interrogata promptissime respondebat," writes Bernard André.¹⁸ This clear statement is worthy of note, for André is the sole historian of the incident who was strictly a contemporary. It is true that he was inaccurate in some of his other statements, but the passage just quoted is borne out by the express and implicit evidence of semi-contemporary writers, and later on the same statement is made in Holinshed,¹⁹ "and the boie could reckon up his pedigree so readilie and had learned of the priest such princelie behaviour that he lightlie mooved the said earle, and manie others the nobles of Ireland."

From the account just given it is clear that the Great Earl had good reason to believe that the lad was genuine. The only evidence which might have been adduced against him was that when Henry VII. heard of these events he caused to be paraded through the streets of London another lad whom he alleged to be the real Earl of Warwick, and who, in all probability, was the real Earl. Ware says that he led out the true Earl of Warwick in solemn procession to St. Paul's "so that the Imposter's deceit was plainly detected by the English; but in Ireland this counterfeit was retorted on the King as if he had obtruded a counterfeit Earl of Warwick to the people." This London parade did not influence the Great Earl, and it is hard to see why it should have influenced him. He had

¹⁸ Gairdner: *Memorials of Henry VII. (R.S.)*, p. 50, henceforth quoted as *Memorials of Hen. VII.*

¹⁹ Hol., p. 79.

already seen Lambert Simnel, and for the reasons stated above it is likely that he believed in him. As for this London lad, John, Earl of Lincoln, King Richard's designated heir, had seen and conversed with the boy; and it was not until after this interview that he declared him to be false and Simnel genuine. The Duchess of Burgundy and other close relatives and associates of the late King, that is to say, the people who had the best means of judging, all declared that Henry had imposed a make-believe Earl on the Londoners, and that the true heir was the boy in Simons' charge. It might have been argued that the Yorkists were serving their own interests in this matter, but the same argument applied with even more effect to Henry VII., since it was his crown which was at stake. In such circumstances it was only natural that the Great Earl should credit his friends.

That Kildare and the other magnates in Ireland did, in fact, believe in the lad, is stated by nearly every writer. They "did both credit the matter and favoured the cause, in so much that Lord Thomas Geraldine, Chancellor of Ireland, much furthered this matter, and published the same throughout all the realm," says the Book of Howth.²⁰ "Res facile ab illis credita," declares Polydore Vergil;²¹ "Quare huic res facilis fuit imposuisse popello," says John Herd;²² and further, "quid quod Hibernorum juveni se credere multae caeperunt urbes, dominum regemque vocantes";²³ "This matter being easily believed," writes Ware;²⁴ whilst again, although he erroneously states that the boy was put forward as the Duke of York, 2nd son of Edward IV., the fact of belief in him is stated most clearly of all by the contemporary writer, Bernard André, "falsa suggerentium instructione a plurimis eisdemque prudentibus viris Eduardi filius credebatur, adeoque firmiter tenebatur ut plerique mortem oppetere pro illo minime dubitarent."²⁵

²⁰ *Bk. of H.*, p. 188.

²¹ Polydore Vergil, *op. cit.*, p. 570.

²² Herd: *Historia Quatuor Regum Angliae*, ed. Thos. Purnell, 1868, pp. 138-9.

²³ *Ibid.*, p. 140.

²⁴ Ware, p. 4.

²⁵ *Memorials of Hen. VII.*, p. 50.

This positive evidence is strengthened by some negative evidence from Waterford. The city of Waterford was the great enemy of the Earl of Kildare, and the general purveyor of news to the English king. It was particularly anxious that the Earl should not be reinstated in the royal favour, and it is likely, therefore, that had there been any grounds for making such an assertion it would have denied the circumstances which most excused the Earl's treason; and would have asserted that he had not really been deceived by Simnel, but had merely affected belief in him in order to rebel against his sovereign. Yet, in the Waterford account of Simnel's coronation²⁶ there is not a trace of such suggestion; whilst in the "letter sent by the Maior and inhabitants of the citie of Waterford unto Walter, Archbishop of the citie of Dublin, the Maior and citizens of the same, in the time of their rebellion," these lines occur:—

"It is a great pitie that ye be deceived
By a false priest, that this matter began;
And that ye his child as a prince receaved
A boy, a ladd, an organ-maker is sonn."²⁷

In sum we may state that belief in the lad is almost certain since it is a rational deduction from the facts of the case and is specifically attested by the contemporary, and practically contemporary, chroniclers.

It is now possible to work out from the facts which are known what is likely to have been the action and attitude of the Great Earl during the Simnel Rebellion. In January (?) 1487, the priest brought Lambert to Ireland, which he knew to be favourable to the house of York, ("quod genus Eduardi regis cognovit amasse," John Herd). There under a pledge of secrecy he told his tale at a meeting of nobles ("ibique secreto convenit nonnullos Hybernorum principes, quos parum fidos esse Henrico ex fama cognorat, dataque ab illis fide, narrat se servasse filium ducis Clarentiae a morte." Polydore Vergil). At this meeting the Great Earl was present.

²⁶ Published among the *Carew MSS.*, vol. v. (*Book of Howth*), pp. 472-473.

²⁷ Croker, *Popular Songs of Ireland*, p. 328,

Ware says that it was then that Simons presented the lad "before the Deputy, the Chancellor, the Treasurer, and others of the nobility, whom he had heard to be devoted to the House of York." The lad must have undergone his examination with marked success, for the nobles accepted the truth of his tale, ("pro vera habetur sine controversia." Polydore), and the Great Earl's brother, Thomas of Lackagh, the Chancellor, adopted his cause with enthusiasm, received him as a prince into his own house, and used every effort to further his designs, ("summaque ope iuvare ingressus fit." Polydore). The Great Earl, although he must have believed in the lad, did not yet wholly commit himself to his cause: this is shown by the fact that it was not the Great Earl, as from his position it would have been had he wholly committed himself, but his brother, the Chancellor, who summoned a meeting of his adherents, ("primo enim convocatis suis clientibus, indicat de adventu adolescentis, et quemadmodum et reliquo ex virili regia prole, regnum Anglię debeatur, et propterea eos hortatur, ut cum suo tum pueri nomine, se sequi velint." Polydore). It would have been foolish for the Geraldines to support the lad, however much they believed in him, unless they had some reasonable hope of success. This was probably well realised by the Great Earl, although already men like Brother James Ketyng who was among those "noted to be the chief causes of the great Rebellion," (Edgecombe's *Voyage*) may have urged him to an immediate coronation. To obtain money and men messengers were sent to the Duchess of Burgundy in Flanders and to Yorkist supporters, such as Sir Thomas Broughton, in England.

"Sir Nicholas, Lord of Houth, perceiving all this but a mad dance," says the Book of Howth,²⁸ "sent over to the king, and advertised him of all of these matters from the beginning to the end, who was the doers and maintainers of the whole matters in Ireland and Flanders." This is the more remarkable since Sir Nicholas was later, at any rate, the great champion of the Earl of Kildare, as is shown by the story of the dinner-time quarrel²⁹ between Sir Nicholas of Howth and

²⁸ *Bk. of Howth*, p. 189.

²⁹ For which see below, pp. 177, 178.

Sir James of Ormond. "The king having notice of these proceedings from the Lord Baron of Hoath and others," as Ware says, summoned a Council at Sheen, where a pardon was offered unconditionally to those who would return to their allegiance, and where it was decided to parade the young Earl of Warwick through London so that men "might perceive the fondness of those of Ireland to move war against the king without any just matter," as the Book of Howth declares. That the Great Earl and his supporters should have remained uninfluenced by this unconditional offer of pardon shows that they must have had a high opinion of the strength of their position; an opinion which after events were to justify despite the defeat at Stoke. It may also show their affection for the House of York. The London parade did not, as we have seen, alter their attitude to the lad. After he had seen the London Warwick, the Earl of Lincoln "being a wise man as it was reported secretly conveyed him to Flanders" (*Bk. of H.*). The only important person in Ireland whom the London parade appears to have turned from the lad was the Italian Archbishop of Armagh, Octavian, who in a letter to the Pope, which is quoted in Ware, says that "the Clergy and Secular are all distracted at this present with a King and no King, some saying he is the son of Edward, Earl of Warwick, others saying he is an Impostor; but our Brother of Canterbury hath satisfied me of the truth, how His Majesty the King of England hath showed the right son of the said Earl to the publick view of all the City of London, which convinceth me that it is an error willingly to breed dissention." As it was difficult to see which side would succeed, this office-seeking prelate was in a very awkward position.

On May 5th, 1487, Lincoln and Swart arrived in Dublin with 2,000 German soldiers sent from the Duchess of Burgundy:—

"Mox Germanorum binis hunc millibus auxit,
Queis Martinus erat Suardus dux robore præstans
Germani classe appellunt ad littus Hibernum"

(John Herd. pp. 142-3).

The Great Earl now that these forces had arrived, definitely

declared for the lad, and Henry VII.'s deputy in Ireland hastened the preparations for the coronation of the rival king.

In this difficulty the King at once turned to the Earl of Ormond, and as soon as he heard of the landing in Ireland he sent him a letter, which as it is short is worth quoting in full:—

“Right trusty and right well-beloved cousin, we greet you well, and have tidings that our rebels landed the fifth day of this month in our land of Ireland. Wherefore, and forasmuch as we have sent for our dearest wife and for our dearest mother to come unto us, and that we would have your advice and counsel also in such matters as we have to do for the subduing of our said rebels, we pray you that, giving your due attendance upon our said dearest wife and lady mother, ye come with them unto us, not failing hereof as ye purpose to do us pleasure. Given under our signet, at our castle of Kenilworth, the 13th day of May, 1487.”

Endorsed, “To our right trusty and right well-beloved cousin, the Earl of Ormond, Chamberlain to our dearest wife the Queen.”³⁰

It is significant, and of course quite natural, that the first person the King should turn to was the Earl of Ormond. The Butler interest in Ireland was thoroughly loyal, that is to say, they were altogether opposed to the Earl of Kildare and his protégé. A Butler was mayor of Waterford where the Great Earl was to meet with the most determined resistance; it was a certain Thomas Butler who went to England and informed the King of the coronation and other happenings; and according to some authorities, Sir James of Ormond did such good service to the King “against the Geraldines, when Lambert Simnel was cried up amongst the Irish,” that “he was knighted by Henry VII.”³¹

On May 24th, 1487, the lad was crowned in Christ Church Cathedral, as Edward VI. of England, in the presence of Lincoln, the Great Earl, the Chancellor, the Treasurer, “and

³⁰ Cotton MS. Titus B. xi., printed Halliwell; *Kings Letters*, vol. i., p. 171.

³¹ Carte, p. lxxx; Graves & Prim, p. 190—but see Miss Conway, p. 50.

many other noble and prime men of this Kingdom, as well Ecclesiastical as Secular.”³² The Archbishop of Armagh was not there to crown him, a matter which must have caused great annoyance to the Earl. “Soon after he had laboured (but in vain) to deter the Earl of Kildare from so unlucky a fact, he withdrew himself from the Earl, and from the solemnization, refusing to be present at the Coronation, which refusal afterwards created him much trouble.” There is no record of who actually crowned him. It was probably Walter FitzSimons, Archbishop of Dublin, “our Father of Dublin,” whom in their letter to Henry VII, the Dubliners said they were daunted to see “bend or bow to that Idol whom they made us to obey.” The crown “wherewith he was crowned was borrowed from the statue of the Blessed Virgin Mary kept in a Church called by her name, situate near the Gate commonly called Dames Gate,” and at the ceremony before he was crowned a sermon was preached by John Payne, then Bishop of Meath, wherein his title to the crown was published: “and so they called him king, then being in Cristchurch; and for that the throng of the people was such that he could not be seen, the child was borne in, and upon Great Darsey of Platan’s neck, that every man might see him.”³³ After the ceremony “he was conducted through the midst of the City to the Castle of Dublin with great applause of the people, and was there feasted.” The account in “the Mayor of Waterford’s letter” is slightly different, but it also goes to show that the boy was crowned by the Archbishop of Dublin. It runs as follows:—“To the great discredit of foolish men, then held for wise, it is remembered, and the posteritie is to take notice of the foolery, that one Lambert, a boy, an organ-maker’s sonne, was crowned at Dublin Kinge of England, and Lord of Ireland, in the third yere of Henry the 7. The circumstances may not be forgotten. The Erle of Kildare, then governor of the realme, with the assistance of all the lordes spirituall, and temporall, and commons of the north part of Ireland assembled in the Castell of Dublin, crowned the same boy, and proclaimed him

³² Ware, p. 6.

³³ *Bk. of H.*, p. 188.

as aforesaid. The crowne they took off the head of the image of our Lady of Damascus, and clapt it on the boy's head. The maior of Dublin took the boye in his arms, carried him about the citie in procession with the great triumph, the clergie goinge before; the Erle of Kildare then governor; Walter, archbishop of Dublin, lord chaunceler, the nobilitie, counsil, and citizens of the said citie, followinge him as their kinge: unto whome, also, all the partes of Irelaund yelded obedience."³⁴

The Great Earl now acted as "tutor and protector to the said Kinge."³⁵ He summoned a parliament which duly acknowledged Edward VI., and moreover, "it dyde kepe courts parliaments and made styles and processes in the said ladde's name."³⁶ At this parliament the Great Earl took steps to secure the recognition of his King. He had already proceeded against William Butler, parson of Kilbury, the brother of the informer, Thomas, under his privy seal. His parliament now attainted both brothers, and the Great Earl accordingly demolished William's manse, drove him from his lands, seized them in the name of Edward VI. and himself, and retained them as late as 1496, long after Edgecombe's expedition.³⁷ The Waterford account said that "all the partes of Irelaund yelded obedience" to the Great Earl and his king; this was not strictly accurate: Waterford and the Butler districts certainly did not obey the King, as the account itself goes to show:—"Shortly after the said Erle, as tutor and protector of the said Kinge, wrote to John Butler, maior of Waterford, and to all the citizens, a straight charge, and severe command upon their duty of allegiance to be well prepared, and with all redyness to receave their yonge king and lord, and, with all the forces they possibly could make, to assist him in his voiage unto his province of Mounster, where he and his counsaill were to take order in affaires of great importance touchinge his crowne and dignitie. The Maior of Waterfard, discreetly takinge the gayne of some small

³⁴ Croker: *Popular Songs of Ireland*, p. 312.

³⁵ Mayor of Waterford's letter, quoted above.

³⁶ 10 Hen. VIII., chap. 14, quoted by Hayden, *op. cit.*

³⁷ Stat. of 1496 quoted by Hayden.

tyme to conferre with his brethern, answered 'I will send him answere by one of myne own men'; and so sent him away.

Within a few dayes, with the advice of his bretherne, he framed him an answer as followeth:—'All loialty and subjection to our soveraigne lord, Henry the 7, Kinge of England, and Lord of Ireland, and health to your honorable person, with the advice of my bretherne, having weyed in the balance of loyalty your imperiall and peremptorie commaund, with one consent, and beinge directed by them that are experienced, well seene in the lawes of both realmes, and are not to seeke much in roiall affaires concerninge the tyme, this is that we have to say: that he who soever he be, taking upon him the imperiall crowne or name to be Kinge of England, and is crowned in Dublin by a subject Therle of Kyldare, and inhabitants of the city of Dublin, having no right thereto: the citie of Waterford accepteth and demeth such a one, and all such as imbrace and further such a coronation and proclamation made in Dublin, to be rude enemyes, traitors, and rebels, to the right prince and kinge of England.'

Therle myghtely stormed at this answer, and in his rage comaunded the poore messenger presently to be hanged in Hoggin Greene, adjoyning to the citie; wherewith Walter, archbishop of Dublin, then Lord Chauncelor of Ireland, and others of the counsail, went not a little displeased. Imediately the said Erle sent a herald in his coate of armes to Waterford, whome John Butler, Maior, espied beyonde the river, and caused a boate to ferry him over to understand his pleasure. The herald beinge come to the key, offered to land: the maior commaunded he shold not sett foote on shore, but deliver his message out of the boate, and that favor he would shew him in regard of his coate, and for Therle of Kyldare's sake, who contrary to the lawe of armes, had hanged his messenger.

The harold, though at the first amazed, yet gathering breath, and fearing hard mesure because of the execution of the maior's messenger, drew his sword, commanded the mariners to put off the shore, and, if they would not be directed by him, he wold runne them through. All for that time being effected to his content, he turned him to the maior,

and citizens, and said, 'Therle of Kyldare, tutor and governor to the Kinge, with the consent of his majesty's counsaill, straightly comaundeth the maior of the citie of Waterford, and the inhabitants of the same, upon payne of hanging at their dores, that they forthwith proclaim, or cause the kinge lately crowned at Dublin to be proclaymed, in their citie, Kinge of England, Lord of Ireland,³⁸ and with all expedition to be in a redynes to goe with him into his province of Mounster upon special service.'

Whereunto the maior, of himself (being a man of bold spirit and good corage) gave answer 'Goe tell them that sent thee hither, that I will not suffer they foote to come ashore, that I will not yeld unto their direction, and that I will save them a great labor, that they shall not need to come to our dores, for I (by the grace of God), with the citizens of Waterford and ayde of our neighbours, faithful subjects to the crowne and dignity of England, and the true and lawfull Kinge of the same, beinge lord of Ireland, will meet them XXX myles of, and answer them with the sword of true loialty and subjection; and then, harold, get out of our sight.' Forthwith the maior and his bretherne sent to all the Butlers and Brenys and the townes of Carrick, Clonmell, Callan, Kilkenny, Fitherth, Gawran, Bala mac Kanden, Rosse in Wexford, that they and their followers would receave entertaynement in the citie of Waterford in defence of the most noble Prince, Henry VII., the true Kinge of England, and Lord of Ireland, against a counterfeit Kinge and his adherente lately crowned at Dublin. The Butlers with their followers, returned answer that they, at a day and place appointed, with sufficient armes, colors displaid, and at their oune charges, with the adventure of their lives, wold meete them with V. hundred horse, and a thousand foote, and further if need required. The Brenys offred all kyndnes together with the townes heretofore mentioned."

In this picturesque account there are two things worth noting; the first is, that the loyalty of these towns to the

³⁸ Yet in view of the document given in the Appendix 8, it looks as if Simnel had been crowned as "King of England, France, and Ireland."

Crown was not quite so apparent in 1462.³⁹ They had, however, been consistent in that on each occasion they had supported the Butler as against the Geraldine interest; the only difference was that in 1462 the Butlers were fighting against Edward IV., and in 1487 they were fighting in favour of Henry VII. On both occasions they were fighting against the Fitz-Geralds. The other point worth noting is that this is the best instance on record of the Great Earl's violent temper; the message which Waterford had sent him was certainly somewhat aggravating, and in the heat of his rage he had the unfortunate messenger hanged near the Castle in the place now called College Green, to the horror of the Archbishop; and from what we can gather of his character, to his own subsequent regret.

The Butlers and the citizens of Waterford were not the only people who refused to recognise the Great Earl's new king. As usual he was at loggerheads with one or two bishops. It is a singular fact that from his youth onwards the Great Earl is always engaged in a quarrel with one or more bishops. At this time the prelates who opposed him were Octavian, the Archbishop of Armagh, Edmond Courcey, the Bishop of Clogher; and apparently—since the Pope sent to them on January 5th, 1489, his "*Bulla contra Hybernicos Praelatos, qui Lambertus Symnell, praetensum de jure, de facto in Regem coronarunt*"—the Archbishops of Tuam and Cashel, and the Bishop of Ossory.⁴⁰ The Pope was on Henry VII.'s side. In 1486 Innocent VII. had sent him a most useful Bull "wherein (among other things) all Bishops, etc., were commanded to excommunicate Rebels as often as the King should require them so to do."⁴¹ The Great Earl and the clergy who supported him, that is to say, the majority of the Church in Ireland, took steps to guard against the censures which they knew they would be likely to incur as a result of this Bull. They summoned a Great Council in the name of Edward VI., "in which Council a subsidy was granted by the clergy to the Pope," in the absence of Octavian, "as he allegeth, for

³⁹ Curtis, p. 370.

⁴⁰ Rymer's *Foedera*, vol. xii., pp. 332-3.

⁴¹ Ware's Works, p. 370.

to obtain absolution from the censures and excommunications which happily they might have incurred by raising new tumults against the King.”⁴² This Council is referred to in a letter from Archbishop Octavian to some un-named ecclesiastic in England, whom Gairdner suggests must have been either Cardinal Morton or Fox, then Bishop of Exeter:—
 “Post praedictam coronationem de facto celebratam, prae-nominatus comes Kildar,’ quoddam nomine dicti coronati magnum tenuit concilium, in quo Domini Spirituales in eodem concilio comparentes, me tamen absente, personaliter conscientiarum suarum morsibus vulnerati, quoddam subsidium ad sacrosanctam Sedem Apostolicam pro absolutione a sententiis et censuris quas forsan novos tumultus contra regem praedictum suscitantes incurrerunt, obtinenda, destinandum concessurunt super Hiberniae clero.”⁴³ In this same letter,⁴⁴ the object of which was to try to secure for himself the office of Chancellor, the Italian Archbishop asserted “quod profano coronationis pueri in Hibernia sceleri, me solo excepto, nullus obstitit manifeste,”⁴⁵ a remark which does not allow due credit to the Bishop of Clogher and the other above-mentioned prelates. He goes on to relate that he was in serious danger of his life, and that it was the Great Earl of Kildare who saved him from the Earl of Lincoln, furious at his refusal to participate in the coronation of his king:—“qua in re me maximis subjeci periculis vitae, cum Lincolniensis comes, mihi tunc rabiosa invidia invidens, comitem Kildariensem inordinata adiens iracundia, potestatem quaesivit pariter et licentiam jura regalia in contradicentibus actui hujusmodi realiter exequendi. Attamen, quamquam dictus comes Kildariensis quod dictus

⁴² Ware's Annals, p. 6.

⁴³ “After the aforesaid coronation was actually [“de facto” is probably used here in contradistinction to “de jure”] celebrated the beforementioned Earl of Kildare held a Great Council in the name of the said crowned man, in which the Lords Spiritual who appeared in that Council,—I however was absent—personally wounded by the stings of conscience voted a subsidy to the Holy Apostolic See in order to obtain absolution from the sentences and censures which perchance they had incurred by raising new tumults against the aforementioned King, which subsidy was to be levied on the clergy of Ireland.”

⁴⁴ Printed *L. and P.*, vol. i., pp. 383-384.

⁴⁵ “Myself alone excepted, no one openly opposed the impious crime of the boy's coronation in Ireland.”

Lincolniensis desideravit in ea parte eo instante abnuit, benevolentiam supradicti Kildariensis et aliorum procarum et primorum, cum eodem in actu hujusmodi profane participantium, cordialem me adipisci hactenus non sensi, imo in ambiguitatis amissionis bonorum et temporalium meorum perplexitate in dies permanere compellor."⁴⁶

The army now prepared to invade England. At the beginning of June, Sir Thomas FitzGerald, the Great Earl's brother, resigned the Chancellorship in order to accompany his boy king to England. In addition to Swart's German veterans, a large number of Irish soldiers had been obtained. Here the Great Earl's influence is probably to be discerned. It is worth noting that both Polydore Vergil and John Herd rank the "*Silvestres Hiberni*" amongst the supporters of Simnel. They, however, as Professor Hayden has shown, exaggerated the part played by the native Irish. The Four Masters make no mention of these weighty matters; and as the names of no Irish leaders are given, it is likely that the Irish troops consisted, primarily at any rate, of mercenaries. It is, however, clear that so far as the Gael thought of this matter at all, they considered Simnel to be the rightful heir. O'Curry's translation of the *Annals of Ulster* is as follows:— "A great Saxon fleet came over to Erin this year, for the son of the Duke of York, who was then in exile, and abiding with the Earl of Kildare, viz., Garret son of Earl Thomas; and there survived not at that time of the Royal Blood, but only that son of the Duke. And he was proclaimed King on the Sunday of the Holy Ghost, in Dublin, at that time. And he then went over with the Fleet, and a great many of the Irish accompanied him, with the Earl of Kildare's brother;

⁴⁶ "In which matter I was in most grievous peril of my life, as the Earl of Lincoln—being madly jealous of me—approached the Earl of Kildare in furious wrath and asked alike for powers and permission to exercise in deed the rights of royalty [*"jura regalia"*—the rights of life and death] on those who opposed this kind of act. However although the said Earl of Kildare at the moment refused what the said Earl of Lincoln desired in that respect I have not felt up to this day that I have obtained the cordial goodwill of the aforesaid Kildare and the other chiefs and nobles who took part with him in this impious procedure, nay rather I am compelled to remain every day in distressing anxiety of losing my goods and temporal possessions."

i.e., Thomas son of the Earl; and Edward Plunket, i.e., Edward Oge." Thus it is clear that the compiler of these Annals, Cathal MacManus, who lived far away from Dublin at Senad-Mic-Manus on Lough Erne, believed the lad to be genuine. Their chief interest in him, however, was probably not so much as the rightful Prince who might possibly become an absentee lord of Ireland, but as the protégé of their *de facto* Ard Rí, Geróid, Iarla Cille Dara.

On the 4th June, 1487, the invading fleet set sail for England. What happened to them there is well known. They did not meet with the support which they expected in Yorkshire; and meeting Henry VII.'s army at Stoke on the 16th June, they were, after a fierce battle, defeated. "*Dimicatum est plus tres horas aequo praelio,*"⁴⁷ writes Polydore Vergil. Amongst the slain was "Thomas Geraldinus, Hybernorum duxer," and there was a great slaughter of the Irish, who fought bravely although they were improperly armed, "*Contra Hyberni etsi magnis animis praeliabantur, attamen cum patrio more, nullis armis corpora tecta haberent, ante omnes passim cadebant, eorumque caedes aliis multo maxime formidini erat.*"⁴⁸ The account of the battle in the Annals of Ulster is as follows:—"A battle was fought between the two Kings who then reigned over the Saxons, viz., the Welsh king, and the youth who we have said was proclaimed King in Dublin; and the battle was gained over that youthful Prince. And the number of thousands of men that were killed on that occasion is beyond computation or description; and the greater part of those Irish who went over along with Thomas, son of the Earl of Kildare, were killed together with many noble English youths. And it was about the festival of the Holy Cross, that battle was fought."⁴⁹ "Among the prisoners that were taken, were that scenic kingling, Lambert Simnel, and his tutor, that subtil priest."⁵⁰

The Great Earl had lost his king and had lost his brother,

⁴⁷ "They fought for more than three hours an equal fight."

⁴⁸ Polydore Vergil, p. 574. "On the other hand the Irish although they fought with high courage yet as they had after the manner of their country no armour on their bodies before all fell indiscriminately and their slaughter caused the greatest fear of all."

⁴⁹ O'Curry. Ger. Coll.

⁵⁰ Ware, p. 7.

but he did not lose hope. The period between the battle of Stoke and the arrival of Sir Richard Edgecombe, almost exactly a year afterwards, is obscure, but it is clear that the Great Earl did not immediately give up the fight; and the salient feature of the whole affair is that at the end of that period he did not even lose his Deputyship. Ware writes that "Upon the first rumour of the King's victory, the Irish Rebels were downcast, and soon after the Earl of Kildare and others of the great ones having certain notice thereof, did in conclusion send away messengers, who excused this fault to the King, acknowledging their errors, and humbly craveth pardon for the same. The King being somewhat appeased with these submissions and messengers, after mature deliberation had, with the advice of his Privy Council, at last sent back the messengers for Ireland, with letters to the Earl, and the rest wherein after he had checked them for their last defection, he notwithstanding promised to pardon them all what was past, according to their future deserts. And as for the Government of Ireland, he did again, for a season, commit the same to the Earl's fidelity, with some command, and certain instructions convenient and fit for the time. And thus at length that counterfeit Lambert in Ireland vanished into smoke."⁵¹ It is clear, however, that the Great Earl could not have sent these conciliatory letters to the King until at least four months after the battle of Stoke, since on the 20th October, 1487, the King wrote a letter to Waterford thanking the citizens for their services, and asking them to continue the same against the Great Earl and Dublin who still maintained their seditious opinions. The letter⁵² is as follows:—"Henry, by the grace of God King of England, France, and Lord of Ireland, to our trusty and well-beloved, the mayor, bailiffe, and communality of our city of Waterford, in our land of Ireland, greeting.

Whereas it is evidently known that our rebel, the earl of Kildare, not long ago, confederated with certain others, our rebels and traytors, through the aid and assistance of the

⁵¹ Ware, p. 9.

⁵² This letter is printed in Smith's *Waterford*, pp. 133-4, and in Ryan's *Waterford*, p. 26.

inhabitants of the city of Dublin, in our said land, and others of their sect made great rebellion against us, intending, as much as in them was, the destruction of our person, and the utter subversion of this our realm, if they might have attained unto their malicious purpose; whose malice, through the grace of God, and the aid of the loving subjects, we withstood, to the final destruction and confusion of many of them.

And forasmuch as the said Earl, with the suppotation of the inhabitants of our said city of Dublin, and others there, to the high displeasure of almighty God, and contrary to the duty of their allegiance, will not yet know their seditious opinions, but unto this day uphold and maintain the same, presumptuously, as we certainly understand.

We, therefore, for the good obeysance and loving disposition that ye, to our singular comfort and pleasure, have borne always towards us (wherof we heartily thank you) and trusting firmly in the same, will and charge you, and by these our letters give unto you, and every of you, full authority and power to arrest, seize, and take all such, and as many of our said rebels as ye shall now attain unto by sea and land, with all manner of their ships, goods, and merchandise, as ye shall find to be carried or conveyed from any other place to our said city of Dublin, and to the parts thereabouts, and to employ the same unto the behoof and commonweal of our said city of Waterford: And that ye fail not daily and diligently to endeavour yourselves, for the execution of this commandment, until the said earl, and the inhabitants of our said City of Dublin, with the parties thereabouts of the sequel, utterly and clearly leave and forsake the said rebellion and contemptuous demeaning, and shall be of good due obeysance unto us, and stand in the favour of our grace.

Charging, over this all manner of our officers, true liegemen and subjects, that unto you and every of you, in executing the premises, they be aiding, helping, and assisting in every behalf, as it shall appertain; as they and every of them will be recommended of good and true obeysance unto us.

Given under our privy seal at our Castle of Warwick, the 20th day of October, in the third year of our reign.

HENRY REX."

This royal letter to Waterford proves conclusively that the conciliatory letters from the Earl of Kildare and his supporters could not have been sent and accepted before the end of October, 1487; that is to say, four months after the defeat at Stoke. That letters were sent, however, at some period not stated is clear from Sir Richard Edgecombe's expedition, for he would not have come over to Ireland with only 500 men unless he had been sure of a peaceful reception, and he would not have come over at all to receive the Earl's submission unless he had been informed that the Earl would submit. It is clear from the general pardons made out to the Great Earl and a long list of important clerics and laity on May 25th, 1488,⁵³ preparatory to Edgecombe's mission, that the conciliatory letters must have been sent and accepted before that date. There is some evidence to show that the letters were sent in the year 1487. In addition to chapter 3 of Ware's *Annals*⁵⁴ under the year 1487 it is written that "soon after that the King had showed his clemency to the Earl, and to all his subjects in Ireland, the Citizens advising with Jenico Markes then Mayor of this City [Dublin] what they should say for themselves, for they were somewhat jealous that the king showed such favour and kindness to the Mayor of Waterford (as indeed their fidelity did deserve a thankful and encourageable return) sent a letter of excuse to the King." This letter of excuse from Dublin must have been sent in the year 1487, not merely because Ware's account of it is put under that year, but because the letter is signed by Jerico Markes, Mayor of Dublin: and Markes was no longer Mayor in 1488.⁵⁵ But it is expressly stated that this letter was sent "soon after that the king had showed his clemency to the Earl," and since the letter was sent in 1487 the clemency referred to here could not have been that shown in the Edgecombe expedition of 1488, accordingly it must mean the royal acceptance of the Great Earl's conciliatory letters, and therefore these letters must have been sent in 1487, whilst, as the royal letter to Waterford of October 20th, 1487, proves

⁵³ *C.P.R.* p. 227.

⁵⁴ Ware, pp. 9, 10.

⁵⁵ Ware's list of Mayors of Dublin, *Antiquities* (1705 edit.).

that they could not have been sent before then, they must have been sent in one of the remaining two months of that year, November or December.

The sequence of events can now be better understood. On June 16th, 1487, the Great Earl's brother was slain, the Irish army defeated, Simnel and his tutor captured, and his chief supporters at Stoke were dead men, prisoners, or fugitives. The Great Earl and his supporters in Ireland did not immediately abandon hostilities. For 3 months at least they maintained the cause of "Edward VI." The fight in Ireland had probably degenerated into the old faction fight between the supporters of the Butlers and the supporters of the Geraldines. From Henry VII.'s letter to Waterford it would seem that the Great Earl and his friends still believed Simnel to be genuine: they "will not yet know their seditious opinions, but unto this day uphold and maintain the same, presumptuously, as we certainly understand." It seems that in August⁵⁶ the Great Earl was still making grants in the name of "Edward, King of England, France and Ireland," although if tradition be true Simnel was at that time a scullion in Henry's kitchen. But the belief in the lad must have waned. Simnel was reported to have made a confession. Bernard André writes⁵⁷:—"Ibi nebulonum ille regulus in Hibernia ut ante dixi coronatus misellus bello capitur; qui interrogatus qua audacia tantum facinus vapulo facere ausus esset, a quibusdam suae sortis flagitiosis hominibus se fuisse coactum non negavit. Deinde super generis ac parentum conditione interrogatus, viles omnino personas, vilibusque officiis, nec in hac historia inseri dignis, omnes fuisse confessus est."⁵⁸ This statement of the

⁵⁶ See Appendix 8, for a patent which appears to have been made out in his name as late as August 22nd, 1487.

⁵⁷ "There that princeling of rascals who was crowned as I said in Ireland, wretched boy, was taken prisoner: and on being questioned how a whip-scoundrel such as he ventured on so great a crime did not deny that he had been coerced thereto by certain infamous men of his own rank. When further questioned as to the rank of his family and parents he confessed that they were all low people and engaged in low occupations which are not worthy to be mentioned in this history."

⁵⁸ *Memorials of Hen. VII.*, p. 52.

Court Historiographer⁵⁹ who had sung the triumph of Henry VII. in lyric verses is small authority for asserting that there was a confession at all—although if the picturesque tale be true that Simnel was made a turnspit and then a falconer, such a confession as this must have been made and accepted,—it is, however, first class authority for stating that Henry VII. put it about that Simnel had confessed. The report of Simnel's confession must have exercised some effect in inducing the Great Earl to make terms with Henry VII. Moreover, whether the Great Earl still believed in the lad or no, it must have been quite clear to him that since the latter had been captured it would be quite impossible to put him on the throne; whilst Lincoln, for whom, according to some, he was a stalking horse, had been killed at Stoke, so that there was no available claimant for whom to fight. There were, moreover, certain inconveniences which would ensue if the fight were continued; the King, on the 5th July had applied to Innocent VII. to issue pontifical censures against the Irish rebels,⁶⁰ and although His Holiness's reply was not sent until January 5th, 1488, the possibility of its arrival was probably well known. For these reasons, and because his own position and Henry's attitude made a reconciliation on terms favourable to himself seems very possible, it was obvious policy for the Great Earl to "send away Messengers, who excused this fault to the King, acknowledging their errors, and humbly craveth pardon for the same."⁶¹ The Great Earl, judging from the Edgecombe mission and from the letters of excuse which on another occasion (in 1491) were despatched to the King, had quite a capacity for craving pardon, "in as humble and obeysaunt maner as eny subiect can or may," and at the same time refusing to do what the King asked.

The messengers whom the Earl sent to his Majesty were singularly successful. It is not known whether they were sent before the English parliament had in November, 1478, attainted and punished the English supporters of Simnel,

⁵⁹ For regulations for the payment of this Poet Laureate, see Rymer, vol. xii., p. 317.

⁶⁰ For Henry's letter to the Pope, see *L. and P.*, vol. i., p. 95.

⁶¹ Ware, p. 9.

whilst significantly refraining from taking any action whatever against the Great Earl and his Irish supporters who had been the real movers of the rebellion. It would be of intense interest if the Great Earl's instructions to the messengers could be brought to light, for whatever they said to the King, he "after mature deliberation had, with the advice of his Privy Council,"⁶² sent them back "with letters to the Earl, and the rest wherein after he had checked them for their late defection, he notwithstanding promised to pardon them all that was passed, according to their future deserts." That is to say, that Henry VII. wrote to the Great Earl, his Deputy, who had crowned a rival king against him, and who had sent his brother with an army to invade England on this king's behalf, and told him that for such conduct he would have to reprimand him, but that he would pardon him all that was passed, provided he behaved well in future. It is unfortunate that there is no record of what influenced the King's mind. The situation in Scotland where Henry's ally, James III., was being opposed by his rebellious barons, no doubt had some effect, but by itself it is not enough to explain the King's attitude. Even in the detailed account of Edgecombe's mission to Dublin in July, 1488, there is only the vaguest indication of the main sanction which the King was trying to exact from the Earl, whilst the only express reference to the means by which the Earl and his Council forced Edgecombe to accept their refusal of it, is the threat which he records them as making on July 18th that "rather than they wuld do it, they wuld become Irish every of them." This threat here, and only here, expressly recorded may well supply the key to the King's capitulation. Whether such a threat were expressed to the King or not by Kildare's messengers at the end of 1478, the fear of it must then have been in the King's mind and in the minds of his Privy Councillors; and the danger of it must have been considered by them to have been of such real gravity that "after mature deliberation" they decided to pardon Kildare of his aggravated treason, although for far less men in England who had not abused any position of authority were heavily fined or attainted as felons.

⁶² *Ibid.*, p. 9.

Ware tries to explain the royal attitude in two ways. He says firstly that the King was guilty of an oversight. "Hitherto he sent no Forces into Ireland to extinguish the Sedition, a thing much to be admired at, [i.e., wondered at]: it cannot be denied that hitherto he did much neglect his Irish affairs, but the next year following he somewhat redressed this oversight." He says secondly that the terms were due to the magnanimity of the King who acted "with such clemency and moderation, (deserving rather to be loved than feared) that he showed himself both a merciful Prince, and a lover of Peace, whereby he gained the Conquest without bloodshed." Neither the first nor the second explanation is sufficient. Henry VII. had not up to now shown as much interest in Ireland as had been manifested by Richard III., but it would be absurd to imagine that this careful monarch was neglectful of an affair which had resulted in an invasion of England designed to wrest from him his recently acquired and jealously guarded throne. The second explanation has more force. Henry VII. loved to secure his ends without fighting. Moreover, he had made magnanimity a part of his policy. Thus at the beginning of 1486 he had re-appointed the Yorkist Earl of Northumberland Lieutenant General of the East and Middle Marches.⁶³ This appointment was an extension of the system in accordance with which Kildare had been appointed Deputy on Henry's accession. But Kildare's position was now vastly different.⁶⁴ He had been retained in office to the surprise of later chroniclers and doubtless to the annoyance of hostile contemporaries who, since they had supported the King, hoped that they and their friends would be given high places. In return for this consideration the Great

⁶³ Conway, p. 33.

⁶⁴ In a disquisition of 1538 on "the state of the realme of Ireland, the dangerous disposition of the Geraldines, and the mischieves by way of caveat to be prevented" the following passage occurs:—"And nothing had done more hurt then (as I have learned of the wisest of that land), than the facilities of princes in remitting or forgyving offenders their trespasses, so as by the Kinges owne autoritie his jurisdiction and revenues are decied. And calling to remembrance how that the blood of the Geraldines had bene infected, and by them, almost and by no other so much, the autoritie of the kinges of England, more than these fyftie yeres past, hath bene resisted, it were not good to give their watercourse too much libertie." *Earls of K., 2nd App.* p. 48.

Earl had made use of his position as the King's representative in Ireland to conspire against the King; to crown a rival king; and to raise an army which with his brother had invaded England and had placed Henry VII. in danger of losing his throne, if not his life. The battle of Bosworth, which had given Henry the throne, was decided in two hours. The battle at Stoke, which endeavoured to take it from him, had lasted for three hours of fierce fighting, before victory commenced to incline towards the King. At London it was reported that the King had lost. And now the King and his Council considered it politic to pardon the man who had been the chief cause of these events; and what is more to retain him in office. Unless something of great importance had forced their hand they could not now have thought it politic to be magnanimous. They were influenced no doubt partly by the position in Scotland and still more by the position in Ireland. Nothing could express more clearly how real was the danger that the Earl and his supporters "wuld become Irish every of them." Henry VII. and his Council preferred to pardon the Great Earl and to retain him as their governor of Ireland rather than to run the risk of losing Ireland altogether.

When Kildare's messengers returned to him with this promise of pardon, the citizens of Dublin who had followed him into rebellion and who now saw their rivals in Waterford favoured and the Great Earl unscathed, thought that they had better see to their own position: they accordingly sent a letter to the King in which they said amongst other things: "We were daunted to see not only your chief Governour, whom your Highness made ruler over us, to bend or bow to that Idol whom they made us to obey, but also our Father of Dublin, and most of the clergy of the Nation, excepting the Reverend Father his Grace Octavianus, Archbishop of Armagh: We therefore humbly crave your Highness clemency towards your poor subjects of Dublin, the Metropolis of your Highnesses Realm of Ireland, which we hope your Gracious Highness will remit with some sparks of favour towards us." The letter is signed by Jenico Markes, Mayor of Dublin, and various other citizens. Ware notes that "several of the citizens of Dublin, could not write in those days, but put their marks." As

some of the foremost citizens of Dublin could not write at all, it should be remarked that the Great Earl must have had more than common education, since he at least was able to write the initials of his name as the letters G.E.K. on various documents remain to prove.

"On the 7th December, (1487) James FitzThomas, a Geraldine, and Earl of Desmond, who for almost 28 years flourished both in Wealth and Power, was suddenly and cruelly murdered by his Servants in his House at Rathkeale in the County of Limerick." "This James dying without issue, at least without issue male, his Brother Morrish succeeded him by whom John Mantagh the chief contriver of that Murder was soon after taken and slain."⁶⁵ The Four Masters under the year 1488 stated that "Shane, the toothless, the actual murderer of the Earl of Desmond, was put to death by Maurice, son of the Earl." James who was murdered, John, his brother, who had him murdered, and Maurice, the new Earl, were all cousins of the Earl of Kildare. Maurice, the new Earl of Desmond, who was subsequently to be prominent as a rebel against Henry VII. on the side of Parkin Warbeck, was now given special privileges by Henry VII. in order that he should maintain his cause in the west of Ireland against the Great Earl of Kildare. By patents of April 8th, 1488, the King allowed him to enter on his lands in as full a manner as if he had sued out livery according to common law, (the same privilege as had been obtained for the Great Earl by his father) and made him a grant for life of the office of Constable of Limerick Castle and a grant during pleasure of the keeping of the King's lands belonging to it.⁶⁶ On April 17th the King followed this up by giving to his "kinsman, Maurice, Earl of Desmond," a commission to arrest rebels and to inquire of them by juries and to deliver gaols of them in counties Limerick, Cork, Waterford and Tipperary.⁶⁷ The King also endeavoured to secure the support of other prominent men, both "English" and others who on this occasion he could hardly call his "Irish enemies." He gave a commission during pleasure to Maurice, Lord Roche, to keep the county of

⁶⁵ Ware, p. 9.

⁶⁶ *C.P.R.* p. 232.

⁶⁷ *Ibid.* p. 229.

Cork,⁶⁸ and he gave a grant to "Florence MacCarthy" and his heirs of English law with a general pardon and a perpetual grant of custom and prisage of wines to the west of "le Oldehede" on the west of Kinsale. Special power was given to the Bishop of Waterford, the Mayor of Waterford, and others to receive the homage of "Florence MacCarthy and Cormac MacTeg," and to admit to the King's grace all such of the said nation as might submit themselves. Meanwhile Waterford had been granted by the King a right to a gallows and prison with the power of using them, a release of payment of £30 per annum from their fee farm, and also the important privilege that they and those coming to them should be exempt from poundage.⁶⁹ This immunity was in after years to be challenged by the Great Earl. These royal grants and a "Bulla contra Tumultus excitantes, super jure Succedendi,"⁷⁰ which Pope Innocent VIII. had sent on May 16th, 1488, and in which he specifically included Ireland, seem to have been the only preparations made to secure support for Edgecombe on his visit to Ireland.

On May 25th Sir Richard Edgecombe had been given power to grant safe conducts "to such as come from Ireland to treat on matters of sound rule and peace in that land" and to grant letters of pardon and administer oaths of fealty.⁷¹ On the same date, as has already been mentioned, general pardons were made out to the Great Earl, and to a long list of important clerics and laity. The only important name which does not appear on that list is that of the Great Earl's notorious supporter, Brother James Keating. These pardons, it appears from the account of Edgecombe's proceedings in Ireland, were taken with him thither, and were intended to be given by him to the guilty parties after he had received their submissions. This is shown by his complaint, recorded just before he returned from Ireland, that "certen Persons, which were noted to be the chief causes of the gret Rebellion late committed in Irlaund, because the Kings Grace had sent thither ther Pardons, sett little by their heinous offences."

⁶⁸ *Ibid.* p. 232.

⁶⁹ *Ibid.* p. 224.

⁷⁰ Rymer, pp. 241-3.

⁷¹ *C.P.R.* p. 225.

We are fortunate in having a detailed account in diary form of Edgecombe's mission in Ireland. This is printed in Harris's *Hibernica*, and makes very interesting and amusing reading. It does not, however, as has already been remarked, state definitely the principal sanction which the King hoped to exact from the Great Earl's future good behaviour; and only on one occasion does it state—but then quite expressly—what the Great Earl and his supporters had to say against this proposal. On June 23rd, 1488, "the seyde Sir Richard took shipping at Mountsbay in Cornwall" with four ships of Fowey and in them a force which did not amount to more than 500 men in all. Having met bad weather and unsuccessfully chased some pirates, he arrived "with great labour and pain" at Kinsale on the 27th June, and took the oaths of Lord Thomas of Barry. On the following day, at their "especialle desire" he landed at Kinsale and took the oaths of Lord Courcey and the Portrieve and commonalty of the town, whom he bound in £1,000 to keep peace with the King and thereupon gave them the King's pardon.

The most interesting part of his "Voyage" before he reached Dublin was, as one might expect, his reception at Waterford. "The wind always being right contrarious" he did not arrive in the port of Waterford until the morning of June 30th, and in the afternoon the "Mayor and Worshipful Men of the same honourably receaved hym, and the Mayor lodgid the seyd Sir Richard in his own House, and made him right herty cheer." Waterford was very much perturbed at the prospect of having the Great Earl as Deputy of Ireland. The following day, after he had been shown round the city, Sir Richard was brought to the Guild Hall to a meeting of the City Council. At this meeting the Mayor spoke of the state of the city "and the disposition of divers gret Men and of the common People of the Land; among whych he shewid, that they understood that the seyd Sir Richard had brought wyth hym the King's pardon for the Erle of Kildare," whom they informed him "hath always bene, and is, an utter Enemy to the seyd Citty, and especially for their approved loyalty towards the Kyng's Grace." They then spoke with some

vehemence of the dangers which they felt they would incur if the Earl were pardoned, saying "that when he was Sworn, and became the Kyng's Subget, though he were not made Deputy of that Lond, yet for the atchieving of his purposed malice agents the seyde Citty, they knew well that he wuld make such means, that he shuld be made Justice of that Lond." (Incidentally, there could hardly be a better testimony to the efficacy of the Great Earl's policy of securing a restricted electorate composed of his supporters who, on the next occasion that a Lieutenant or Deputy vacated his office, would elect him as Justice until a new Deputy were appointed, always with the possibility that once appointed Justice, the Great Earl could succeed, as in 1478, in maintaining his governorship against whomever the King might appoint as Deputy). "And thereby," they said, "he shulde have souch Authority, that he wuld find the means by him and his Friends utterly to undo the seyde Citty." Therefore they "desired especially the seyde Sir Richard, that he wuld be means to the Kyngs Grace to be their good and gracious Lord therin, and that they mought be exempt from the Jurisdiction, as well of the said Erle, if it fortuneth him to have any Rule ther hereafter, as of all othir Irish Lordes, that shuld bear any Rule in that Lond for evirmore, and to hold immediately of the Kyng and his heirs, and of such Lordes of Englonde, as shall fortune hereafter to have the rule of Irelaund, and of none othirs." To this interesting proposal the politic Sir Richard replied that the King had specially commanded him to take a very special care for the city of Waterford, and that therefore, and in consideration of their approved loyalty, "he wuld labour unto the Kyng's Grace in this behaulf, as mouch as was in him"; and he undertook that "if it fortuneth the seyde Erle hereafter to bear any rule in the seyde Lond, as he knew not that ever he shuld, he wuld soe labour and shew the ways unto the Kyng's Grace that the Citty shulde be exempt from the power and jurisdiction of the Erle." From the subsequent circumstances it would seem possible that Sir Richard had at least an inkling that the Earl would bear rule in the said land; but that his promises to Waterford to protect it from the Earl did express some genuine intention, is shown

by the royal command of the 23rd January, 7 Henry VII., (as Carew ascribes it), which orders the Earl of Kildare, Lord Deputy of Ireland, although the King has granted him leave to hold a parliament in Ireland, and to make acts and ordinances, not to intromit or meddle with the Mayor and inhabitants of Waterford either in parliament or at any other time, nor to charge them with any taxes or contributions in their bodies or goods.⁷² The editor⁷³ suggests that during his visit to Waterford the Mayor's rhyming letter to Walter, Archbishop of Dublin, was sung before Edgecombe. This amusing letter⁷⁴ is in an ingenious rhyme known as "Rythme Royall," and it gives considerable insight into the objections current in Ireland to the King's title. The main objection, or at any rate that which it is at most pains to refute, is that the King's claim to the crown was based upon female descent, a method of descent particularly unpopular in Ireland, since by it so many lands fell to absentees who had married heiresses. One stanza on this subject runs:—

"Moses had of God, by commaundment,
If a man died without issue male
His lands should, by lyniall discent,
Descend to daughters, his heires generall:
For fault of issue, his heires colaterall
Should have the same. Ye may read this story
Of Sulphact is daughters in the booke of Numery."

Its main conclusion, however, and one that was likely to have more weight than the biblical argument, was that since.—

"King Henry vijth our soveraigne lord,
And Queene Elizabeth, to God is pleasure;
Ben married both by amiable accord,
Why should we speake more of this matter a word?"

The Papal approval of Henry's cause was also much stressed. This point was emphasised with, we must admit, admirable logic to the Archbishop of Dublin, to whom the letter was

⁷² *Bk. of H.*, pp. 469, 470.

⁷³ Croker, *op. cit.*

⁷⁴ *Ibid.*

addressed, for "not daringe send messenger to Therle of Kyldare, the citie wrot to Walter, Archbishop of Dublin":—

"The Pope's censures ben grevous and sore
But they be not taken with you in credence
They ben despised dailie, more and more,
Ye know that in open audience,
Solempnie they have ben executed with reverence;
Therefore religious we thinke, and regular
That singeth masse with you ben irreguler."

The Great Earl's name is not once mentioned, but he is of course the implicit cause of all this disobedience:—

"But now we see that all true discipline,
For feare or love of mightie estates,
Is put apart by all prelates."

After this Sir Richard "broke his fast with the seyde Mayor," and set out to sea. Again he had bad weather. After "a gret contrairious wind and tempest," he eventually "with gret pain and peril" reached Lambay, "and sent a man untoo the Lond to go to Dublyn to inquire for the Bushopp of Cloocornan,"⁷⁵ or Thomas Dartas, or Richard, the Kyng's Porter, to th'intent that they or one of them shuld shew the comyng of the seyde Sir Richard and to have knowledge from theme of the disposition of the Country, and of his sure coming to lond. . ." This was on the 3rd July, 1488. The next day Thomas Dartas came to Sir Richard and told him "that the Erle of Kildare was gone on pilgrimage; and that it wuld be four or fyfe days after, e'er then he mought come agen to Dublyn, and desired hym to come to Dublyn in the mean season, and take his ease."

At the very beginning then, there was an indication that the Great Earl would behave in a somewhat cavalier manner. From the previous negotiations he must have known that Edgecombe was likely to arrive at any minute, and therefore if he had wished to be conciliatory he would not have been away. According to Dartas he was expected back in four or

⁷⁵ Clogher. He was one of those to whom the Pope had entrusted the execution of his Bulls.

five days. Messengers must have been sent to tell him of Edgecombe's arrival. He could, therefore, probably have returned sooner had he so desired. On the contrary, instead of four or five days, he took eight or nine; whilst Edgecombe was waiting irritably in Dublin. On July 5th, Edgecombe had landed at Malahide, had been entertained by "a Gentil-woman callid Talbot," and in the afternoon John Payne, the Bishop of Meath, who had preached Simnel's coronation sermon, and who by a speedy submission hoped to remedy past defects, had come with John Estrete, of Instructions fame, and had brought Sir Richard to Dublin, where the Mayor and substance of the city, also wishing to ingratiate themselves as their letter showed, received him at the Black Friars Gate, "at whych Black Fryers the seyd Sir Richard was lodgid." Sir Richard's irritation at the Great Earl's delay is admirably shown by the entries on the diary for the next six days. At the risk of redundancy they seem worth quoting in full:—

- "July 6. Item, the seyd Sir Richard lay still in the seyd Black Fryers, abydyng the coming of the Erle of Kildare, and othir Lordes of Irlaund.
- 7, 8. Item, Likewyse the seyd Sir Richard lay still in the said Fryers, preparing his Matters that he had to declare to the Lordes there; and the said eighth Day the Archbushops of Dublyn came to the seyd Sir Richard to his lodging.
9. Item, the seyd Sir Richard lay still in the Black Fryers, abydyng the comyng of the seyd Erle of Kildare, and that Day the Bushopp of Clocornen and the Threasorer of Irlaund came and spake with the seyd Sir Richard in his lodgings.
10. Item, The seyd Sir Richard in likewise lay still within the seyd Black Fryers abydyng the comyng of the seyd Erle of Kildare.
11. Item, The Seyd Sir Richard in likewise lay still in the seyd Fryers, abydyng the comyng of the seyd Erle, to the gret costs and chargis of the same Sir Richard."

Next day the Great Earl did arrive. He arrived with a body of 200 horse, which unless, as seems unlikely, they were all his fellow pilgrims, he must have got together to do him honour. Then, instead of going to Edgecombe, he had Edgecombe brought to him. He received him in state in the great chamber of his quarters at St. Thomas Court: "the Erle of Kildare came to a Place of Canons without the Walls of Dublyn called St. Thomas Court, with the Nomber of two hundrid Horses, and in continent upon hys comyng he sent the Busshopp of Meath, the Baron of Slane, with dyvers othirs in their Company to the seyde Sir Richard Edgecomb, and from his Lodgings conveyed hym wher the seyde Erle lay, and in a gret Chamber the seyde Erle receaved and wecomed the seyde Sir Richard." The account goes on to say, "Howbeit the same Sir Richard made not Reverence and courtesy to him, nor to the Lordes ther assemblid, and ther openly deliverid to the seyde Erle the Kyng's Lettres, the which by hym read and seen, both the seyde Erle, and the seyde Richard with all the Lordes went into a Privy Chambir, and ther the seyde Sir Richard opened and declarid unto theme his Message, that he had unto theme from the Kyng's Grace, and the cause of his comyng." What this message was, and for what Sir Richard was seeking, is not here explained; it is nowhere expressly stated; but it is indicated in the entry under the 17th July;—there it is stated that the Great Earl and the Lordes would in no wise "assent to the bond of Misi; and for this bond certen of the seyde Councill came three or four Tymes that Day to the seyde Sir Richard Edgecomb in his Lodging, and requyred hym to leave off calling for the seyde Bond, whych he wuld in no wise do, but gave short Answers, with right fell and angry Words." Next day, on the 18th, the Earl and Council "gave unto the said Sir Richard plain Answer that they wuld in no wise be bound in the seyde bond of Misi, and rather than they wuld do it, they wuld become Irish every of them." It is clear that this bond was the crux of the matter. In a note to the 1747 edition of Harris's "*Hibernica*,"⁷⁶ from which the above account is quoted, it is stated that in some copies of the "*Voyage of Sir Richard*

⁷⁶ *Hibernica*, p. 32.

Edgecombe," this bond is called the bond of Nisi, "and perhaps means, that they bound themselves to a forfeiture of their Estates, Nisi, unless they continued faithful to the King." This interpretation has been adopted by Bagwell,⁷⁷ Curtis,⁷⁸ and the Duke of Leinster.⁷⁹ It has been denied by none of the authorities. Long before and long after this event it was normal for the King to acquire land by confiscating it because of the treason of its owners. In 1467, however, it had been found that the Geraldines were too powerful for a mere attainder to be effective against them; this was again to be shown in 1494-5. But if the Geraldines and their supporters who had raised the rebellion in the cause of Simnel, could themselves be induced to admit by seal, signature, and solemn oath, that they should forfeit their lands if they ever dared again to rebel against their true King, Henry VII, or his heirs, then with the help of the Butlers, the King would on the next occasion have a reasonably good chance of being able to carry such confiscation into effect.

After Edgecombe had finally delivered the royal letters to the Great Earl in the state chamber, they retired with the lords into a smaller room. There Sir Richard explained to them what sanction for their future good behaviour he required. It must be noted that under the circumstances the royal demand was extraordinarily small. The Great Earl, however, had small intention of submitting to any sanction which would endanger his lands. On the plea that "dyverse lordes of the Councill of the Lond were not ther present nor come nigh to these Parts," the Great Earl and his adherents did not reply at once to Edgecombe's demands, but "took respite for five Days to give answer therunto; And that night the seyd Erle departid to a Place of his called Maynoth, ten Miles from Dublin," and Sir Richard went back to his lodgings.

Next day, the 13th July, was a Sunday, and Sir Richard had the pleasure of causing the Bishop of Meath who in Christ Church Cathedral had preached Simnel's coronation sermon

⁷⁷ *Ireland under the Tudors*, vol. i., p. 107.

⁷⁸ *Mediaeval Ireland*, p. 396.

⁷⁹ *Earls of K.*, p. 50.



to unsay what he had said, and in that very same place Sir Richard listened to him declaring "as well the Pope's Bull of accursing, and the Absolution for the same, as the Grace whych the Kyng had sent by hym to Pardon to every Man, that wuld do his Duty unto the King's Hyghness."

The following day the Great Earl induced Sir Richard to come down as his guest to Maynooth, promising him vaguely that "he wuld conform him in all things to the Kyng's Pleasur, in such wise, that the Mynd of the said Sir Richard shuld be contentid." Apparently, Sir Richard thought that the Earl was going to submit to the bond, but although he gave him "right good cheer," the Great Earl had little intention of giving him anything else. On the following day, Tuesday, the Lords of the Council came to Maynooth "and had gret Communications amongst themselves," and the Earl entertained them all magnificently. Sir Richard "had gret Cheer of the Erle, Howbeit that Day Nothing was done, that the seyd Sir Richard came for; but took respite unto the Morrow for the Accomplyshment of the comyng thither of the seyd Sir Richard." On the next day as it became more and more obvious that the Great Earl and the Council had no intention of submitting to his bond, "the seyd Sir Richard was gretly displeasid and told theme righte plainly and sharply of their unfitting demeāning. And that Day both the Erle, and the Lordes of the Councill, and the seyd Sir Richard, came agen to Dublyn."

On Thursday, the 17th, matters began to come to a head, "The Erle of Kildare and othir Lordes of Irlaund kept gret Councill at St. Thomas Court without the City of Dublyn"; and there they decided on the terms which they would be prepared to accept. They "agreēd well to become the Kyng's true Subgets, as they seyd," and they offered to give sureties for their future good behaviour, "and for their good abearing herafter offered to be bound, and made as good Suretys as culd be devised by the Kyng's Laws": but in no wise would they assent to the bond of Nisi; and three or four times that day they sent deputations to Sir Richard requiring him "to leave off calling for the seyd Bond, whych he wuld in no wise do, but gave short Answers, with right fell and angry Words;

and that Day no Conclusion was takin." It is perfectly clear from this account that the Great Earl had not only been off-hand in his reception of Sir Richard when he first arrived, but that he was taking up a very strong attitude in the negotiations, and this notwithstanding the fact that the terms offered him by the King were under the circumstances remarkably favourable. The Great Earl must, therefore, have had good reason to believe that in this game he held the trump cards, and the only indication which is given by Edgecombe as to what trumps the Earl relied on is in the entry for the following day where it is stated on the one hand that "the Common Voice was in the City of Dublyn and all the County therabouts that the Kyng of Scotts was Dead," and on the other, that the Earl and his Council threatened that if Sir Richard persisted in his demand "they wuld become Irish every of them."

James III. of Scotland was murdered on June 11th, 1488, after the battle of Sauchieburn.⁸⁰ "He was much given to buildings and trimming up of Chappels, Halls and Gardens,"⁸¹ and he had chosen as his friends an architect, a musician, a tailor, and a shoemaker. Some of the finest buidings in Scotland date from his reign; but though effective as an artist he was ineffective as a king. His turbulent nobles revolted against him, defeated him, slew him, and made his young son king. James III. to protect himself had allied with England. This English alliance was naturally unpopular with the barons against whom it was directed and who had now come into power on the accession of James IV. It was Sir Richard Edgecombe who had negotiated on Henry's behalf the Anglo-Scottish treaty of August 1487.⁸² He, therefore, was well aware that at this juncture the King could not afford to give his full attention to Ireland.

The Scottish crisis strengthened the hand of Kildare. On the principle that England's difficulty is Ireland's opportunity he and his Council now stated that if Edgecombe did not withdraw his demand they would "become Irish" every one of them. This threat made on the part of the Deputy, and

⁸⁰ Conway, *op. cit.*, chapter I.

⁸¹ Drummond of Hawthornden: *History of the Five James.*

⁸² Conway, p. 10.

with what appears to have been the unanimous support of his Council, is of great interest. The Anglo-Irish had long been hostile to English interference in Ireland. The thought that a Mayor of the Palace should make himself King was not new. Lord Portlester, who was now Kildare's chief adviser, had been accused in the reign of Edward IV. of having incited the then Deputy, Thomas Earl of Desmond,⁸³ to assume the kingship of Ireland and of "engaging that he and all the land would accept him in preference to Edward IV."⁸⁴ The Lieutenants had long been *fainéants* and the Lords of Ireland absentees: Their Deputy was now threatening to declare himself independent—to assume the sovereignty which he exercised. His sovereignty was already half Gaelic. The election of a Justiciar by the custom known as the "Statute of FitzEmpress" was in reality similar to the election of a Gaelic Rí. The exactions of Coyne and Livery were of Gaelic origin. Kildare had disregarded the Statutes of Kilkenny. He had married his sister to Conn More O'Neill, a prince of the most ancient Gaelic poets.⁸⁵ He had won the favour of the Friars Minor and of the religious orders.⁸⁵ By marriage and other alliances he was connected with the greatest of the Gaelic rulers. Above all, his continuous and successful hosting throughout the country were in the true tradition of an Ard Rí.

Next day, on July 18th, 1488, "the seyd Erle and Councill assemblid again at the seyd Place; and that Day at Afternoon gave unto the said Sir Richard plain Answear, that they wuld in no wise be bound in the seyd bond of Misi, and rather than they wuld do it, they wuld become Irish every of them." It now lay with Sir Richard either to capitulate on the matter of

⁸³ Gerald's uncle.

⁸⁴ Gilbert, p. 388.

⁸⁵ Peregrine O'Clery in his "Book of Genealogies," apropos of the Earl's restoration to power in 1496, writes: "That was a wise decision that they came to, viz., to allow the return to Ireland of the man who would defend her God, compassionate the poor and the wretched of the Lord on that occasion for the poets and the religious orders and the Friars Minors were granted their prayer and request of God, i.e., to permit the man who would succour and relieve them to come back to Erin, i.e., Earl Garret. Joy and exultation seized on the men of Erin at his coming, excepting his foes and enemies alone." O'Curry's translation, in *Ger. Coll.*

the principal sanction which the King had instructed him to demand, or to refuse, trusting that the Great Earl's threat would not be carried into effect, or that with the help of the Butlers the King would be able to bring him to submission. This latter policy had the allurements that the King, if successful, would have no longer to be dependent upon a Yorkist to govern Ireland; that his friends, the Butlers and the loyal city of Waterford, would be advanced; that a possibly fatal blow would be dealt to the disliked and increasing independence of the middle nation governors of Ireland; and that the crown would be enriched by the wide confiscated lands of the FitzGerald. "The seyd Sir Richard," however, "with gret difficulty at the last condescended, that the Erle of Kildare, and all the Lordes of Irlaund" should have their way, and should not be required to bind themselves in the "seyd bond of Misi"; but that instead, they "shuld be sworn on the sacrament for their assuraunce unto the Kyng's Grace, in such form as shuld be devised by the seyd Sir Richard; and that night the seyd Sir Richard devised as sure an oath as he culd."

It is, therefore, apparent that Edgecombe believed that the Great Earl would carry his threat into execution, and that he took a grave view of its effect. It is indeed not impossible that had the negotiations broken down Conn More O'Neill might have been willing to transfer to Gerald, Earl of Kildare, his hereditary claims to the High Kingship of Ireland, just as his ancestor Donal O'Neill had once transferred them to Edward Bruce. At any rate, Edgecombe must have considered that the English and their adherents in Ireland would be unable to subdue the Earl without an undesirable and perhaps impossible expenditure of men and money. On this point the Scottish news must have weighed heavily with him. After relating that "the common voice was in the citty of Dublyn, and all the country ther abouts, that the Kyng of Scotts was dead," the diary states that thereby he "callid to his mynd many gret perils that might fall to leave theme in such erronious opinions, as they have continued in a long time heretofore." Undoubtedly the occupation of Henry VII. with other affairs must then, as it usually did with the

absentee Lords of Ireland, have interfered with the attention which he would otherwise have been prepared to bestow upon Ireland. These outside interests were an inducement to submit to the Great Earl, in order that the King might, as the Irish parliament had suggested to Edward IV., "apply the same his highnes at all tymes to the subduyng of his grete ennemys of ffraunce and Scotland and all other adherent frendes."⁸⁶ The central cause of the capitulation was, however, the Great Earl's much quoted threat. That too much stress has not been laid upon this one half sentence, is however, shown not only by the fact that this threat fits in with the circumstances, but by the evidence of Polydore Vergil, who gives as the chief reason why Henry VII. restored the Great Earl in 1496, "*Primum hominis auctoritas apud Hybernos.*"

In the discussion over the bond, it seems humorously, but quite unconsciously apparent that the Great Earl would not bind himself to forfeit his lands in case of rebellion, although he had no objection to taking a solemn oath on the Sacrament that he would never rebel. It is, of course, possible that the reason he would not submit to the bond (whilst having no objection to the oath) was because he felt that there was a danger of an unconscionable use being made of such a bond, and of his lands being declared forfeit under it, irrespective of his conduct, as soon as the King thought he had sufficient power to enforce their confiscation. We cannot however entirely ignore the implication that the Great Earl preferred an oath which would only be effective against his soul, to a bond which might take effect against his lands.

The real difficulty had now been overcome and the Earl had won. Saturday and Sunday were spent in reaching an agreement as to the exact form of oath which should be taken and as to what bonds should be given. On Saturday "Sir Richard sent in Person to the seyde Erle and Councill and had Communication with theme upon the same." On Sunday it was decided that the Earl and Council should be sworn in an agreed form on the Holy Sacrament, and they consented

⁸⁶ See above, pp. 120, 133, 135.

to send sealed certificates of their oaths by Sir Richard to the King. The oath which was decided upon was as follows:—

“ I Gerald, Erle of Kildare, promit and oblige me, that from hencefourth I shall be true faithfull and obeysaunt liegeman and subget untoo the moost high and moost mighty Christian Prynce, my natural and right wise soveraine Lord King Henry the VII, and by the Grace of God Kyng of Englaund and of France, and Lord of Irlaund, and to his heirs of his body, comyng Kyngs of England.

ITEM, I shall never ayd, assist, or favour any of my seyde Sovereign Lord's rebells or traytors, or any that I may know of his subgets doing contrary to their allegiaunce, touching the King's Person or his Crown; nor shall I never assist ne favour privily ne apertly any thyng that may be contrary to the weal, honour, or surety of my seyde Soverain Lord, or hys Heirs, Kings of Englaund, in things concerning the conservation of his moost noble Person, and Estate Royall. But yf it shall fortune me at any time to know any thyng that may be to the hurt, dishonour, or displeasur of his Highnes, or any of his seyde Heirs, Kyngs of Englaund contrary to mine allegiaunce, I shall to the best and uttermoost of my Power resist and let it. And ovir that, I shall assoon as I can or may shew, or doe the same to be shewed untoo his seyde Highness or his Heirs Kyngs of Englaund, or his or their counsells.

ITEM. I shall serve my seyde Sovereign Lord, and all his seyde Heirs Kyngs of Englaund, in all their titles to the Crown of Englaund and France, and Lordship of Irlaund, and in all his and their titles and quarrells concerning the Crown, live and die with hym and theme against all earthy creatures, and his and their lawful commaundments truly and faithfully obey observe, and accomplish, to the utmoost of my Power. Item. If any messingers, or other persons of what estate, degree, or condition they be, be sent from the Dutchesse of Bourgon, or from any oother with letters or messages to me, or to any othir that I may have knowledge of, to pervert me or theme from mine or their allegiaunce, and obeysaunce, and cause commotion or rebellion amoongst the Kyng's

subgets to be renovelled, or if any person inhabiting within Irlaund being the Kyng's subget or stranger resorting to the same lond, use seditions or unfitting language concerning the Kyng's person and honour, I shall, as soon as it shall come to my knowledge, put me in full devor to take, or do to be takin, that person or persons so, as is abovesaid, bringing letters or messages exciting new commotion or rebellion, or sowing seditious or unfitting language, and, as mouch as in me is, doe them to be punished affir ther demerits according to the Law, or else sed him or theme with their letters or words untoo the Kyng's Grace.

ITEM: I shall not let, ne cause to be letted, from this day forwards the Execution and declaration of the great censures of Holy Church to be done agenst any person of what estate, degree, or condition he be, by any Archbushopp, Bushopp, Prior, Parson, Vicar, or any othir curate or priest, in any open place or church within the King's londe of Irlaund, gyven by the authority of our Holy Father, Pope Innocent the VIII, that now is, agenst al theme of the King's subgets, that letten or trouble our seyde sovereign Lord King Henry the VII., in hys title to the Crown of Englaund, and Lordshipp of Irlaund, or cause any commotion or rebellion agenst the same, or in any wise supported or comforted any traytors or rebells that intendid the Destruction of his most noble person, or subversion of his seyde reolme of Englaund and Lordshipp of Irlaund, but the same execution and declaration of the said censures by my power shall ayd and assist, and cause to be done, as mooch as in me is, as often as I shall be on the behalfe of our seyde Sovereign Lord required: or otherwise I shall or may have sufficient matter or cause lawful. The same execution to be done without fraud or malengine. So help me this Holy Sacrament of God's Body, in form of Bread here present, to my salvation or damnation." As the oath had now been agreed upon, the Great Earl and his lords offered to be sworn forthwith that Sunday afternoon, but to avoid any trickery Sir Richard would in no wise consent to this, "but wuld have theme to be sworn on the Forenoon; and that a Chaplain of his own shuld consecrate the same Host, on whych the seyde Erle and

Lordes shuld be sworn." Therefore, the taking of the oath was put off till the next day.

This important ceremony took place on Monday 21st July, 1488, at St. Thomas Court, Dublin. It is fully described in Edgewcombe's *Voyage*.

"Item, The seyd 'Sir Richard on the desire of the seyd Erle went to the monastery of St. Thomas the Martyr, where the Lords and Councill were assembled, and ther in a great chambir callid the King's Chambir, the seyd Sir Richard took homage, first of the seyd Erle, and affir that of othir Lordes, whose names be written hereafter in the Boke; and this done, the seyd Erle went into a chambir, wher the seyd Sir Richard's Chaplain was at masse; and in the Masse Time, the said Erle was shriven and assoiled from the Curse that he stood in by the virtue of the Pope's Bull, and befor the Agnus of the seyd Masse, the Host devided into thre partes, the Priest turned him from the Altar, holding the seyd thre Parts of the Host upon the patten, and ther in the presence of many persons, the seyd Erle holding his right hand ovir the holy Host, made his solemn Ooth of Ligeaunce unto our Soverain Lord Kyng Henry the 7th., in souch form as was afor devised; and in likewise the Bushoppes and Lordes, as appearith hereafter, made like Ooth; and that done, and the Masse endid, the seyd Erle, with the seyd Sir Richard, Bishops and Lordes, went into the church of the said Monastery, and in the choir therof the Archbushopp of Dublyn began, Te Deum, and the choir with the organs sung it up solempnly; and at that tyme all the bells in the church rung. This done, the Erle, and moost part of the seyd Lordes went home wyth the seyd Sir Richard into his lodging, and dined with hym, and had right gret cheer; and the seyd Sir Richard at the makynge of the seyd Erle's homage, put a Collar⁸⁷ of the King's Livery about the seyd Erle's neck, whych he wore throughout the seyd citty of Dublyn, both outward and homeward."

⁸⁷ Compare above, p. 80.

On Tuesday, 22nd, Sir Richard took the oaths of the Mayor and Commonalty of Dublin, and the next morning "about 8 of the Bell" he "went to the Erle of Kildare to a place of Canons callid All-Hallows without Dublyn, and ther had long communication with him and his Councill." That afternoon Sir Richard rode to Drogheda, where he took surety and granted pardon, and he also received the fealty of Trim. In the meantime the Great Earl must have left Dublin, for on the 28th July the diary notes that "Sir Richard lay still at Dublyn, abiding the coming of the Erle of Kildare, and of the Lordes." It is stated that he was waiting to receive "their Lettres and report unto the King's Grace," which must have been prepared as a result of the great communication which he had had with the Earl and his Council. The Great Earl had not yet given Sir Richard the promised certificate on his oath, nor the obligation of him and his sureties, and Sir Richard was waiting to obtain these, "for the said Sir Richard wuld in no Wise deliver to the Erle his Pardon, untill the time he had deliverid the forsaid certificate and obligation." The Great Earl delayed until the last minute to give these to Sir Richard. The description in the diary is as follows:—"And ere then he departid out of the seyd Church of Dames, the seyd Erle of Kildare deliverid to the seyd Sir Richard both his certificate upon his Ooth undir the seal of his arms, as the obligation of his sureties; and ther the seyd Sir Richard in the presence of all the Lordes deliverid unto him the King's pardon under his Gret Seal in the presence of all the Lordes, and ther tooke his leave of the seyd Erle and Lords Spiritual and Temporall."

The Great Earl always fought for his friends, and he and the lords, before Sir Richard departed that afternoon, made a great effort to induce Sir Richard to pardon the warlike Prior of Kilmainham, Brother James Ketyng, and Thomas Plunket, Chief Justice of the Common Pleas; both of whom had been "specially noted amongst all others" as chief causers of the rebellion. But Sir Richard, who was doubtless galled by the small success of his mission, showed himself very determined on this point. He said that "certen persons, which were noted to be the chief causes of the gret Rebellion late committed in Ireland, because the King's Grace had sent thither

ther pardons, sett little by their heinous offences." It is certainly likely that the Great Earl and his lords who had been suffered to rebel with impunity, and who had shown their strength in making the King's envoy abandon his principal demand, did not think very gravely of their heinous offences: and, in any case even if the Great Earl had now lost all belief in Simnel, he would not have thought himself very guilty for having supported an imposter against a usurper. Edgcombe, who had failed to make his will prevail against the greatest rebel, showed all the more determination against the lesser. However, "the Erle and Lordes laboured with souch fair means, and made such profers, that the seyd Sir Richard was agreed to take the seyd Justice Plunket to the Kyng's Grace; and soe he did . . . but in no wise he wuld axcept or take the seyd Prior of Kilmainham to the Kyng's Grace, and ere that he departid unto his lodging he took with hym divers Judges and othir noblemen, and went into the Castle of Dublyn, and there put in Possession Richard Archiboll the King's servaunt, into the office of the Constable of the seyd Castle, which the King's Grace had given unto him by his Lettres patent; from the which office the said Prior of Kilmainham had wrongfully kept the said Richard by the space of two yeres and more." In the following year, the Great Earl, just as he had done after the events of 1478, succeeded in obtaining a pardon and a restoration of his office to Brother James Ketyng.⁸⁸

"And that Day after Dinner [Wednesday, July 30th, 1488] the seyd Sir Richard departid out of Dublyn to a place called Dalcay, six Miles from Dublyn, where his ships lay." He took ship that night, but he met "such an huge and gret Tempest" that it was not until the 8th August that he was able to reach Fowey.

⁸⁸ General pardon to James Keting, prior of Kilmainham, with a special proviso that he appear personally before the King on this side of Easter by p.s. January 27th, 1489. Campbell: *Materials for History of Hen. viii.*, vol ii., p. 397.

CHAPTER VI.

The greatest event in the Earl's life was now over. Not even the Poynings' expedition with the attainder of the Great Earl and his two years' imprisonment in the Tower of London could undo the power which had led to the coronation of "Edward VI." The English officials could do nothing without Irish assistance. Sir James of Ormond was too much of a self-seeking Marcher lord to govern or be governable, and the Gael, allied with James, the Great Earl's brother, devastated the Pale during the Earl's imprisonment.

The King found that the only way to reduce disorder in Ireland and to avoid the risk of fresh invasions of England was for him to make terms with his prisoner. This he did, in August 1496, and sent back Kildare to rule all Ireland since all Ireland could not rule him.

The Poynings experiment was caused by the discontent of those who had supported Henry when Simnel "was cried up in Ireland." It was precipitated by the arrival of Perkin Warbeck in Ireland. It was preluded by a struggle between Kildare and Sir James of Ormond.

In the meantime the Earl went on his accustomed way. In 1488 the Four Masters record that the "Earl of Kildare made a predatory hosting in the Kinel Fiachaidh MacNeill, and broke the castle of Bille Ratha, on the sons of Mortagh Mac-Geoghegan, having conveyed ordnance to it," ("iar tabhairt ordanais chuige").¹ This is the first mention of ordnance.² It was a speciality of the Great Earl and of his son. In a document entitled "Instruccions to be showed unto the Kynge's Highnes, my Lord Cardynall is Grace and the Kynges Counsayll in England" from the Deputy and Council in Ireland, it is stated that the Earl of Kildare's brethren and

¹ O'Curry, *Ger. Coll.*, pp. 172-3.

² *F.M.*, under 1488.

kinsmen, having a great retinue of men of war, strong garrisons, abundance of ordnance, and knowledge of the country, may cause more damage than three times as many in any other part of Ireland. They ask that the King shall direct Sir Walter Delahide, "Styuard to the Earl of Kyldare," to deliver up all ordnance which the Earl and his father had as Deputies for the defence of the King's subjects.³

Edgecombe's mission had been very unsatisfactory from the point of view of Archbishop Octavian. He wrote, as has been mentioned above, to some important English ecclesiastic, saying that although Kildare and his friends had made their submissions to Edgecombe, "I find the dregs of their old rancour remaining in them against me,"⁴ and alleging that, "they excited new hostilities against me at the instigation as I believe of my venerable brother John, Bishop of Meath, my suffragan, who is speedily to be sent as ambassador of Kildare and the magnates to the King."⁵ "About this time," as Ware⁶ records under the year 1488, "John Payne, Bishop of Meath . . . was sent by Kildare and the Council for England, as well to appease the King, as to subvert the plots of his adversaries; nor," as Ware continues, "was Octavianus, Archbishop of Ardmagh, on the other side wanting to himself." The Archbishop hoped to secure the Chancellorship. Ware says that he "the better to weaken the power of the Earl of Kildare, dealt with his friends in England to procure for him the Chancellorship in Ireland." This was the object of the Latin letter⁷ here quoted. In it the Archbishop makes various allegations against Kildare, asserting that the reason of the present contention between them is that the Great Earl has sought to convert to his own use, in defraying the costs of the mission of the Bishop of Meath to Henry VII., the clerical subsidy which was granted by the Irish clergy to guard them-

³ *Earls of K.*, p. 108.

⁴ "Nihilominus antiqui livoris faecum in eis contra me remanere conspicio." (*L. and P.*, vol. i., p. 384).

⁵ "Nova contra me . . . incitamenta moverunt instigante (ut aestimo) venerabili fratre meo, fratre Joanne Midensi episcopo, meo suffraganeo, qui in ambatiatorem dicti Kildar' et atque magnatum ad regem mittendus est festinanter." *Ibid.*

⁶ Ware, p. 14.

⁷ For the letter, see *L. and P.*, vol. i., p. 383.

selves against the Papal censures which they might have incurred on the head of the Pope's Bull and their support of Simnel, but from which they had been absolved at the time of the Edgecombe mission. The Archbishop declares:—"And I know for certain that if it should come to pass that the aforesaid Earl of Kildare obtain the governorship of Ireland by royal authority and appoints the Chancellor of Ireland at his own pleasure, I have no hope of peace in Ireland. And then those that are disloyal to our lord will rejoice and I for my loyalty will get as a reward abuse and loss caused by his jealous rancours."⁸ The moral, of course, came in the next sentence: "If however our aforesaid most serene lord the King should deign to regard me in the matter of the position of Chancellor of Ireland,"⁹ none of these evils would occur. But the letter was in vain, "the King knew full well that he was faithful unto him, but by reason of these times he had just cause to fear, least if he were made Chancellor, it might be prejudicial unto the commonwealth, much doubting that the contentions between the Deputy and him being at that time almost extinguished, might be disturbed." Thus, the King preferred to disappoint his supporters rather than offend the Great Earl.

The Great Earl's foreign friends had not forgotten him. Ware¹⁰ has a note from the "City of Dublin's Book of Memorandums" which states that "This year [1489] for a great rarity was sent to the Earl of Kildare six hand guns (or musquets) out of Germany, which his Guard, during the time that they stood century, bore before his habitation standing in the Great Hall, at the entrance into his house or quarters at Thomas Court." He had also a note that in this year "John Walton, notwithstanding he was blind, preached before Kildare and the Nobility on St. Patrick's day in the said Church in Dublin, to the admiration of the hearers, and

⁸ "Et scio pro certo quod si contingat dictum comitem Kildar regimen Hiberniae regia autoritate obtinere, ac cancellarium Hiberniae ad nutum ordinare, spes non est mihi quietis in Hibernia. Et tunc infideles domino nostro gaudebunt, et ego pro fidelitatis mae meae bravo popprobrium atque dispendium invidi rancoris reportabo."

⁹ "Si tamen praedictus serenissimus dominus noster rex me de cancellariatus officio Hiberniae providere dignaretur."

¹⁰ Ware, p. 16.

was led to the Archbishop's Palace to Walter Fitz-Symons, where the Deputy and Nobles all dined."

In the meantime the enemies of the Great Earl had not been inactive, and the King in consequence summoned¹¹ all the temporal lords to appear before him. It was at this time that the banquet at which the King caused Simnel to wait upon the lords is supposed to have taken place. At the procession at Greenwich in the order of precedence given by the Book of Howth, the Earl of Kildare comes first and then "the Earl of Wormone." In the picturesque story of the banquet¹² the King received the lords very graciously but told them that they would crown apes should he be long absent. He then entertained them at a splendid banquet where he caused their pseudo-Edward VI. to wait upon them as cup bearer, whereat they were naturally much discomfited and told the lad that they wished the great devil of hell had run off with him; but the Lord of Howth, being a merry gentleman, said that he would drink the wine if it were good and blessed the boy as a poor innocent.

Next year, 1490, on the 28th July, Henry VII. sent a letter from Greenwich summoning the Great Earl to appear in England; and on the 29th July, 1490, the following day, a general pardon was made out to the Great Earl especially pardoning him from all infringements of the statutes against badges and livery, cloths, caps and retinues, on the condition that he should go to the King in England within ten months. With this there was a safe conduct for him and those coming with him, with ships, horses, jewels, money and goods.¹³ The Great Earl did not comply with this command. Instead, when the term within which he had been instructed to appear had already elapsed, he sent a letter of excuse, and to strengthen it had two other letters sent, one which he had obtained from his parliament, and the other from his cousin of Desmond and other important nobles.¹⁴ The first two were certainly sent together, since there is only a day's difference

¹¹ *Ibid.*, p. 15; *Bk. of H.*, p. 190; *Earls of K.*, p. 52.

¹² It appears to be believed in by Bagwell, vol. i., p. 108.

¹³ *C.P.R.*, p. 316.

¹⁴ Appendix 6 deals with these letters.

in date between them, but the letter from Desmond, etc., is dated more than a month later, so that if the three were sent together the first two must have been delayed an additional month beyond their already late date. The Great Earl's letter runs as follows:—

“Moost excellent Christen kyng and my moost redoubted soveraine liege lord, in as humble and obeysaunt maner as eny subject can or may doo to his soveraine, I recommaund me to your moost noble and benyng grace. Pleassed the same to be acerted that I have receyved your gracious lettres myssives dated at your maner of Grenewich, the xxviiij day of Jullii last passed, wher by I have wele understand your gracious mynd, that ye wold have me to your mosten noble presennce that I mought ther by knowe your gracious mynde and that ye mought have plenary communication with me in alle such thynges as mought concerne the wele of this your said land, and that your subjectes of the same may be reduced to a good and lafull ordyr and obeisaunce to the plesyr of Godd, wele and profite of the same your land, as in your said lettres it doth appier more at large.

Gracious lord, I, accordyng to your high commaundement, was in full mynd and purpose to have accomplished and performed your moost noble plesyr in the same, setting apart alle excuses, till I was desyred by your true and feithfull subjectes of this your land, and my cousynes in especiall, therle of Dessemond and the lord Bourk of Connaght, that I shold not depart, but to abide for their defennce, and to apece such variennce as is dependyng betwix the said erle and lord Bourk, and that they wold take on them to write unto your highnes that your grace shold take noo displeyr with me herin, as it shall appier to your grace by their lettres and sealles more at large; the whiche I in my moost humble maner beseche your moost benyng grace to accepte and reputte for myn excuse, without eny displeyr to be had by your highnes herin with me, for I am and shalbe glade to see your highnes. And I beseche humbley your noble grace to be my gracious lord, for I am and shalbe duryng your lywe your true knyght, and never shalbe proved othirwise. And what

surete or band other than I have made conveniently for the same may be had, I shall bynd me therto. And ower that if it pleas your highnes to send a servaunt of yours suche as shall like you into this your said land I shall cause my said cousyn therle of Dessemond, and all the lords spirituells and temporel of Monnester, the lord Bourk of Connaght, and all the lordes of the same contre, to be bonden¹⁵ as sure and as largely unto your grace as I am in presennce of your said servaunt, with divers others whose ancesters was never bonden to noon of your progenytours, kynges of England before this time; soo that ye shall have noo cause of mystrust to be had ne understaund in me. And God knowethe whate laboure and peyn I have susteigned and daily doth susteigne to sett your said subjectes in easse, to my gret charge and coste. And by the othe than I have doo unto your highnes, ther shold nothyng be to me soo grett a plesyr, as oonly it mought be perfityly understaund to your grace what I have done for your honor, and the wele of your subjectes of this your land.

Moost excellent Christen kyng, and my moost redoubted souveraine liege lord, the Blessèd Trinyte preserve your moost noble grace to reigne moost roially, and of your enymies and rebelles to have the victory.

“ Written at your Cite of Divelin, the 5th day of Junii.

By your true and feithfull subject,

GEROT Erle of KILDARE.”

Endorsed, “To the Kyng my soverayne liege Lord.”

The letter from the Earl of Desmond to which the Great Earl referred is as follows:—

Mooste excellent Cristen king, and oure mooste goode and gracious lord, in the mooste humble wise that we cane we recomaund us to your goode grace. Pleasid your highnes that we ben enformyed that youre grace wold have our right goode lord therle of Kildare to your highness in to youre realme of England for diverse causis considerid by your grace. Gracious

¹⁵ It should be noted that Desmond and the Bourkes had taken no oaths to Edgecombe.

lord, we know right well that his veray mynd and entent was to have performyd your noble pleasire in that behalve; and we undirstandyng that the mooste part of this lond, and in especiale the North Parties, and alle such land as he have of late enhabit, the which was many yeris afor in the possession of your Irische enemice, schold have ben distruied in his absens; and also fering the grete danger and perelis that might fortune hym by the se,¹⁶ as well in his goying as returnyng, and also for the grete trowbile, variens, and discencion that dependith be thwene us and the lord Bourke of Connaght, and other lordis in that parties taking his parti, by reison wherof ther is like to be mortale werre and grete scheduling of Crystyn blode by thwyxe us, which can in no wise be endid ne pesid with out our said goode lord be personaly with us, for we ben bound and sworn to abide his rule and jugement in this variens aforsaid; for we the said erle of Desemond and the said lord Bourke, and the substance of us all, bene the nexte of oure said goode lorde blode in Irland, and ther is none can end our trowbill and wariens but onely hym silffe; and suche direccion and ordir as it shal like his lordischipe to take be thwene us, we must and wil obey it, for we must be rulid by his consaile and he must be rulid by ouris. Wherfor we have caused hym to change his mynde and to abide at home for the causes forsaid, trusting in God that your highenes wold take no displesire with hym ne with us, the said causis by you graciously considerid. And gracious lord, we undirstand that he is bound and sworn to be your trew feithfull subjet and ligisman as straitly as eny Christin man may be; wich othe and band he haith kept and performyd truly to youre highenes syn the said othe and band onto this tyme. And thought the said othe be a sufficient band for every Christin man, yet we your subjectis for the contynauce and more largir assurans of the same, promit and bind us by this our writing and selis that our said good lord shall truly kepe and observe the said othe during his live. Wherfor gracious lord, we besech your highenes to be his goode and gracious lord at this our louly peticionis, and that we may be pardonid to

¹⁶ The story of Edgecombe's crossing was not easily to be forgotten.

abide at home with owt youre displeasure. And, most excellent Cristyn king, and our gode and gracious lord, the Holy Trinite preserve youe to reign in prosperite on us youre subjectis and of your enemyce to have victori.

“ Written at Lymreck, the x day of Juyll,

MORICE, Erle of DESSEMOND

PERS BUTTELLER, therle of ORMOND is deppute

Mor Lord ROCH

JAMNES Lord CURSY.

Seals
pendent.

The letter from the parliament was as follows:—

“ To the King our Soveragne Leige Lord,

“ Moost excellent Christen kyng and our moost redoubted soverayne leige lord, in the humblest wise that eny subyettes kan or may, we recommaund us unto your moost noble grace. Please it the same that our right gode lord Gerald, erle of Kyldare your deputey lieutenant of this your land of Irland, hath shewed unto us your graciouse lettres dated at your maner of Grenewich, the xxviiij day of July last passed, wherby we have well understaund your graciouse mynd in the same that ye wold have our said gode lord to your noble presence, to thentent that he myght knowe therby your gracious mynde, and that your highnes myght have plenar comunicacion with hym in all such thinges as myght concerne the wele of this your said land and for the reducyng therof and your subyettes of the same to a gode and lawefull ordre and obeisaunce, to the pleaser of God and the wele and profit of your said subyettes and land, as in your said lettre more amplier it doth appere. Graciouse lord, and it like your highnes, we understand that he is bounden and sworne to be your trewe and feithfull subyet and leigeman as straitly and as sure as ever was eny subyet to his prince; the which othe and assuraunce our said gode lord hath wele and truly kept and observed contynually to this tyme, and undoubted will kepe during his lyve, and never will degresse from the said othe and assuraunce. And graciouse lord, forasmoche as we understand the

great daungiers and emynent periles that shold falle yif he shold depart owt of this your land, aswell by your Irishe enemys as otherwise; for when our said gode lord was seke, wherof we certified your highnes but late, it was playnl[y] and openly reported that our saide good lord was in grete joperdy by his lyve, by reason wherof diverse of the myghtiest of your Irish enemys confedered to gedir ymagyned and noysed a division t betwene them of your landes in this parties, yif God had done the will of our said gode lorde. And in his said sekenes ther were diverse of your subyettes robbed, spoyled, and taken prisoners, and many [othe]r grete hurtes done; And by the oother that we have don to your highnes that is true withowte feynng. Wherfor, we in our moost humble and obeysant maner beseche your excellent grace to be his gode and gracious lorde, and to have hym in your moost tendre favour, and that he may have your graciouse license at this time to abide at home for the defence and saufgard of us and others your feithfull subyettes, for diverse and meny urgent causes and greate daungiers, which we knowe rightwell shold fall in his absence yif he shold departe. And, graciouse lord, we beseche your highnes that what sover accusementes be made unto your grace on our said lord, that therbe no credence takyn therto tyll his resonable excuses be had in the same. Mooste excellent Cristen kyng, and our moost redoubted soverayne liege lord, the Blessid Trinite graunte you meny prosperouse yeres to reigne upon us, with victory of your enemys. Yoven at your Cite of Divelyn in playne parlement undre the oone part of your grete seall of this your said land, the iiij day of Juny.¹⁷

WALTERUS DUBLIN.

Per ARMACANUM manu propria.

JOHANNES MIDENSIS.

JOHANNES Abbas Sancti Thomae Martyris.

VALTERIUS Abbas domus Sanctae Mariae Virginis.

JOHANNES, Abbas Mellofontis.

HENRICUS Abbas domus Beatae Mariae de Valle-salutis.

NICHOLAUS prior de Conall.

¹⁷ For the date of these letters, see Appendix 6.

ROBERT PRESTON Vicount of GORMANSTOUN.

JAMES FLEMYNG Baron of SLANE.

RICHARD NUGENT Baron of DELVYN.

EDMUND PLUNKET lord of KYLLENE.

NYCOLAS de Sancto LAWRENTIO lord of HOUTHE.

CRISTOFORUS BARNEWELLE Dominus de TRYMLETYSTON.

JOHN PLUNKET lord of DUNSANY.

By your true and feithfull subjectes the lordes spirituells and temporeles, and your Counseillours of your land of Irland in playne parlement ther assembled."

These letters are a further indication of the trouble which was now mounting up against the Great Earl. Octavian's letter had already shown it. That he should have signed the letter from the lords spiritual and temporal of parliament shows that that letter was not obtained without duress. The incessant attacks of Kildare's enemies led in December of this year (1491) to the royal commission given to Sir James of Ormond; in the following June to the Great Earl's supersession by Archbishop Walter Fitzsimons; and in 1494 they culminated in the Poynings' expedition and the consequent attainder and imprisonment of the Great Earl.

By their defence of him the letters from Kildare, Desmond, and the lords of parliament, show what charges had been made against the Great Earl. All three letters stress very strongly that he has kept his "othe and assurance," and "will never digresse from the said othe and assurance." They also particularly request the King "that whatsoever accusations" be made to him against the Earl he will not believe them "tyll his reasonable excuses be had in the same." From this it is a safe inference that the enemies of the Great Earl, who must have been exceedingly annoyed at his restoration to power, were making to the King very much the same sort of complaints as we know that Archbishop Octavian had made, namely, that the Great Earl had only given a nominal submission to Edgecombe and that he was using his recovered power as royal representative to the detriment of his enemies and to the benefit of his friends. The muskets which seem to have excited so much attention were also probably held up

against him, for they had been sent to him from Germany, the place from which Swart's mercenaries had come; and although they could not be considered very dangerous, the receipt of them could easily be adduced by the Great Earl's enemies as a breach of his oath not to receive amicably, but on the contrary to punish any messengers sent to him "from the Dutchesse of Bourgon or from any oother."

The letter from the lords of parliament stated that the Earl had been ill "wherof we certified your highness but late," and "by the oother we have done to your highnes" they declared this to be "true without feynyng." Indeed they asserted that it has been "openly reported that our saide good lord was in grete jeperdy of his lyve." This illness, or alleged illness, was so opportune that it should be looked on with suspicion, but it is quite possible that they were not lying. Ware recounts that the year 1491 was called "the dismal year," and mentions that a plague made its first appearance in Ireland in that year. This plague, of which he gives a vivid description taken from Polydore Vergil, was called the "English Sweat," a name which, he said, was derived from the fact that it came from England into Ireland. He mentions that "there were some who did observe that this Sickness for the most part seized on young and middled-aged men."¹⁸

Just as the Great Earl's difficulties with the English were becoming serious, there occurred an unusually striking example of the regard in which he was held by the Gael. In the year 1491 the Four Masters record a great war between O'Neill (Conn More) and O'Donnell (Aedh the Red). Conn More was Kildare's brother-in-law. Aedh the Red was his future ally of Knocktoe and the man to whom he was to give his son Henry in fosterage. In 1491 they came to the Great Earl to see whether he could settle their disputes. In this he failed, but the fact that two such important princes should have come to the Great Earl for arbitration shows how he was trusted by the Gael. In the same year the Great Earl was called in once more by the O'Reillys, for John O'Reilly, "a generous, hospitable and munificent youth," had died;

¹⁸ Ware, p. 19.

and Cathal, his brother, sought the Earl's assistance in the consequent family struggle for leadership. The Four Masters record that great damage was done by the Great Earl's army and that a great prey was taken by his brother James (subsequently to be so formidable against Poynings) from the hostile faction of the O'Reillys.

In November, 1491, Ware recounts that the Great Earl "summoned a Parliament at Trim to be held on the Friday next after the Feast of the Epiphany of our Lord; but of the Laws and Acts there passed, there be none extant that I know of."¹⁹ Judging by chapter 3 of Archbishop Fitzsimons' parliament²⁰ in 1493, it seems likely that it was at a session of this parliament that the Great Earl had an Act of Attainder passed against his enemies of Waterford. Chapter 3 of Fitzsimons' parliament recites, on the prayer of the mayor, bailiffs and commons of the city of Waterford, that whereas they with divers inhabitants of the said city on certain false feigned causes or false summonses, were attainted by act of parliament in the time of Gerald, Earl of Kildare, then being Deputy Lieutenant of Ireland, in the most dread reign of the present King [Hen. VII.] for which attainders they have searched diligently but can find no record in any of the King's courts so that provision could be made for them; therefore by authority of parliament all such attainders, indictments, acts and ordinances are declared void. Waterford is also confirmed by Fitzsimons' parliament in all its ancient liberties and rights, and especially in the matter of its gaol delivery, cocket, poundage and the annual rent of £30 from the fee farm of the city to the said mayor and bailiffs, which grants were enrolled in the King's courts and are embezzled and cannot be found. This chapter is very significant. It shows that probably in the parliament which he held in 1491 at Trim, certainly in some parliament held by him before the year 1493, and therefore before June, 1492, since in that month he was superseded by Fitzsimons, the Great Earl had taken the offensive against the King's favoured city, Waterford. This unwise action played directly into the hands of the Great

¹⁹ *Ibid.*, p. 19.

²⁰ Unpubl. Stats.

Earl's energetic enemies, who were asserting that his restoration to power made life intolerable to them.

About the same time came the event which was to make the King go over to the side of the Earl's enemies and endeavour to undo what he had done in 1488. In November, 1491,²¹ a ship called at the Port of Cork bearing on it the merchant, Pregent Meno, and a youth who is known to historians as Perkin Warbeck²² and who was asserted to be Richard Duke of York, King Edward's son, who had not, it was alleged, perished in the Tower. His real identity is still a matter of dispute. In his confession²³ he said that he was the son of John Osbeck, the Comptroller of the town of Tournai, and that his mother's name was Katherine de Faro. The Emperor Maximilian, who ought to have known, is stated²⁴ to have told the Milanese envoy at his Court that he was the son of Margaret, Dowager Duchess of Burgundy, by the Bishop of Cambrai. Still further suggestions are contained in Perkin's confession, for he says that the citizens of Cork, seeing him arrayed in some silken clothes belonging to his master, took him for the son of George, Duke of Clarence,²⁵ whilst Stephen Poytron and John Water "saide to me in swearing great othes that they knew wel that I was Kynge Rycharde bastard sonne."

Perkin, in his confession, said that on landing in Ireland he did not at first pretend to be the Duke of York, but that the role was forced upon him by Stephen Poytron and John Water, who "aduysed me not to be a fearde, but that I should take it vpon me boldely, and if I woulde so do, they would aide and assist me with all their powre against the kyng of England, and no oonly they, but they were assured well that the erles of Desmond and Kyldare should do the same." Miss Conway,

²¹ Conway, pp. 36 & 48.

²² For his antecedents, see Conway; Gairdner, *L. and P.*, and Cecil Roth, "Perkin Warbeck and his Jewish Master," *Transactions of Jewish Historical Society of England*.

²³ It is given in Hall: *The Union of the Two Noble and Illustre Famelies of Lancastre and Yorke*, and in Gairdner: *History of the Life and Reign of Richard III.*

²⁴ Pollard: *Henry VII.*, vol. i., p. xxii; Conway, p. 31.

²⁵ Edward IV.'s brother, sometime Lieutenant of Ireland, who had been born in Dublin on October 21st, 1499,

however,²⁶ has shown that this story cannot be true, for Perkin had with him a well-known Yorkist conspirator, John Taylor, who had devised the whole undertaking. Ware did not believe Perkin's statement. He believed that Perkin has been put forward by Margaret, Duchess of Burgundy, and it is likely that he was correct. The Duchess,²⁷ a sister of Edward IV. and Richard III., was the backbone of every Yorkist conspiracy. There is no doubt that in later years she was Perkin's chief supporter. She received him at her Court and she was instrumental in gaining for him the support of her stepson-in-law, the Emperor Maximilian, and other European princes.

It is uncertain whether Perkin received support from the Great Earl. In his confession he says that he did,²⁸ but there is no more reason to credit this than his other statements. There is no doubt that he asked the Earl for support. He asked both Kildare and Desmond. The letters which he sent were extant in the time of Ware. ("The letters that he sent to Kildare and Desmond are yet extant, wherein he entrusted them to side with him against King Henry, and to send him auxiliary help to recover his right"). It is likely that the Great Earl and the Duchess Margaret were in correspondence despite the oath²⁹ which the Earl had taken before Edgcombe. In February 1490, James IV. of Scotland received a herald going from Ireland to the Duchess,³⁰ and it looks as if this herald was sent to thank her for the muskets which the Great Earl had received "from Germany"³¹ in 1489. There is, however, no direct evidence of any assistance given

²⁶ Conway, p. 48.

²⁷ The widow of Charles the Bold of Burgundy.

²⁸ "And vpon this the said John Water, Stephyn Poytron, Jhon Tyler, Hughber Burghe with many other, as the forsayd Erles, entred into this false quarrell."

²⁹ "If any Messingers . . . be sent from the Dutchesse of Bourgon, or from any oother with Letters or Messages to me, or to any othir that I may have Knowledge of, to pervert me or theme from mine or their Allegiaunce and Obeysaunce, and cause Commotion or Rebellion amongst the Kyng's Subgets to be renovelled, . . . I shall as soon as it shall come to my Knowledge, put me in full Devor to take, or do to be takin, that Person or Persons . . . and, as mouch as in me is, doe them to be punished aftir ther Demerits according to the Law, or else send him or theme with their Letters or Words untoo the Kyng's Grace."

³⁰ Conway, p. 35.

³¹ Ware, p. 16.

to Perkin by the Earl. In his letter to the Earl of Ormond of the 11th February, 1493, Kildare states that he "never lay with hym, ne ayded, comforted, ne supported hym with godes, ne yn none other maner wyse." The only definite conclusion which we are entitled to draw from what is known to us of the facts is that the Great Earl knew that Warbeck had landed, knew that he was being supported by Desmond, and did nothing to suppress their conspiracy. There is no sufficient reason to suppose that he gave him any assistance on his arrival, but it does seem natural to imagine that after Henry VII. had superseded the Great Earl and favoured his enemies he in his turn gave what help he could to Perkin.

Whether the Great Earl did or did not support Perkin Warbeck, it is indisputable that he was accused of supporting him. The evidence cannot have been very convincing, for Henry VII. did not for some time take any decided measures against the Earl. It was not until June 11th, 1492, that the King took the decisive step of removing the Great Earl from the Deputyship. In the meantime he took a curious half measure. On the 6th December, 1491, the King signed a commission which recited that his Majesty had determined to send an army to the counties of Kilkenny and Tipperary in the land of Ireland, to suppress his rebels and enemies there, and which appointed Sir James of Ormonde and Thomas Garth³² esquire as captains and governors of the army (men-at-arms, bowmen, hobelers, and others) with power to pass over the sea and invade that land; to muster the King's lieges of the said counties; to make statutes for their army; and to arrest delinquents; and which directed that all persons should be obedient to them and should be absolved from obedience to the Lieutenant of Ireland for the time being. And on the 12th December, 1491, the King granted to his servant, James Ormond, all the castles, lordships, manors, lands, and rents in the counties of Meath and Kilkenny, and in the liberty of Tipperary, which were parcels of the lands of the Earl of March, for two years, and after that during pleasure.³³

³² For an account of his career, see Conway, pp. 50-51.

³³ For these two grants, see *C.P.R.*, pp. 367-8.

It is at this period that the picturesque and complicated conflict between the Great Earl and Sir James took place. It is impossible to place the incidents of this struggle in correct chronological order. There is only one which can be dated with any certainty. Miss Conway³⁴ quotes a record³⁵ which proves beyond doubt that the Oxmantown affray, recorded in the Book of Howth, took place in the year 1493. As to the month the record says it was July,³⁶ "and in St. Margretts die 19 Julii was the slaught given on Oymonton Greene." St. Margaret's day fell on the 20th July³⁷ so it is possible that the affray took place on its eve. The dating of the others is a matter of conjecture.

Miss Conway³⁸ links the meeting between Kildare and Sir James of Ormond in St. Patrick's Cathedral (recorded by Stanyhurst in Holinshed's Chronicles) with the affray on Oxmantown Green, but this cannot be right.³⁹ In the Oxmantown affray Kildare was attacking the Dubliners, "For that L. Gerot thought the citizens took part with the Botlers more than they did with him." In the St. Patrick's incident the Dubliners were attacking Kildare's enemy, Sir James of Ormond, and it was only Kildare's own intervention which saved that hostile Butler from violence at their hands. Moreover, the St. Patrick's meeting forms part of the Thomas Court episode and the Book of Howth, which does not treat of the St. Patrick's incident and which gives the Thomas Court affair rather a different complexion to Stanyhurst, none the less makes it quite clear that it and the Oxmantown affray were distinct. In judging the respective merits of the account given in the Book of Howth and in Holinshed, it should be

³⁴ Conway, p. 55.

³⁵ B.M. Add. MSS. 4791. Modern pagination 135.

³⁶ Although her footnote quotes the document as July 19th, by a mistake the text gives the date as June 10th.

³⁷ Bond: *Handy Book for Verifying Dates*.

³⁸ Conway, p. 55.

³⁹ The only thing which connects the two is Stanyhurst's statement that "in this garboile one of the citizens named Blanchfield was slain." Stanyhurst is here referring to the St. Patrick's riot. Blanchfield was slain at Oxmantown, but as Stanyhurst makes no mention of the Oxmantown affray, and apparently knew nothing about it, it is natural that he should have incorrectly referred Blanchfield's death to the tumult in St. Patrick's.

remembered that the writer of the "Discourse" in the Book of Howth was a Lancastrian partisan, whilst Stanyhurst was a Geraldine panegyrist. They are of about the same date,⁴⁰ and in questions of fact there seems little to choose between them.

The events under discussion may now be tentatively grouped as follows. In December 1491,⁴¹ Sir James of Ormond arrived in Ireland. Sir James,⁴² according to Ware, was the natural son of the celebrated John, Earl of Ormond, who died on pilgrimage to the Holy Land in 1478, born to him by one of the O'Briens. The O'Brien alliance was to be of considerable service to him. Sir James, with a lawyer's dexterity⁴³ had managed to obtain from Earl Thomas of Ormond his deputyship in Ireland, as well as obtaining from the King the office of Treasurer, a grant of land, and a position as royal military commissioner. His appointment as Deputy to the Earl of Ormond brought him at once into conflict with Sir Piers Butler who had been bequeathed the deputyship to the absentee Earls of Ormond. "more hibernica" by his father,⁴⁴ and who in the letter of excuse of the 10th July 1491, had signed himself "Pers Butteler, therle of Ormond is depute." Sir James, therefore, had to fight not only the Great Earl and his supporters, but a section of the Butlers themselves. It must be admitted that under the circumstances he was singularly successful. His success was due

⁴⁰ Graves & Prim in their *History of St. Canice's Cathedral* (p. 190) write: "We are assured by a competent authority that the 'Discourse of the variance between the Erles of Kildare and Ormond' is written by one who learned to write and spell in the time of Henry VIII; although the dates supplied by the latter portion of the 'Discourse' prove it to have been written in the reign of Elizabeth."

⁴¹ Conway, pp. 52-53.

⁴² Carte (*Life of the Great Duke of Ormonde*), p. xli. and Graves & Prim, pp. 188-90, state that his father was not John, but James 5th Earl of Ormonde. But Ware is supported by Curtis, p. 397, and by Gilbert, pp. 446, 606-7, and he is probably correct, since as is pointed out by Gilbert, p. 607, his statement is confirmed by Duaid MacFirbis. All the authorities are agreed that Sir James was the son of an Earl of Ormonde born to him out of wedlock by one of the O'Briens.

⁴³ Conway, p. 50, says he had been elected a benchler of Lincoln's Inn in 1486.

⁴⁴ Sir James Butler of Dunboyne, married Sair Kavanagh.

very largely to the support of his mother's people, the O'Briens, and to the support of the Clanrickarde Burkes whom the Great Earl was subsequently to chastise in 1504. The Annals of the Four Masters under the year 1492 state that a hosting was made by Sir James, the O'Brien and his brothers, and the Mac William of Clanrickard, into the country of the Butlers, which "exacted submission from the Butlers to the Earl's son (i.e., Sir James). And the Irish of Leinster joined them. Meath was ravaged by that army."⁴⁵

Nominally Sir James and the Great Earl were not yet opposed, but the Earl was hardly likely to relish seeing his brother-in-law, Sir Piers Butler, deprived of his position as representative of the Earl of Ormond. Whilst in any case the arrangement by which Sir James and Master Garth were enabled to exercise an authority in Ireland subject only to the King was bound to lead to trouble with the Deputy of Ireland whose power it infringed. An altercation was inevitable. As the Earl was still Deputy, Sir James in his rôle of Royal Commissioner would not want to fight openly with him. Accordingly, the circumstances of this time bear out the substantial accuracy of Stanyhurst's account which should be placed somewhere in this period, between December 1st, 1491, and June 11th, 1492.

"The gouvernement therefore in the reigne of Henrie the seuenth, being cast on the house of Kildare; James earle of Ormond⁴⁶ a deepe and a farre reaching man, giuing backe like a butting ram to strike the harder push, deuised to inueigle his aduersarie by submission and courtesie, beeing not then able to ouermatch him with stoutnesse or preheminence. Whereupon Ormond addressed his letters to the deputie,⁴⁷ specifeing a slander raised on him and his, that he purposed to deface his gouvernement, and to withstand his authoritie.⁴⁸ And for the cleering of himselfe and of his adherents, so it stood with

⁴⁵ O'Curry, *Ger. Coll.* pp. 177-9.

⁴⁶ *Recte* Sir James of Ormond.

⁴⁷ Gairdner: *L. and P.*, vol. ii., p. xxxix, makes this refer to Fitzsimons but from the context it is clear that Stanyhurst meant Kildare.

⁴⁸ This is just the sort of thing which must have been said about Sir James by Kildare's supporters in the period December 1st, 1491, to June 11th, 1492.

the deputie his pleasure, he would make his speedie repaire to Dublin, and there in an open audience would purge himself of all such odious crimes, of which he was wrongfullie suspected.

" To this reasonable request had the lord deputie no sooner condescended, than Ormond with a puissant armie marched towards Dublin, incamping in an abbeie in the suburbs of the citie, named Thomas court.⁴⁹ The approaching of so great an armie of the citzens suspected, and also of Kildare's councillors greatlie disliked, lastlie the extortion that the lawlesse souldiers used in the pale by seuerall complaints detected: these three points, with diuerse other suspicious circumstances laid and put together, did minister occasion rather of further discord, than of anie present agreement.⁵⁰ Ormond persisting still in his humble sute, sent his messenger to the lord deputie, declaring that he was prest and readie to accomplish the tenour of his letter, and there did attend (as became him) his lordship his pleasure. And as for the companie he brought with him from Mounster, albeit suspicions braines did rather of a malicious craftinesse surmise the worst, than of charitable wisdomes did iudge the best; yet notwithstanding, upon conference had with his lordship, he would not doubt to satisfie him at full in all points, wherewith he could be with anie colour charged, and so to stop up the spring from whence all the enuious suspicions gushed."

" Kildare, with this mild message intreated, appointed the meeting to be at saint Patrike his church: where they were ripping up one to another their mutuall quarrels, rather recounting the damages they susteined, than acknowledging the iniuries they offered: the citzens and Ormond his armie fell at some jar, for the oppression and exaction with which

⁴⁹ This abbey was the residence of the Deputy. The *Book of Howth* (p. 177) says that he "camped a while at the wood of Saint Thomas Court."

⁵⁰ The *Book of Howth* states that this army consisted chiefly of the O'Briens and other Irish supporters of Sir James from Munster. The citzens of Dublin were not accustomed to supporting a host of the King's "Irish enemies" from the extreme south-west: and that they should now be asked to do so, is an early indication of the un-English methods of Sir James which were to prove destructive of the King's effort to rule Ireland by Englishmen and Butlers,

the souldiers surcharged them. With whom as part of the citizens bickered, so a round knot of archers rushed into the church, meaning to haue murdered Ormond, as the capteine and belwedder of all these lawlesse rabble.

“ The Earle of Ormond suspecting that he had been betraied, fled to the chapter house, put to the doore, sparring it with might and maine. The citizens in their rage, imagining that euerie post in the church had beene one of the souldiers, shot hab or nab at random up to the roodloft and to the chancell, leauing some of their arrowes sticking in the images.

“ Kildare pursuing Ormond to the chapter house doore, undertooke on his honor that he should receiue no villanie. Wherupon the recluse crawing his lordshipss hand to assure him his life, there was a clift in the chapter house doore pearsed at a trise, to the end both the earles should haue shaken hands and be reconciled. But Ormond surmising that this drift was intended for some further treacherie, that if he would stretch out his hand, it had beene percase chopt off, refused that proffer; until Kildare stretched in his hand to him, and so the doore was opened, they both imbraced, the storme appeased, and all their quarrels for that present ended.”

The Great Earl did not proceed after the fashion of Montereau and Picigny. Although Sir James was his greatest enemy he saved his life from an angry crowd. This piece of magnanimity is one of the most pleasing sidelights into the Great Earl's character. The magnanimity was not politic; it was to cost him dearly, until in 1479 the far-reaching Sir James was eventually slain by Sir Piers Butler. Sir James got his revenge on the Dubliners by informing the Pope of the sacrilege which they had committed “more like miscreant Saracens than christian Catholicks.” A legate was sent who placed the city under an interdict, which he only consented to raise at the prayer of Archbishop Fitzsimons on condition that, “ad perpetuam rei memoriam,” the Mayor of Dublin should go barefooted through the city in open procession before the Sacrament on every Corpus Christi day,

"which penitent satisfaction was after in everie procession duly accomplished."⁵¹

The reconciliation between the Great Earl and Sir James did not last. Stanyhurst says that their quarrels "rather discontinued than ended." Sir James considered that the Great Earl had instigated the Dubliners' attack upon him. The Earl was perturbed at the continuing struggle between Sir James and Sir Piers, a struggle in which Sir Piers was being defeated. Eventually Kildare decided to appeal to the head of the Butlers, the rich and influential absentee, Thomas, Earl of Ormond. On June 10th,⁵² 1492, he wrote him the following letter:—

"My right Wurshipful Cosyn,

"I recommaund me unto you. It is that your cosyn, James Ormond, doth publysh in all places that he hath your interest and title in all your lands here, by reason whereof he hath brought into the Counties of Kilkenny and Tipperary the O'Brenes, with diverse others Irishe enemys, and theretwo destroyed the Kyngs subgetts, and spareth no churches ne religious places, but hath spoyled them. And because he groundeth hym on the Kyngs auctoritie, and your likewise, I suffre hym theryn so to do for fere of the Kyng's displees. And what your mynd and enterest is or shalbe, in this matter, yif it like you to certifie me thereof, I will do what I kan for the reformation of the same.

"Geven under my signet at Kilmaynham, the 10th day of June.

"Your Cosyn,

GERALD, Erle of Kyldare."

Endorsed "To my Right Worshipful Cousyn,
Thomas, Erle of Ormond."

It is natural that Kildare should have assisted Sir Piers. Policy reinforced affection. The writer of the "Discourse"

⁵¹ Stanyhurst, recorded in Holinshed's *Chronicles*.

⁵² This letter is printed in *Earls of K.*, p. 46; and *L. and P.*, vol. ii., p. xxxviii. The date is there wrongly given as January 16th (Conway, p. 52).

states that by reason of the marriage alliance between the Great Earl and Sir Piers "the Earl of Wormond [*recte* Sir James of Ormond] was kept short . . . and was so occupied in his own country he could not attend to do any damage to the Earl of Kildare or any of his friends."⁵³ Sir James certainly did manage to do some damage, but no doubt he would have done more had it not been for Sir Piers. The letter from Kildare to Ormond shows that the feud between Geraldine and Butler was confined to Ireland. There was no animosity between the Earl of Kildare and the Earl of Ormond. On the contrary there is considerable evidence to show that they were on good terms. Earl Thomas was an influential member of the King's Privy Council, and on more than one occasion he appears to have been of service to Kildare in London. This time the letter came too late.

The King had at last come to see that the existing position in Ireland was intolerable. On June 11th, 1492, the Great Earl was deprived of his Deputyship. Archbishop Walter Fitzsimons, a former supporter of Kildare, was made Deputy in his place. At the same time Lord Portlester was "removed from his Place of High Treasurer of Ireland, which Place he held above thirty-eight years,"⁵⁴ and this was given to Sir James of Ormond, whilst his other office, that of Chancellor, was given to Sir Alexander Plunket.⁵⁵ The King had decided the conflict in favour of Sir James of Ormond. He had not decided completely in his favour. The appointment of the Archbishop of Dublin as Deputy and Sir Alexander Plunket⁵⁶ as Chancellor was no doubt an attempt to compromise, but for both sides compromise was really impossible. That the Earl and Lord Portlester should lose their offices was bad enough, that Sir James should be appointed Treasurer was unendurable. Hostilities were not long delayed. The Four Masters state that the Great Earl withdrew his protection from the English of Meath because they had not assisted him against Sir James. "The English suffered many injuries in consequence of this,

⁵³ *Bk. of Howth*, p. 176.

⁵⁴ Ware, p. 21.

⁵⁵ *C.P.R.*, p. 376.

⁵⁶ Sir Alexander Plunkett was a member of the Geraldine Fraternity of Arms or Guild of St. George.

for as soon as the Earl abandoned them, they were universally plundered and burned from every quarter by the Irish." Sir James and Master Garth raided the country of Cahir O'Connor Faly. This raid had important consequences. It appears to have been made in the summer⁵⁷ of 1492, under which year it is recorded by the Four Masters. In the raid the invaders killed Cahir O'Connor's son. Cahir⁵⁸ was one of Kildare's allies and tributaries. It behoved the Earl to avenge the death of his son Calvagh. The Great Earl wreaked a signal vengeance. On the principle of an eye for an eye, a tooth for a tooth, and a son for a son, he took the son of Master Garth and hanged him. This was certain to involve him in trouble with Henry VII., for Master Garth was the King's Commissioner; but Kildare did not rest there. He took and imprisoned Garth himself. Apparently this happened in the winter, for the Annals of Ulster relate the incident thus, "The Calvagh, son of O'Connor Faly, was slain by some of the people of the son of the Earl of Ormond, namely of James, son of John, son of James Butler, that is by Master Garth. And Master Garth himself was taken in the same place by the Earl of Kildare in winter."

Hostilities between Sir James and the Earl were not confined to the extra-legal territories of the King's "Irish enemies." Dublin itself was the scene of fighting. Dublin had usually been the Earl's city. It was the normal seat of his authority. As Deputy he was accustomed to live in the abbey of Thomas Court, before which his guards "stood century" with the muskets that he had been sent "from Germany."⁵⁹ It was in Dublin that he had crowned Lambert Simnel as Edward VI. of England and Ireland,⁶⁰ etc., "with great applause of

⁵⁷ Conway, p. 53.

⁵⁸ O'Connor's present position is an interesting commentary on the wording of Chapter 18 of the Parliament of 1485, which describes him as having done "good and faithful service to our sovereign lord the king . . . in the company of the most puissant lord Gerot . . . deputy lieutenant of Ireland." Like all those King's 'Irish enemies' who occasionally appeared to be the King's faithful supporters, it is clear that his allegiance was given to the Earl and never really to the King.

⁵⁹ Ware, p. 16.

⁶⁰ From an unpublished grant among the Ormond Deeds, kindly shown me by Professor Curtis, it seems that Lambert was crowned not as "Lord" but as "King" of Ireland. See Appendix 8.

the people.”⁶¹ But now that Sir James was Treasurer and Fitzsimons Deputy, the Dubliners had failed in their allegiance. The Great Earl was wrath with them for not having supported him against these intruders. The St. Patrick's incident shows that they did not love Sir James, and accordingly it is more likely to have been the influence of their “Father of Dublin,” the new Deputy, Archbishop Fitzsimons, which had deprived the Great Earl of their support. The Book of Howth gives the following account of a conflict between the Great Earl and the Dubliners: “Upon a time L. Gerot came to Dublinge, and by craft and policy called the citizens of Dublinge out upon Oxmantowne Green, and in wars set upon them, and slew many of them. And one Talbots of Belgart being there then, was enforced with his horse to leap a wall, and by estimation it was judged 25 feet over, and was in great danger to be slain or taken before he came into the city. In the meantime the Earl Gerot sent part of his horsemen over the river against Saint James's Gate to enter in the city; but as God would, some of the city, being upon the walls, did see the horsemen coming and had the gates shut; so was disappointed of their enterprise. This was for that L. Gerot thought the citizens took part with the Botlers more than they did with him.” This fight took place in July, 1493.⁶² In the “slaught” were slain William Tien, who had been Mayor in 1489; and two citizens, one called Blanchfield and the other John Row.⁶³ It was probably at this time that, as the Four Masters record, “Sheep Street in Dublin, was burnt by the Earl of Kildare.”

The Oxmantown incident took place in the midst of the proceedings of the parliament which the Deputy-Archbishop had summoned to meet at Dublin on the 28th June, 1493. It may well have been caused by the proceedings of this parliament. Chapter I. is most illuminating. It recites that Sir Roland Eustace, Kt., Lord of Portlester, late Chancellor and Treasurer of this land of Ireland, from the real hatred and

⁶¹ Ware, p. 6.

⁶² Conway, p. 55, and see above, p. 157.

⁶³ *Ibid.*

malice aforethought which he had for the most reverend Father in God Walter, Archbishop of Dublin, Primate of Ireland ("de veray displeasir ne et malice prepense qil avoit al tres reverend pier en Dieu Waltier archevesque de divelyn primat dirland" ⁶⁴), had procured divers inquests from his own tenants and others who would not dare to say or do anything against his will, and had had the said most reverend Father in God indicted of divers treasons, felonies, etc., against the King, and had divers letters of *sub poena* sent to the said Archbishop, and had him grievously fined on the same, by colour of which the said Sir Roland held fast in the King's hands the temporalities which the Archbishop had in Ireland, and took the issues and profits of the same as well as divers other goods and chattels of the said Archbishop to no small sum, against all reason and good conscience, to the insupportable damage and hindrance of the said Archbishop, and to the great diminution of his estate and dignity. The Archbishop's parliament therefore, enacted that all these inquisitions, indictments, fines, verdicts, forfeitures, etc., should be void, and that the king's hands should be removed from his lands. It ordered the various officers to cancel the records against him on pain of losing their offices; and it pardoned the Archbishop all offences committed against the King. The parliament by a subsequent chapter, carried the war into Sir Roland's camp. He was required to appear in person before the Barons of the Exchequer, and there to remain in custody of the Marshal, until he had delivered and explained the accounts of the revenues for the forty years during which he had held the Treasurership: if he failed to appear, he was to forfeit all his lands and goods, and his body was to be disposed of at the king's pleasure. This latter enactment ⁶⁵ may not have been passed before the Oxmantown affray took place but chapter one must have irritated Portlester, and it may have been he who stirred up the Earl to give vent to his anger in the Oxmantown affray which followed soon after. It is possible that the Great Earl may have made his assault from Kilmainham from

⁶⁴ Unpubl. Stats.

⁶⁵ For a further account of it and of the other enactments of this parliament, see pp. 174, 175,

where he had written his letter of the 10th June, 1492.⁶⁶ The Priory of Kilmainham under the rule of the warlike brother, James Keating, would have been a strong and strategic position from which to harass any enemies of his who might temporarily have succeeded in getting possession of Dublin.

On the 11th February, 1493, the Great Earl had written another letter to his cousin, the Earl of Ormond. It ran as follows:—

“ My lorde and cosyn,

“ Yn as herty wyse as I can I recommaund me to you. Like it you to understand that nowe of late I did send my servantis to the kyng with letteris and enstrucciones suche as I thoght sholde have contented his mynde;⁶⁷ that not withstanding thei was commytted to warde where as never messangeris was so entreted before, ne I can understand as yet the causes why. I am accused to the kyng, as I understand, that I sholde have layn with the French⁶⁸ lad that was supported with your cosyn and myne, therle of Desmound, and that I sholde ayd, supporte, and comferte hym with godes and mesages; where as I never lay with hym, ne ayded, comforted, ne supported hym, with godes ne yn none other maner wyse, as the lordes of this land have certified his highenes at this tyme. Where unto I pray you yeve credence, and to be my gode cosyn at this tyme, where by I may the soner attayn my petitions to the kyng is grace. This land was never distrud till nowe, whate by reason of the comyng downe of your base cosyn⁶⁹ with the kyng is Irish enemyes⁷⁰ to set his

⁶⁶ See above, p. 162. It is not suggested that he had remained there since then.

⁶⁷ There appears to be no record of this embassy. It is likely that the “kyng’s mynde” required to be contented over the imprisonment of Garth and the hanging of Garth’s son.

⁶⁸ Perkin Warbeck.

⁶⁹ Sir James of Ormond.

⁷⁰ We know that the O’Briens were Sir James’ chief Irish allies. It is possible that he was also supported by the O’Mores, for under the heading of the year 1493 the Four Masters have the following:—“O’More, Conall son of David, was killed at the Castle of Baile-na-mBachlach in Crioeh-Bulbach, by a party of the Earl of Kildare’s people, i.e., by Garret son of Thomas O’More [*recte* Fitzgerald] and Niall son of Thomas O’More was made the O’More.” It was from a wound received from one of the O’Mores that the Great Earl died in 1513.

moost noble auctorite in hure, and promysed them grete godes with all their gettingyng on the kyng is English subiectis, that all is lost. Your said cosyn pubblisheth and name hymself erle of Ormound, and because he can not have the better over your kynnesmen⁷¹ he provoketh and styrrerth Irishmen ther aboute the countes of Kylkenny and Typperary to destrue the said countees, which bene in substance destrued all redy; and whether this be your plesyre or no I knowe not. Also, I have restrayned the receitis of your rentis tyll I knowe your mynde therin to whom ye wolde that thei sholde be payed; ffor your said cosyn and the archebyshope⁷² bene concluded that at the nexst parlement⁷³ he shalbe legitimate, and enabled by auctorite of the same to therledome of Ormound, as thogh ye were never entiteled therto. And whate ye will that I sholde do theryn I shalbe at your commaundement. I pray you to be gode lord to Cristofre Dowdall, Archiedekyn of Mythe, at this time, and that the Kyng may be gode and gracious lorde on my peticiones, and whate pleasire I can do here shalbe alway at your desyre. And Jhesu preserve you. Yeven under my signete at Divelyn the xj day of Februar. And that ye yeve credence to Cristofre Dovedall, archidekyn of Mythe, this berrer.

G. E. of K."⁷⁴

This letter is of considerable interest. The assertion that Sir James of Ormond called himself Earl of Ormond is borne out by the fact that he is thus referred to both in Holinshed and in the Book of Howth. Belief in a plot between the Deputy-Archbishop and Sir James to have the latter legitimated and to enable,—in so far as parliament could enable him,—to acquire the Ormond lands in Ireland, may perhaps have been partly responsible for the Archbishop's supercession in September by Sir Robert Preston, Lord Gormanstown. The Bishop's parliament had enacted that Sir James Ormond was to be given all the lands which had been conquered by

⁷¹ Sir Piers Butler.

⁷² Walter Fitzsimons, Archbishop of Dublin.

⁷³ The parliament which started on the 28th June, 1493.

⁷⁴ This letter is printed in Gairdner, *L. and P.*, vol. ii., pp. 55-56, and in *Earls of K. 2nd Add.*, pp. 29-31.

the Irish in Kilkenny and Tipperary unless their absentee owners should come and reside on them before the following Easter. The chief absentee owner was of course none other than Thomas, Earl of Ormond. The Earl's statements were therefore founded on some fact.

The main part of this letter was a categorical denial that the Great Earl had given any assistance whatever to Perkin. This no doubt was what was chiefly troubling the King. As Kildare speaks about him in the past tense it is clear that when the letter was written Perkin had left Ireland,⁷⁵ but with the aid of the French king,⁷⁶ James IV. of Scotland,⁷⁷ or the Dowager Duchess of Burgundy, there was no knowing when he might not return. "And thus," says Ware, "was Ireland at this time as it were a Theatre or Stage on which Masked Princes entred, though soon after their Vizards being taken off, they were expelled the Stage." The Great Earl may have been correct when he said that he had given Perkin no direct aid, but his capture of the Royal Commissioner Garth, whom the King had sent over in command of forces to suppress the Perkin rising, could hardly be looked upon as other than assistance of Perkin. Under the circumstances the King could hardly do less than imprison Kildare's messengers. He did more. In March 1493 he sent over Sir Roger Cotton⁷⁸ and Henry Mountford with a small army. The details of their expedition are given in Conway: Henry VII.'s Relations with Scotland and Ireland. They do not seem to have much effect, for the Oxmantown affray must have ensued despite them. The influence of the Earl of Ormond may perhaps be traced in the pardons which were now made out for the Great Earl. On the 22nd March⁷⁹ a pardon was signed by the King at the request of the Earl of Kildare for "the said John" (who was meant by John is not known),⁸⁰ which was specified to be of

⁷⁵ Invited through Fryon, he had left Ireland for France in the spring of 1492. Conway, pp. 51-2.

⁷⁶ Charles VIII.

⁷⁷ A letter from Perkin, written by Fryon, was received by James IV. of Scotland in March, 1491/2. Conway, p. 51.

⁷⁸ For his previous history, see Conway, p. 53.

⁷⁹ *C.P.R.*, p. 425.

⁸⁰ It seems, however, very probable that this was Kildare's imprisoned messenger.

no effect unless the Great Earl presented himself to the King's presence in England before All Saints, and accordingly with it was sent him a safe conduct by land and sea for himself and 80 men in his company until Christmas, with ships, horses, carts, carriages, chests (*capsis*), mails (*manticis*), bags (*bagis*), small bags (*ferdellis*), vestments, apparel (*apparatibus*), jewels, letters, papers (*papiris*), close and open, gold and silver, coined and not coined, and other necessities.⁸¹ No doubt these arrangements were made with Christopher Dowdall who had brought the Earl's letter of February to Ormond.

On the 30th March, 1493, a general pardon was made out for the Great Earl "on the urgent entreaty of the said Earl, and at the special request of many spiritual and temporal lords of Ireland," with a release to him of all judgments, executions, and penalties of death, and pardon of the forfeiture of his lands and goods: on condition that within six months he should send to England to the king's presence his first born son and heir.⁸² It is uncertain whether young Gerald was sent over to England within these six months. He may have been, but the Annals of Ulster, under the year 1503, relate that in that year the Great Earl brought back from England his son Gerald, who had been eight years in London in captivity as a hostage, from which it seems that Gerald Oge did not go to England until after the Poynings affair. On April 10th, 1493, a pardon was made out for Maurice, Earl of Desmond, and for his brother "Thomas de Desmonde." Pardons were also made out for "Hubert⁸³ Burk" and Edward Ormond. Miss Conway⁸⁴ suggests that these pardons were brought over by Sir Richard Salkeld, Constable of Carlisle, and that Kildare's pardon had been taken with him by Sir Roger Cotton.

The presence of these envoys did not prevent strife, nor did the arrival of Henry Wyatt who set out for Dublin in June, 1493, "with a retinue costing £60 a month and stayed

⁸¹ No doubt he brought over all these people and things with him when he visited the King at the end of the year (1493).

⁸² *C.P.R.* p. 423.

⁸³ Conway, p. 55.

⁸⁴ *Ibid.*

five months.”⁸⁵ In this month (on June 22nd, 1493) a general pardon was signed by the King for “Gerald, earl of Kyldar,” at his own instance and at the special request of many lords spiritual and temporal of Ireland.⁸⁶ This was the month in which Fitzsimons’ parliament⁸⁷ met. Chapter 5 complains strongly of the sacrilegious behaviour of the great temporal lords, and enacts that in future no manner of extortion, coign or livery shall be put upon any man of Holy Church, or any inhabitant within the glebe of the Holy Church whose liberties—despite their formal ratification in every parliament—are, it states, “for the greater part broken and lost and despised by every temporal person using war within this land, not sparing or shewing reverence to the Altar where our Blessed Saviour Jesus Christ in form of bread is consecrated and kept to minister in the Sacrament to every true Christian man for the relief of his soul he lying in his last days, any more than if it were a pigstye.” (“nient puyt q’estoit vne cotage dez porke ou stye”). This is a thing altogether abominable to every Christian man to see or hear. It is greatly displeasing to God and all his saints, and is the cause of the plagues which have raged amongst the commons for some time past.⁸⁸

Ecclesiastical affairs are also dealt with by chapter 2. This chapter is interesting as evidence of the steady Hibernicisation of the “English land” in Ireland. How small the Pale had now become will be seen from the 34th act⁸⁹ of Poyning’s Parliament, which provided for ditches to be made about the English Pale, “that is to saye in the countie of dublyn⁹⁰ from the watter of Anliffy⁹¹ to the Mountaign⁹² in Kyldare from the watter of Anliffy to Trym and soforthe into meth⁹³

⁸⁵ *Ibid.*

⁸⁶ *C.P.R.*

⁸⁷ Unpubl. Stats.

⁸⁸ In the spring of 1492 the “sweating sickness” was rife. Baron Slane died of it. *Annals of Ulster*, vol. iii., p. 359.

⁸⁹ Printed in Conway, p. 215.

⁹⁰ Dublin.

⁹¹ The Liffey.

⁹² Apparently Grange Hill (744 ft.) the highest point in Kildare.

⁹³ Meath.

and Urill.”⁹⁴ The chapter declares that the Archbishop may confer benefices among “Irish enemies” to any person of “Irish nation,” because clerks of “English nation” will not live there. There is no mention this time of any oath of allegiance, no mention that English clerks are unfitted to take them because they cannot speak Irish, and no time limit. The reason why the English clerks would not live there may perhaps have been because they were still in the un-Irish municipal townsmen’s tradition, but at least as probable that they were afraid to live there because of the unruly condition of the country on the borders of the Pale.

Chapter 3 gives some clue as to the causes of the opposition to the Great Earl. It is at the prayer of the mayor, bailiffs and commons of the city of Waterford, and recites that “whereas they with divers inhabitants of the said city were attainted on certain false feigned causes or false summons by act of parliament⁹⁵ in the time of Gerald, Earl of Kildare, then being Deputy Lieutenant of Ireland” for which they have sought diligently but unavailingly, they and any of the inhabitants of the said city heretofore attainted in any manner at any time from the 1st day of November in the first year of the reigning king until the 1st day of the present month shall be free from the said attainders or indictments, “and all other manner of acts or ordinances before this time made to the prejudice of the said mayor, bailiffs and commons, by authority of this parliament are annulled, quashed, repealed and made void in law.” The King also confirms all ancient liberties, grants, etc., and especially gaol delivery, cocket, poundage, and the annual rent of £30 from the fee farm of the city to the said mayor, bailiffs, etc., “which grants were enrolled in divers places of the King’s courts,” but “are embezzled and cannot be had.” From this chapter it looks as if the citizens of Waterford were justified in their apprehensions of 1488, when they told Edgecombe that if the Great Earl were reaffirmed as Deputy “he shulde have souch

⁹⁴ Uriel, i.e., Louth. For a more detailed description of these boundaries, see Curtis, p. 402.

⁹⁵ This was probably the parliament which is mentioned by Ware (p. 19) as having been held by the Great Earl in November 1491, at Trim on the Friday after the Epiphany.

Authority, that he wulde find the means by him and his Frends utterly to undo the seyde Citty.”⁹⁶

Chapters 6, 7, and 8 are all ecclesiastical of a sort. The first is at the prayer of the Dean and Chapter of the Cathedral Church of St. Patrick's, Dublin, and ordains that dwellers on the Poddle must cleanse the precincts of their tenements on pain of 20s., as floods have damaged the Cathedral. The second is at the prayer of Walter, Abbot of the house of the Blessed Virgin Mary near Dublin. A cart is to be supplied to serve the Abbot and convent and their household going on any warlike journey (“hostilia viagia”). The third, “in consideration of his true and faithful service to the King,” pardons the same Abbot of all treasons, murders, contempts, etc. It seems that Brother James Keating was not the only warlike ecclesiastic.

Chapter 22 is of great interest because it is one of the few records of the Great Earl's actions as Governor and Tutor of “Edward VI.” It starts as follows: “Also at the prayer of Thomas Bottiler gentleman, that whereas lately at the time that one Great Earl of Kildare having the King's estate in this land with others of his opinion joined with him contrary to their allegiance then crowned and honoured for their king at Dublin an unknown boy to the greatest scandal and abuse that ever was seen in this land of Ireland, the which then was well perceived and known by the foresaid Thomas then being in the said land, for which cause he as speedily as he could went to England and he according to his loyal allegiance as quickly as he could disclosed to our Sovereign Lord the King the great and abominable treasons and insurrections aforesaid, for which cause and for the departure of the same Thomas the said Earl then being full of malice and displeasure forthwith ordered these letters under his Privy Seal to take the body of William Botiller, clerk parson (“per sone”) of the church of Kilberry in the county of Meath, brother to the said Thomas Botiller, alleging against the said William high and great treason to have been done against the Crown of their pretended king” in that he consented and counselled the departure of the said Thomas. And at length the said

⁹⁶ *Hibernica*, p. 30, “Voyage of Richard Edgecombe.”

Earl had the said Thomas and William Botiller with their brothers proclaimed openly traitors to the said pretended and disloyal king, "and so did" that finally they were attainted traitors by parliament. "Whereupon the said Earl banished and evicted the said William out of the said land for the causes above rehearsed, by reason of which all the goods, chattels and the benefice of the said William Botiller were taken and seized into the hands of the said pretended king and into the hands of the said Earl where they still remain."⁹⁷ ("Lez quex vnquors remayne"). Moreover, he razed to the ground the manse or parsonage ("mansion ou personage") and other houses of the said William, for which cause and also through danger of death at the hands of the said Earl, the said William has not dared to come to the said land to reside in his said benefice. This is contrary to right and reason, and accordingly it is ordained and established by authority of parliament "that the said act and each other act or acts hitherto made or had in any parliament to the damage or prejudice of the said Thomas Botiller, William Botiller, their brothers or any of them shall be reversed, avoided, repealed, and of no effect in law." It shall be lawful for them to enter on their lands in whosoever's hands they may be, and they shall hold them by as good title as if the said act had never been made. They are to have the appropriate remedies from the King's court for the restoration of their goods and chattels and "the statute of absentees or any other statute hitherto made shall at no time to come be in any way to the damage or prejudice of the said William Botiller by reason . . of his absence from the said land."

The most important act of this parliament was however chapter 27 which gives considerable insight into the thesaurial methods of Sir Roland FitzEustace. It runs as follows: "Also at the request of the Commons, in consideration that the Treasurer of Ireland always has accounted once every three years for all revenues of this land with the intention that the said revenues may be employed on the public profit of the said land in such manner that the said revenues be

⁹⁷ This must have happened in 1487 or early in 1488. It was now July or August 1493, nearly six years afterwards.

not embezzled nor put to private profit by reason of which the subjects of the King are to be discharged ("doient estre discharged") from all manner of impositions, taxes, subsidies and all other manner of impositions, the premises considered, and whereas ("commaunt") Lord Roland FitzEustace, Knight, was Treasurer of this land for the space of 40 years and more and never has accounted for the time that he has had the said office but always has expended and converted the revenues of this said land to his own personal profit and use, it is ordained, enacted and established by authority of this present parliament that the said Sir Roland come and appear in his own person before the Barons of the King's Exchequer in this land in the quinzaine of St. Michael next to come and there remain in the custody of the Marshal of the said Exchequer until he have disclosed ("perclosé") his full account for the said revenues during the time that he was Treasurer of the said land and have satisfied the arrears of his said account. And by the same authority if the said Lord Roland come not and appear and account as before it is said that then he forfeit his lands and his goods, and his body be at the King's discretion ("son corps de estre al volunte le Roi"). In this chapter the Archbishop had more than repaid Sir Roland for the inquisitions, indictments, fines, verdicts, forfeitures and letters of *sub poena* which he had made against him according to chapter one.⁹⁸ The hand of Wyatt may perhaps be traced in this attempt to audit and order the business of the Irish Treasury. No man, however, could have expected to disentangle and make up the accounts of the last 40 years with any accuracy.⁹⁹ Probably the chapter makes out Sir Roland to have been a worse offender than he was in reality. No clear distinction could at this time be drawn between public and private expenditure. If Sir Roland used the State revenues for his private purposes it was none the less likely that he used private revenues for public purposes. For over and over again the Great Earl, if the enactments of his parliaments have any truth in them, is found doing the

⁹⁸ See above, p. 166.

⁹⁹ See Conway, pp. 91-2.

King's business "at his own great cost and charges" and this must also have applied to Sir Roland.

The Four Masters¹⁰⁰ suggests that an agreement was come to between Sir James of Ormond and the Great Earl of Kildare (apparently in the year 1492) as a result of which "the office of Lord Deputy, the Sword of State and every privilege connected with it" were "transferred to the Archbishop of Dublin until the king should settle their dispute and set all to rights." Their chronology is dubious and their account muddled, but it may well be that some such agreement was reached. It is clear that in 1493 at any rate negotiations had been going on in England between some members of the Kildare and the Butler factions. In June, 1493,¹⁰¹ the month in which Henry Watt and his £60 a month retinue travelled to Ireland, Thomas Garth,¹⁰² Alexander Plunkett,¹⁰³ Thomas Butler,¹⁰⁴ Archbishop Fitzsimons and the Archdeacon¹⁰⁵ of Meath, had their travelling expenses to Ireland given to them. A collection which includes Master Garth who had been the Earl's prisoner, Thomas Butler who was the Butler of chapter 27 of Fitzsimons' parliament, and Christopher Dovedale, the Archbishop of Meath, who had represented the Great Earl in England and had brought over his letter of the 11th February, 1493, to Thomas Earl of Ormond shows that there must have been negotiations between the rival parties.

These negotiations did not result in peace. In July, 1493, in the middle of the work of the Fitzsimons parliament, took place the Oxmantown incident. The Book of Howth relates that after it the Great Earl "went through the English Pale and where any of the Earl of Wormon's¹⁰⁶ race and friends

¹⁰⁰ Under the year 1492, pp. 1197-8.

¹⁰¹ Conway, pp. 55-6.

¹⁰² "Master Garth."

¹⁰³ The new Chancellor had been a member of the Fraternity of Arms. Leland considers his appointment a betrayal of his former associates. If the Four Masters are right, however, it may have been an agreeable compromise.

¹⁰⁴ Chapter 22 of Fitzsimons' parliament says that he had been afraid to venture back to his lands which he had been deprived of ever since the Simnel coronation. He must now have been returning to secure the restoration. The King rewarded his services by a patent of 12th May, 1494.

¹⁰⁵ Christopher Dowdall, Archdeacon of Meath, 1485-1498.

¹⁰⁶ *Bk. of H.*, p. 176; Ware, pp. 25, 26.

was he robbed, spoiled, burned and killed them." This could not pass unrevenged, and Sir James of Ormond destroyed the Earl's and his supporters' possessions in county Kildare. At this time the Great Earl was deprived of the assistance which he might otherwise have obtained from the O'Neills, for they were engaged in an internecine struggle. Early in the year the Great Earl's brother-in-law, Conn More O'Neill, had been slain. The Four Masters state that "O'Neill, i.e., Conn, the son of Henry son of Owen, the bestower of jewels and riches, a brave and warlike man, was treacherously killed by his own brother, Henry Oge." This left the Lady Eleanor a widow; and her sons, Turlough and Conn Bacagh, were absorbed in the struggle, and did not rest until they had slain their wicked uncle Henry in the year 1498. It is clear, however, that the Great Earl had still the support of friends in the Pale. It is probably to this period that should be ascribed the dinner-time story in the Book of Howth. The chronicler relates that Sir James "destroyed to the uttermost of his power . . . so many as he understood to be toward the Earl of Kildare," and that when dining with Sir Nicholas, Lord of Howth, at Killester, he "said openly that he wished of God to have been by when the Earl of Kildare played those parts, and said further if any man in the English Pale would stand in defence of the Earl of Kildare he would e'en now fight with him in that quarrel." To this Sir Nicholas replied 'There is five hundred in the English Pale that would stand in that quarrel against your Lordship, their duty always to our Prince preserved.' 'Well,' said the Earl of Kildare, 'durst you hazard the battle between you and me to try the cause? By God's blood! if you durst, I could find in my heart to thrust this knife through you.' 'Well,' said Sir Nicholas, 'put up your knife, and hear me patiently. I swear by Our Lady of the North Church of Houth that Butler, nor Winedrawer, nor Tapster is not in Ireland but I durst stand to defend this quarrel. And if your Lordship be so stomached, and would ease your heart, let us both take a boat and go to yonder Island of Clonetaarf, there to ease both your stomach and mine, for our companies here are not indifferent.' 'Well,' said the Earl, 'Sir Nicholas, thy stout and bullish nature shall end

thy days before thy natural age'; so after dinner departed in a great fury." "And so," continues the chronicler, "between both these Earls' contention, the English Pale was destroyed."¹⁰⁷

On September 6th, 1493, Sir Robert Preston, Viscount Gormanstown, was appointed Deputy in the place of Archbishop Fitzsimons.¹⁰⁸ The disorders had reached such a pitch that no doubt it was considered necessary to have a soldier at the head of affairs instead of an ecclesiastic. Gormanstown was certainly more successful. On the 12th September he summoned an assembly to Trim which was attended by the chief men of the Pale including the Great Earl, who appears to have been on good terms with Sir Robert, since the latter had been a member of the Fraternity of Arms, and since later on a marriage alliance was made between the houses of Gormanstown and Kildare.¹⁰⁹ At this assembly all the magnates entered into recognisances to keep certain articles which were there agreed upon. The names of those taking the recognisances may be seen from the Calendar of Irish patent and close rolls published in 1828.¹¹⁰ There appears to be no record of these articles, except Ware's¹¹¹

¹⁰⁷ *Bk. of H.*, p. 176; Ware, pp. 25-26. *i.e.*, The Earl of Kildare and Sir James Ormond. ("Earl of Wormon").

¹⁰⁸ On September 3rd, 1493, a municipal grant was made to arm the Dubliners with bows and arrows with which to protect themselves against the attacks of English and Irish rebels. (Conway, p. 57).

¹⁰⁹ *Earls of K.*, 2nd Add., p. 45.

¹¹⁰ *Pat. & Close Rolls*, Record Commissioners, p. 270. "Rotulus Clausus de anno 9 Hen. vii. 3. Geraldus comes Kyldar recognovit se debere Regi 1000 marcas 16 Septembris. Et Rex vult quod si dictus comes per impleverit articulos in statuto pre fato contentos ista recognitio pro nullo teneatur. Similiter Alexander Plunket miles et Johannes episcopus Midensis 200 marcas et Edwardus episcopus Darenensis 100 libras et Cristoferus Flemyng baro de Slane 500 marcas et Nicholas Seyntlaurence dominus de Houth 200 libras et Christoferus Barnewell dominus de Trimlestoun 200 libras et Edwardus Plunket dominus de Kyllene et Johannes Plunket miles dominus de Donsany et Willelmus Darcy miles 100 libras et Willelmus Wellysley de Dengyn miles 300 marcas et Willelmus Betagh de Moynalty 100 marcas et Cristoferus Plunket filius Alexandri Plunket miles et Ricardus Eustace filius Rowlandi fitzEustace miles [this must have been a brother-in-law of the Great Earl] et Willelmus Prestoun filius Roberti Prestoun de Gormanestoun 40 marcas."

¹¹¹ Ware, p. 25.

statement. His short statement is interesting as showing the conditions of the time. He says that the great men gave bonds and pledges to keep certain articles chiefly restraining militia without the King or Deputy's assent and against Irish tributes, men-slaves, thieves and vagabonds. No doubt they were also bound over to keep the peace. Preston also held a parliament at Drogheda, but its articles were declared void by Poynings' parliament, because the Duke of Bedford, titular Lieutenant of Ireland, whose deputy he was, had resigned his place before the summoning of the parliament; because summonses were only directed to the four counties; and because in the King's letters patent by which he was appointed there was no power given to him to call a parliament.

"In the mean time in the month of October, Walter Archbishop of Dublin, went for England, where he fully informed the King of the State affairs of Ireland."¹¹² It appears¹¹³ that the Great Earl went to England in November; the Deputy, Lord Gormanstown, went next; and Sir James of Ormond went after Christmas. Ware's account of the matter is that "the Earl of Kildare (a thing not to be passed over in silence) having intelligence that his Adversaries at Court were picking a hole in his Coat in the month of November . . . set sail for England, to purge himself to the King of the crimes that were laid to his charge." He must have travelled with all the trappings and company mentioned in the safe conduct of the previous March. Henry VII. lodged him and his companions at a cost¹¹⁴ of £5 a week. He had arrived before Twelfth Day 1494, when at a banquet at Westminster the King dubbed two of his Irishmen Knights, and he did not leave until the middle of May, 1494. Ware says that Sir James of Ormond "hasted into England leaving Sir William Preston as Deputy in his place, who was son to the Lord Viscount Gormanstown, and in presence of the King's Council he laid many crimes to the Earl's charge."¹¹⁵

¹¹² Ware, p. 25.

¹¹³ Conway, p. 58.

¹¹⁴ This should be multiplied by 18 or 20 to give its equivalent in modern currency. *op. cit.* p. xxxi.

¹¹⁵ If Ware be correct then Sir James of Ormond must have acted as Deputy when Sir Robert Preston, Lord Gormanstown, had gone to England. As Sir James was Treasurer this would have been a foretaste of chapter 26 of Poynings' parliament.

The events from this on to the end of the Poynings' administration have been dealt with very fully from the English side in the recently published book by Miss Conway entitled "Henry VII.'s Relations with Scotland and Ireland 1485-1498," so it would be redundant to give more than a brief reference to them here. In May, 1494, peace seems to have been arrived at between the opposing Irish parties. In March Richard Salkeld, Constable of Carlisle, had received on behalf of Henry VII. an oath¹¹⁶ of fealty from Maurice, Earl of Desmond. In this he had undertaken to send his son and heir to the Earl of Kildare, and on May 14th, 1494, an indenture was made between Henry VII. and the Earl of Kildare at Westminster in which the Earl bound himself "that if Therle of Desmond whiche hath made his solenne ooth upon the holy ev^angelies auctorized and affermed undre the seal of his armes to perfourme obeye truly kepe and observe anempst oure said souverain lord all suche thinges as be conteyned in certain articles heraftrre folowing doo at any season disobey breke or varye from any of the said Articles that than the same Erle of Kildare whensoever the king shal commaunde him shal surely sende unto his grace the Son and heire of the said Erle of Desmond he being oones in his handes and keping by suche persones as the kinges highnesse shal appointe to receive of the same Erle of Kildare the son and heire of therle of Desmond forsaid." The articles were that the Earl of Desmond should be a faithful subject and true liegeman, that he should suppress rebels and expose confederacies, "and that he shal not brenne ne waste noon of the kinges subgiettes onlesse it be in the suytt of his right orelles in the defense of the same after the custom of that the kinges land of Irland." He also undertook to "contente the king for his enheritance in all pointes as duely and as largely as his auncestres have doon unto his noble progenitours," and to execute all offices granted unto him by the King according to his pleasure. Kildare finally bound himself "that he shal endeavour hym to the best of his power to gete the said Son and heire into his handes and possession with al spede unto hym possible And when he shal have the same Son and heyre

¹¹⁶ Conway, pp. 151-158.

ones in his said handes and possession then aftr not to deliver hym for any maner cause wout the kinges mynde and pleasyr be furst shewed unto hym by the kinges especial writing."

Kildare to carry out this indenture probably returned to Ireland in May. Such was the seeming surety of the time that to the disgust of Garth it was suggested that the last remaining English soldiers in Ireland should be disbanded,¹¹⁷ but Kildare does not seem to have succeeded in getting the Earl of Desmond's son into his possession. At any rate relations between the King and Desmond became strained. On June 16th, 1494, Sir James of Ormond was given a grant in tail male of the constablenesship of Limerick Castle, which had been granted for life to Maurice, Earl of Desmond, in 1488. The breach between the King and Desmond was followed by a fresh influx of magnates from Ireland to England, of whom the Great Earl was one. The result of their deliberations was the Poynings expedition.¹¹⁸

This attempt to re-organise the Anglo-Irish administration in Ireland was heralded by a whole host of patents, the effect of which was to place all the important offices into the hands of English-born men retaining, however, Sir James of Ormond as a royal commissioner because of his military power. The patents were as follows:—

12th May, 1494. Appointment during pleasure of
(*C.P.R.* p. 465): Thomas Boteler as bailiff of the lordship or manor of Yardley, county Worcester. By p.s. (This Thomas Boteler was probably the informer of the Simnel incident).

30th May, 1494. Nicholas Turner to be 2nd Justice of
(*C.P.R.* p. 470): Common Bench in Ireland during pleasure with £40. a year.

¹¹⁷ *Ibid.* pp. 59-60. Miss Conway suggests that there was a revolt in Munster between May 14th and June 16th.

¹¹⁸ This was announced to Charles VIII. of France by instructions which were given to the Richmond Herald on the 10th August, 1494, and which are the best introduction to the history of the expedition. They are printed in *L. and P.*, vol. ii., p. 292.

By
K.
C.P.R.
p. 464.

16th June, 1494. Grant to Sir James of Ormond of annuity of £100. out of revenues of Ireland.

Grant to Sir James of Ormond in tail male of constableness of Limerick Castle with £10 a year out of city of Limerick.

(This had been granted for life to Maurice, Earl of Desmond, in 1488).

18th June, 1494. Grant to Sir James Ormond "a knight of the king's body" of wardship and marriage of Richard Bermyngham, son and heir of Patrick Bermyngham, "gentleman" with keeping of all lands late of the said Patrick Bermyngham in counties of Dublin, Meath, Kildare, Uriell, Catherlagh, or elsewhere in Ireland.

1st August, 1494. Thomas Bowring to be Chief Justice of King's Bench during pleasure with livery of vesture like the Chief Baron of England.
(C.P.R. p. 474)

1st August, 1494. John Topclyff to be Chief Justice of Common Pleas on similar terms.
(C.P.R. p. 475)

1st August, 1494. John Alleyn to be one of the Masters of Chancery and member of the King's Council in Ireland.
(C.P.R. p. 473)

1st August, 1494. Walter Yvers to be Chief Baron of the Exchequer in Ireland on similar terms.
(C.P.R. p. 473)

8th August, 1494. A comprehensive general pardon to Walter FitzSimons, Archbishop of Dublin, Deputy of Ireland, for all offences committed before June 16th, 1494.
(Rym. xii,)
(pp. 556-7.)

11th Septr., 1494. Appointment of Prince Henry as Lieutenant of Ireland with Poynings as his deputy.
(Rym. xxi.)
(pp. 558-60.)

12th Septr., 1494. Grant in tail male to James Ormond, knight of the body, of the lordships of Ardmulghan, and of Belgard, Foure, Demor, and Derver, in Meath; all the King's lands in Callan, Loughmeran, Ratheston, Inchyolighan, Demaghy, and Calanstown, county Kilkenny; "the Erles Grove, Kilmorrussyn" and "the olde mille by Clonmell," county Tipperary, with castles, lands, rents, etc., in the same county; all which possessions are part of the Earldom of March now in the king's hands in right of Elizabeth, the Queen Consort.

13th Septr., 1494. Appointment of Sir Edward Poynings as Deputy of Ireland.

(Rym. xii.
pp. 558-562 &
C.P.R. p. 12.)

C.P.R. p. 15.	{	13th Septr., 1494.	Appointment of Henry Deane, Prior of Lanthony, Bishop of Bangor, as Chancellor of Ireland.
		" " "	Appointment of Sir Hugh Conway as Treasurer of Ireland.

21st Septr., 1494. Appointment of Thomas Butler as Master of the Rolls in Ireland.¹¹⁹
(C.P.R. p. 8).

The Prince Henry who was now appointed Lieutenant of Ireland was the King's second son, at the moment aged four, and subsequently to become Henry VIII. of England. His Deputy, Sir Edward Poynings, was the son of Robert Poynings and Elizabeth Paston, a member of the family so well known by their letters. Poynings, "a man of immoral private character,"¹²⁰ was a Knight of the Garter and had already done much diplomatic work for Henry VII. The details of his commission are worth recording, since by a curious irony

¹¹⁹ For Thomas Butler, see p. 181. For summary of most of these men's careers, see Ball; *Judges in Ireland*, vol. i., pp. 188-9.

¹²⁰ Gilbert, p. 499.

it was the model on which the Great Earl's commission of August 6th, 1496, was based. Poynings was appointed to keep the King's peace and laws and customs of Ireland, and to punish both English and Irish who go against the same; to admit rebels both English and Irish to fine, and grant them pardons as well general as special under the great seal of Ireland; to receive offenders to ransom, and to do justice to them according to the said laws and custom, and go with the King's power against those who will not submit to justice and make peace with such; to confer ecclesiastical benefices with or without cure, except cathedral and collegiate churches; to receive the fealties and renunciations of archbishops and bishops and make restitution to them of their temporalities; to receive the homage of the King's tenants and make livery of their inheritance; to purvey and take victuals and necessities for their households¹²¹ or soldiers according to the statutes touching purveyors; to summon a parliament before Easter to be fully ended and punish those who do not come; to call all officers except the Treasurer of Ireland to account before the Treasurer and Barons of the Exchequer of Ireland; to enquire of forfeited and concealed lands, and to do all other things pertaining to his office.¹²²

It is quite clear from Henry's instructions to Richmond Herald and from the list of officers given above that the King intended to make a complete reform of the Anglo-Irish administration. In his instructions to Richmond the King stated that he was sending "a good and sufficient army accompanied by good and great persons as well for war as for justice."¹²³ He states further that he has been urgently requested to do this by the chief English-speaking clerics and barons ("qui scavent parler la dicte langue Angloysse"). Among these English-speaking magnates of Ireland is the Earl of Kildare ("le conte de Kildare"). He and the other magnates are at the moment with the King. The army will

¹²¹ The households of the Lieutenant and of the Deputy.

¹²² This account has been copied from the *C.P.R.* (1494-1509), p. 12.

¹²³ "Une bonne et suffisante armee accompagnée de bons et grans personnages tant pour la guerre que [pour la] justice." *L. and P.*, vol. ii., p. 295.

be ready to cross over in September. On the 13th October, 1494, Poynings with his wife Elizabeth, with the administrators, and with his soldiers, landed at Howth. The "good and sufficient army" did not amount to more than 653 men,¹²⁴ but in addition to the troops which he brought with him from England, Poynings was to be aided by Sir James of Ormond and his Irish allies, and he was also empowered to suppress rebels by means of levies summoned in Ireland to the royal service. With Sir James' and possibly the Great Earl's levies, Poynings' troops must have come near 1,000 suggested as an approximate figure by Ware at the time of the Northern expedition.

The Great Earl came with Poynings and Sir James of Ormond from England. This is recorded by the Annals of Ulster and by the Four Masters. The latter, under the year 1494, state that "the Earl of Kildare, i.e., Garret Fitz Thomas, and the Earl of Ormond's son, i.e., James son of John, son of James Butler, came from the Saxon king's house after peace was made between them, and Edward Ponivill a Saxon Knight came over with them as Justice of Erin." The Great Earl temporarily acquiesced in these arrangements, but since the project which Poynings was intended to execute would do away with all the achievements of his past policy and was associated with the triumph of his greatest enemy, Sir James of Ormond, one is constrained to believe that he detested the whole design, and hoped, and probably worked for its failure. Subsequent events bear out this conclusion.

Poynings marched to Dublin, received the sword of state, caused his English associates to be sworn of the Privy Council, and issued writs for a parliament. Then with the Great Earl and Sir James of Ormond he set out on a military expedition to the north. Polydore Vergil says that this expedition was directed by Poynings against the "Sylvestres Hybernos" in order that he might track down the supporters of Perkin whom they had received. Henry, in his instructions to Richmond king of arms, had stated that it was his intention to put

¹²⁴ Ware, p. 27; Gilbert, p. 450, says inaccurately that Poynings landed with 1,000 men.

in order those known as "wild Irish."¹²⁵ ("Irlandois sauvaiges"). O'Donnell was at this time, in all probability, already suspect of being in league with James IV. of Scotland to further the pretensions of Perkin.¹²⁶ In July of the following year he visited the Scottish court where he was received with great honour and he and James "formed a compact and league to assist each other mutually in all their exigencies." Gilbert's suggestion, therefore, that the northern expedition was undertaken against O'Donnell, is likely to be correct.¹²⁷

The northern expedition did not succeed. An army whose leaders were Poynings, Sir James Ormond, and the Great Earl of Kildare, and whose object was apparently to invade the country of the Great Earl's ally, Hugh Roe O'Donnell, was bound to fail. The army did not get further north than the territory of O'Hanlon. There Poynings was informed by Sir James Ormond that the Great Earl was conspiring with O'Hanlon to have him (i.e., Poynings) assassinated. O'Hanlon subsequently denied this on oath, and the Great Earl, but not till after his imprisonment in England, was cleared of the charge. The man who, to his great political disadvantage, as this very incident proves, had intervened to prevent the Dublin mob murdering Sir James of Ormond would hardly have planned to assassinate Poynings. He may, however, quite probably have worked to bring about the failure of this expedition and of Poynings' unwanted government. Poynings at any rate retreated "blazing with anger and wrath because he suspected that all this had happened by the treachery and guile of Gerald, Earl of Kildare, who was ruler of the island, as he had been informed by the enemies of the Earl" ("iracundia ac stomacho exardens, quia suspicatus erat ea omnia dolo ac fraude Geraldii comitis

¹²⁵ "le Roy . . . a conclu et delibere de metre ordre en son pais d'Irlande, assavoir sur ceu [lx] qui sappellent Irlandois sauvaiges, affin quilz puissent desormais vivre [en bonne] police et justice, commoe font ceulx de sondict royaulme et les autres Irlando[is de la] langue Angloisse." *L. and P.*, vol. ii., p. 295.

¹²⁶ He had had staying with him in this year a Scottish leader called "Domnall of Aran." *Annals of Ulster*, vol. iii., p. 383. This may have been merely a military ally. He was killed at Sligo fighting for O'Donnell.

¹²⁷ Gilbert, p. 450. Although he is wrong in implying that at that time O'Donnell had already visited the court of James,

Chyldariae, qui insulae praefectus erat, accidissee, prout ab inimicis comitis ad ipsum delatum fuerat'').

The Great Earl must have hastened away as soon as this plot was suspected. This was probably on November 10th, 1494.¹²⁸ His movements are uncertain from then until the date that he was taken prisoner, February, 27th, 1495. During this period the Earl was in a curious position. Poyning's parliament met at Drogheda on December 1st, 1494. The numbering of its chapters is probably chronologically correct. Chapter 24¹²⁹ acquits "the Erle of Kildare" along with Sir James of Ormond "and all persons adherent to them" of any action for murder, robbery or any other offence. Chapter 41 of the same parliament attaints the Earl of Kildare "for his greate and manifold tresens" and sets out as examples of his treasons, acts which he had committed, or was alleged to have committed, on the northern expedition long prior to the passing of chapter 24. An explanation of this inconsistency is that the Earl was arrested by treachery. He was arrested in Dublin. The Book of Howth says that "the Earl had his pardon, and came to Doublinge, where he was taken in the evening." Chapter 24, which must have been passed just about the time of his arrest, may well have been the pardon which lured the Earl into his enemies' hands.¹²⁹ It seems that at first his enemies attempted to reduce him by force, and if Gilbert and the "Earls of Kildare" are right in ascribing to this period the story of his fight with Plunkett, they very nearly succeed. According to this story he was reduced to such straits that in his own county of Kildare he could not safely remain more than three days in one place. The story runs as follows:—

"The Earl of Kildare fell in variance with Plonket of Ramore, being in some authority, took upon him some fond and undesired authority, which kept the Earl so short, that often they had skirmishes together. But always the Earl had the worst, and was put to such an afterdell, by reason of those that took part with Plonket, that the Earl durst not come to no part of Meithe, wherein his men and himself was

¹²⁸ Conway, pp. 79, 212.

¹²⁹ Gilbert, p. 455,

often chased, killed, and wounded at sundry times. By reason thereof the said Earl durst not well be in no party of the county Kildare three nights together but in secret.

“ At length the country being somewhat in a quietness and stay, as Plonket thought, was not so careful of himself as he was of the peace of the people, and as he was when the Gerotens and he warred together. Being at a time about some of his affairs toward the quarters of Tryme with a 20 horsemen or less, the said Earl, then being lurking abroad, having about 12 horsemen, did see the said Plonket, and asked of a herd that kept cattle what those horsemen was. Said he, ‘Dost thou not know the great Plonket, the gilt spur of Ireland? he which thou shouldst well understand, if he knew of your being here.’

“ ‘Well,’ said a horseman that was with the Earl, called Lionel Houthe, ‘Sir, I have served thee this long time; I had never rest with thee this long time, and never received anything at thy hand, nor at none else, but blows, hunger, and cold. I tell thee, unless you set upon them this instant time, and overcome them, that I shall never serve thee more.’ To which sayings all the rest of the horsemen did maintain, and said that it were their ease to die rather than to live.

“ The Earl mused a little, and said, ‘Do you think that it is for lack of heart that I do not that of myself? No! assured; but I fear that if I should enterprise this, that some of you will betray me for necessity, for I hath wearied you and myself and my poor friends. And, seeing I hear so much of you, let us go and make a haliday of our matter; and I do commit the trust of myself to you, and the trust of you to God!

“ ‘Well, said Lionel, ‘You must understand that this oft chasing of us hath made them bold, as they are indeed good men, and well proved upon us. Their experience we know to our great losses, many and divers times. Therefore, let them go to such a hill where as they are bound, and put out horse-boys upon our nags to follow them, as though we were there ourselves; and, when Plonket sees them, he will give the charge upon them, and in the meantime, we will come upon them from the foresaid hill, finding them asunder; and,

if our fortune be good, we shall have the upper hand upon them; if not, this be our last.'

" And so the Earl himself gave the charge, and was as good a man as could ride a horse, and did so that no man could do better, and so did all his men; but, to be short, Plonket was killed and most of all his men. After which victory, men gathered to him a number." ¹³⁰

It appears that the Bishop of Meath, John Payne, who had been such a prominent supporter of the Great Earl's was now among those former friends who had become enemies. This must be so if ¹³¹ the following story refers to him:—

" Then the Bishop of Methe bare the stroke, which, upon a time, the Earl watched, so that he chased the Bishop into a church to take succour. The Earl followed him, and commanded him to come at him. The Bishop said he would not. 'No?' said the Earl. 'Then, by Saint Bride! I shall fetch thee out'; and commanded his men to light and follow him.

" The Earl went into the church with a drawn sword, and came where as the Bishop was kneeling in the chancel, and his shorn head bare. 'By Saint Bride!, were it not that I know my Prince would be offended with me, I could find it in my heart to lay my sword upon your shaven crown'; and so took the Bishop."

At any rate whether these stories should be ascribed to this time or no, after a period of strife between the Earl and his adherents and Sir James of Ormond and his adherents, witnessed to by chapter 24 of Poynings' parliament, the Great Earl was enticed to Dublin on February 27th, 1495, and on March 5th he was shipped to England and lodged in the Tower.¹³² The Book of Howth says that "the Earl had his pardon, and came to Doublinge, where he was taken in the evening and sent forthwith in a barque that then was at Dublinge in a readiness, and so sent to England, and brought

¹³⁰ *Bk. of H.* It is impossible to say to what year this anecdote refers, but it is placed after the Plunket story in the *Book of Howth*. It might be thought to refer to Sherwood, Bishop of Meath, but the chronicler apparently intends this bishop to be the same as the accusing prelate of 1496, when Sherwood had long been dead. The incident may have taken place before Poynings' arrival.

¹³¹ *Ibid.*

¹³² Conway, pp. 80, 108.

to the King to answer to such things that was laid to his charge." The Annals of Ulster give the exact date, but say nothing of the treachery, "The Earl of Kildare, viz., Garret, son of Thomas of the Geraldines, was arrested in Dublin by the Saxon Lord Justice, the third of the Calends of March, on Friday; and he was put into a ship on the Thursday following at Drogheda, to be carried into England." "That was a sad deed!" says Peregrine O'Clery, "to practise treachery on the man to whom the English and Irish of Erin submitted and who gave them security . . . and who peopled the deserts made by the Irish among the English, in Leinster, in the plain of Bregia, and in Meath; and who built monasteries, churches, and castles in these deserts, despite the Irish. A man who suppressed stealth and force and oppression, robbery and violation in his time in Erin. Great evil and insufferable distress came on Erin out of this."¹³³

The first result of the Earl's capture was that his brother, Sir James FitzGerald, seized the King's castle of Carlow, driving out the 16 soldiers who were in it. This he did on March 2nd, 1495. He raised the Kildare standard and held the castle against Poynings for a considerable time. The act of Poynings' parliament describes "his long and paynefull lying at the siege of the same."

Poynings' parliament met on December 1st, 1494, at Drogheda. Its statutes were destroyed in 1922, but they have been almost entirely reconstructed from other copies and may be studied in Miss Conway's book, where many of them have been printed for the first time. The enactments are, however, too important for no mention to be made of them here. They completely reversed Kildare's whole system of government. The statute of Fitz Empress, the palladium of Anglo-Irish liberty and pivot of Geraldine government, was repealed. Vacancies were in future to be filled by the Treasurer for the time being until the King sent a governor into Ireland. This did away with one half of the Earl's difficultly won achievement, chapter 8 of his parliament of 1485, and the second half of it was done away with by chapter 6 of

¹³³ Peregrine O'Clery. "Book of Genealogies" translated by O'Curry, *Ger. Coll.*, pp. 75-7.

Poynings' parliament, which declared that the chief officers should only hold at the King's will and pleasure.¹³⁴ The reasons for this are explained fully enough in the act "Item. prayen the commons, that in consideration of the great and manifold inconveniences, that late were attempted there contrary to all natural allegiance, to the King's grievous displeasure, by the procurement, counsail, and exhortation of such officers as late had administration of justice under the King in that land, and such as were officers, accomptants, and had their offices granted unto them by patent for term of life, by reason whereof they were the more bolder to misuse their such authority,—Therefore be it ordained, enacted, and established by the authority of this present parliament, That from this time forward no maner person or persons, that shall have ministration of justice, that is for to say, the chancellour, the treasurer, judges of the King's bench and Common place, the chief and secondary baron of the Exchequer, the clerk or the master of the rolls and all maner officers accomptants, have any authority by patent in their such offices, but onely at the King's will and pleasure: And if any grant afore this time or hereafter be made of any of the said offices, unto any person or persons there, contrary to the premises, the same to be deemed void of none effect in the law, and by the same authority all and every maner act or acts before this time made to the contrary hereof to be revoked and deemed void and of none effect in the law." Furthermore, the "pretensed and unlawful prescription" by which "it is not unknown what abusion and inconveniences had been within the said land . . . as in the maintaining, supporting and assisting these two laddes there, contrary to all faithful and natural allegiance" was annulled. This prescription was the right of disregarding writs sent into Ireland under the privy seal, great seal, or signet, which had been affirmed by the parliament held "afore Richard duke of York, there being then in rebellion . . . in the time of that holy and blessed King of perpetual memory King Henry the Sixth."

¹³⁴ This is given as chapter 2 in the *Statutes at Large*, from which it is reproduced here. Conway gives only a summary.

The parliament dealt with small matters as well as with great. It ordained that the lords of parliament should wear their parliament robes like the lords of England, which for the last 20 or 25 years they had done away with "to their own great dishonour." The neglect of this ceremoniousness coincided with the Great Earl's regime; shortly before he succeeded to power, his enemy, Bishop Sherwood of Meath, then Deputy, had had it enacted by chapter 22 of his parliament 16-17, Ed. IV., that the lords should wear their robes in parliament: they were now ordered to do so on penalty of £5 for each offence. The parliament also turned its attention to the matter of family war-shouts and enacted that for as much "as there hath been great variances, malices, debates, and comparisons between divers lords and gentlemen of this land," no person should in future uphold such variances by using the words "Cromabo"¹³⁵ or "Butlerabo," or any similar words, which were declared to be "contrary to the King's lawes, his crown, and dignity, and peace"; instead he should call on "St. George, or the name of his Sovereign Lord, the King of England, for the time being." It does not appear that these instructions were obeyed: on the stone table of the Great Earl's son now at Carton, and on the encaustic tiles in Bective Abbey, may be seen the words "Si Dieu Plet, Crom Abo."

The greatest enactments of Poynings' parliament, those which are collectively known as "Poynings' Law," had also a very distinct connection with that mode of government by the Great Earl which it was sought to eradicate. They decreed that in future no parliament should meet in Ireland without license under the Great Seal of England, and that no statutes should be passed in any such parliament which had not previously been sanctioned by the Irish Governor and his Privy Council, and approved of by the King, and his English Council. The object of this decree was clearly to prevent such events as had necessitated the royal ordinance of 1480, and to avoid in future, parliaments being used merely as

¹³⁵ The Geraldine warcry which dates from about the thirteenth century when Maurice FitzGerald, the ancestor of the Irish Geraldines, was granted the district of Croom in the county of Limerick.

weapons in the hands of the party in power. From the many references to parliaments given above, it is clear that they were completely pliable, and a far more dangerous instrument of noble faction fights than the cries of "Cromabo" and "Butlerabo" which Poynings, who sought to abolish these dissensions, also saw fit to prohibit. Parliaments could not be prohibited, but as their pliability seemed incurable, provision was made to prevent their misuse. Thus the immediate causes of this grave constitutional legislation were that the King wished to prevent in future, any parliament in Ireland acknowledging a pretender, as the Great Earl's parliament had done in the time of "Edward VI."; exercising a self-determination contrary to the King's interest, as it had done in the time of Richard, Duke of York; or passing vindictive acts in furtherance of some noble feud, as it was continually doing, and had recently done under the Great Earl's instructions, to the detriment of the King's favoured city Waterford and other of his loyal supporters.

Other enactments of this parliament were with similar motives directed against "the amitie and favour which diverse of the said cities and townes did beare to diverse lords and gentlemen of the said land." It was enacted that no citizen should receive livery or wages from any lord or gentleman that no one should be admitted as alderman, juror or freeman in any town unless he were an apprentice or an inhabitant in the same. Furthermore, it was enacted that no ordnance should be kept in fortresses without the vice-regal license, for the Great Earl had used the royal artillery for his own purposes. And, no doubt remembering Brother James in Kilmainham and James FitzGerald in Carlow, Poynings' parliament laid down that no one but an Englishman was in future to be Prior of the Hospitallers in Ireland or to be entrusted with any royal castle in that country. Chapters 15-18 inclusive, which have been printed for the first time by Miss Conway,¹³⁶ are well worth studying for the account they give of Brother James Keating

The enactments of this parliament culminated in the

¹³⁶ pp. 210-211.

attainder¹³⁷ of the Great Earl for high treason. His life was declared to be at the royal disposal, and his castles, lordships, lands, tenements, and other possessions confiscate. Similar attainders were passed against his chief supporters. The Great Earl's offences were stated to be:—Firstly, that he had sent letters to divers "Irish enemies and English rebels" inciting them to war against the King's representative, Sir Edward Poynings. Secondly, that falsely, traitorously and secretly he had sent his men and servants to comfort and assist O'Hanlon, the Irish enemy, to fight against the Deputy and to slay him while in that chieftain's territory. Thirdly, that he had caused his brother, James FitzGerald, and other rebels to take by treason the King's castle at Carlow. Fourthly, that he had exacted coign and livery in divers places of the English shire ground since his late arrival in Ireland. And fifthly, that he had agreed with the King's great enemy, James IV. of Scotland, to send a large army of Scots to Ireland to aid him and the Earl of Desmond for the purpose of destroying the Deputy and the King's true subjects. These with divers other "greate and horrible tresons, Rebellyons conceyementes and conspiraces"¹³⁸ were alleged to be "notoriously and openly knowne by due examynacon, and perfeectly understanden to all the Lordes of this land and comynes of the same." As to these charges, the first was probably true. It was a charge frequently made against the Kildares, and altogether in keeping with their policy. The second charge, for reasons already given, was probably false. If the Great Earl incited O'Hanlon and others to attack Poynings' army it is easily seen how the scheming Sir James and the Great Earl's other enemies could have made this out to have been a regular murder plot. The third charge bears little evidence of truth. At the time that Sir James seized Carlow Castle the Great Earl was already a prisoner. Sir James was now to prove one of the most dashing and warlike members of his family, and he is therefore very likely to have acted on his own initiative, in revenge for his brother's arrest.

¹³⁷ This was chapter 41 of Poynings' parliament. It has been printed for the first time by Miss Conway, pp. 216-217. A good summary of it appeared in Gilbert, pp. 454-455.

¹³⁸ Conway, p. 217.

The FitzGerald had obtained the dangerous country around Carlow by chapter 14 of 1 Richard III., so one of his aims may have been to resist the enforcement against them of nominal royal rights. The fourth charge was probably true, but if the Earl were guilty so were his enemies. Chapter 36 of Poynings' parliament was nothing less than a legalisation of coign and livery when exacted by them.¹³⁹ Moreover Poynings' parliament had itself described coign and livery as an "universal intolerable and damnable extortion." It was impossible to do away with it all at once. The Great Earl seems to have been relatively moderate in his demands: an account of them is given in the report on the state of Ireland in October, 1537.¹⁴⁰ The royal commissioners in 1537 stated that the Great Earl used to quarter 24 gallowglasses on the county of Kildare and that he afterwards increased them to 120 spears, but that his son, Gerald, the 9th Earl, relieved the county from this charge, and assessed it upon the Irish. They stated that both Earls being Deputies took no coign from the Pale except in passing through it, for one night and a day, or at most two. That Lady Kildare not only required coign and livery for her own horses and attendants, but also for those of all her guests, English and Irish, particularly when she kept Easter and Christmas. That the Earl required them for the keeper of his stud, and when he had not his gallowglasses at home, he assessed his kern and boys on the county. That he also required from every ploughland and from every three cottages a workman for a week in the year to cast ditches and fastnesses on the borders, and an axeman for one, or sometimes two days, to cut passages through the forest. And that when he hunted his dogs were to be supplied with bread and milk or butter.¹⁴¹ The fifth charge is particularly interesting, for it accused the Great Earl of conspiring with James IV. of Scotland, and as only a few months afterwards, in July-August, 1495, O'Donnell visited the Scottish King, and made an alliance with him, it seems likely that the Great Earl and O'Donnell were together parties to negotiations with

¹³⁹ Conway, pp. 128, 202; chap. 19, *Statutes at Large*.

¹⁴⁰ *State Papers*, vol. ii., p. 511.

¹⁴¹ This summary is taken from the *Earls of K.*, pp. 121-2.

James IV. This likelihood is increased when it is remembered that the Great Earl and O'Donnell are well known to have been friends.¹⁴² No doubt James IV. would have liked their support for Perkin. The statute charged the Great Earl with assenting and agreeing "with the kinge's great enemy the king of Scottes, to send to this Land a great Army of Scottes, to ayde and fortifye the said Erle and therle of Desmond to destroy the said Deputye and the kinges true subiectes of this land, to the utter subvercon and desolac'on of the same."¹⁴³ A combination of Kildare, Desmond, O'Donnell and James IV. would have been hard to resist. Apart from ridding themselves of Poynings the statute only vaguely suggests the objects of the Geraldines, but taking into account Peregrine O'Clery's statement that after the arrest of the Great Earl, the Earl of Desmond called together the Geraldines and their followers, urged them to act bravely against their enemies, and "told them that to them belonged of right the supremacy and possession of the country in which they were, for that it was Maurice FitzGerald from whom the Geraldines had sprung, that forcibly wrested the country from the Irish and Danish heroes," it is perhaps not too much to conjecture that they had in view a repetition of the events of 1315, but this time with a Geraldine King. However no "great Army of Scottes" arrived in Ireland, and Henry VII., by diplomatically restoring the Great Earl to his Deputyship in 1496, prevented any such chance of a Geraldine king. In return for his restoration, the Great Earl seems to have withdrawn his support from any projects of rebellion, and when Perkin Warbeck arrived from Scotland with a small force in 1497, he received no assistance from the Great Earl, from Desmond, or from O'Donnell.

The Geraldine Constitution had thus been completely overthrown in so far as law could overthrow it, and what is more important, Earl Gerald was himself a prisoner in the Tower. His supporters, like himself, were attainted. His prospects seemed hopeless. In November 1495 his wife died, "some

¹⁴² In 1491 O'Donnell and O'Neill visited the Great Earl and sought his arbitration.

¹⁴³ Conway, p. 217.

say that it was of grief for the Earl she died.”¹⁴⁴ The Annals of Ulster say that she died at the beginning of November. “That was bad news for the poets of Erin,” says Peregrine O’Clery. Maurice, Earl of Desmond, had however still to be reckoned with. In December, 1494, the King had appointed Richard Hatton, one of his chaplains, a member of his council and a doctor in both laws, to go to Ireland and to treat with Desmond on his behalf, but nothing came of it. In July, 1495, Perkin Warbeck was received by Desmond, the people of Cork, and the angry Geraldines of Kildare. They even besieged Waterford, although unsuccessfully. Peregrine O’Clery gives a lengthy account of these occurrences. The Geraldines were besieging Waterford and Poynings was going to its relief:—“The Saxon Justice assembled and collected the English of Leinster and Meath and Oriell, and the sons of the Earl of Ormond and the Butlers also, and MacMorrough and the Irish of Leinster; and some of the O’Briens. Innumerable and indescribable were these hosts for their multitudinousness. They came against the Geraldines to Waterford to give them Battle. At that precise time there came a large fleet into Erin; and it was reported by the fleet that it was the son of Edward the Saxon King that came there to aid the Earl of Desmond against his enemies, but the Saxons said that that was untrue. And the son of King Edward sojourned in Erin a long while. The Earl, i.e., Maurice, called all the Geraldine Nobles and their followers unto him, viz., the sons of Earl Thomas, i.e., Thomas, John Garret, Gerald; and James, the son of the Earl of Kildare; and the Barrymore; and the White Knight; and Donogh Oge MacCarthy; and the best of the Sheehys, and other retainers besides. And the Earl exhorted them to act bravely against their enemies, and said that they had a just cause of battle in the guileful and treacherous arrest of Garret Earl of Kildare by the Saxon Justice; and he told them that to them belonged by right the supremacy and possession of the country in which they then were, for that it was Maurice FitzGerald from whom the Geraldines had sprung that forcibly

¹⁴⁴ Peregrine O’Clery: “Book of Genealogies,” translated by O’Curry in *Ger. Coll.*, pp. 77-85.

wrested the country from the Irish and Danish heroes." After 11 days the citizens of Waterford succeeded in beating off the attack of Warbeck's army, and took three of his ships, after which he retired to Scotland.

The somewhat confused account in O'Clery continues:—"The Geraldines were six days and six nights in expectation of being attacked by the people of Meath and of Leinster, but they were not ultimately. That was well advised for it would be the same as thrusting the hand into the nest of a griffin or of an adder to face the Geraldines in battle. The Earl not having got battle he went into the Butlers country and preyed burned and plundered it. He devastated the county of Kilkenny, viz., Gowran, Thomastown, and Knocktopher and Callan, and he went from that to Five-mile-hill and from that Westwards to the Riccoill. And often did the Geraldines perform that work, for they used at that time to encamp in and overrun the country of the Butlers despite the English and Irish of Erin who were opposed to them, they shattered and broke many of their castles." This account of the complete overrunning of Sir James of Ormond's country is just as likely to be correct as the picturesque account of the complete overrunning of Kildare's country already quoted from the Book of Howth. It should be remembered that the writer of that account was a Lancastrian; it is not necessary to add that the writer of this account was a Geraldine panegyrist. He continues:—"James the son of the Earl of Kildare then went out of Munster into his own country as he was warranted to do in right of his descent from the Earls his ancestors.

" Prosperous and successful was his journey into the County of Kildare on that occasion, for he gained power over his enemies and entered into possession of the Earldom . . . to protect it, and he extended his power and strength from Carlow to Athlone.

" When the Saxon King had heard that great evil came on Erin but on Meath and Leinster in particular through the arrest of the Earl, and that there was not right or justice, law or rule in Erin, but every one's right according to his strength, after the arrest of Earl Garret as we have said, by the Saxon Justice, the decision which the King and the Saxon

Council came to was to enter into an allegiance and friendship with the Earl of Desmond and the Geraldines; and to form a matrimonial alliance with the Earl of Kildare and to give him the representation of the Saxon King in Erin and many lordships in England."

This statement sounds incredible in O'Clery, but it corresponds with the facts. One of the chief causes of the Earl's restoration was that while the Great Earl's kinsmen and his Irish allies were making inroads on the Pale, the man on whose co-operation its safety depended had fought with the English officials. It was not long before trouble began with Sir James of Ormond. The object of Poynings' expedition was really as incompatible with his aims and methods as with those of the Great Earl of Kildare. We have already seen that the enactment against warcries was directed as much against the practice of the Butlers as of the FitzGerald. Henry VII. hoped to suppress the power of all the great Anglo-Irish lords. One of the principal objects of Poynings' parliament was to eradicate the "universal, intolerable, and damnable extortions" of coign, livery, and pay. On this subject there was considerable divergence of opinion with Sir James of Ormond. The parliament's decree was a signal failure. Before the end of the parliament this was so evident that a fresh ordinance had to be passed against a new form of coign and livery. There was also trouble with Sir James of Ormond over the great Act of Resumption from the time of Edward II., which parliament had passed, in order to place at the royal mercy all the lands and titles of the great Anglo-Irish lords. This act necessarily alienated the Butlers. Dissension between the officials and Sir James is visible as early as February, 1495, as may be seen from the letter which he wrote to the Earl of Ormond on the 20th of that month.¹⁴⁵ The dissension is also shown by the letter printed in Gairdner's "Letters and Papers," which states that the revenues of Ireland do not support the soldiers and that the council has been unwise in retaining Sir James of Ormond. In Gairdner, and more fully in Miss Conway, there is given

¹⁴⁵ For this letter and a memorandum of Butler lands resumed, see Appendix 9,



a selection from the accounts of William Hattecliffe, the Under-Treasurer for Ireland, who arrived in Dublin on June 7th, 1495, and remained in Ireland until September, 1496.¹⁴⁶ His accounts show the pitiable state of the Irish finances: the bewilderment of the English officials, and the straits to which they were reduced in buying the support or tolerance of the neighbouring Irish leaders.

At the end of 1495 Poynings left Ireland, and the episcopal Chancellor of Ireland, Henry Deane, Bishop of Bangor, became Deputy in his place. In February, 1496, things had reached such a state that Deane had to order fires to be kindled on various parts of the hills of Tara, Lyons, Athboy and Slane, to warn the King's lieges whenever James Earleson (the Great Earl's brother and defender of Carlow Castle) should be seen advancing with the Irish enemies to attack the obedient territory.

The King himself must have been beginning to doubt the wisdom of his experiment. On March 12th, 1496, an indenture was made between Maurice, Earl of Desmond, Master Richard Hatton, acting (no doubt by virtue of his commission of December, 1494,) on behalf of the King, and the Mayor, Bailiffs and Council of Cork. This curious document has recently been published by Miss Conway.¹⁴⁷ It records that the Earl has handed over his son and heir, James, to the Corporation of Cork, to be kept by them on behalf of the King for a length of time to be dependent upon the fulfilment of the four following Petitions:—

1. The King shall "send home therle of Kyldar to his inherytaunce."
2. The King shall treat the Earl of Desmond as bountifully as Edward IV. and his other royal progenitors have treated the Earl's ancestors.
3. "The said Erle of Dessemond shall note be compelled to come to noe parlements nethere graunde Counsaile in Irlande but ate his pleasur."

¹⁴⁶ *L. & P.*, vol. ii., pp. 67, 297; Conway, pp. 71, 77.

¹⁴⁷ Conway, pp. 221, 223.

4. The King shall not give the office of Lieutenant or Deputy of Ireland to any enemy of the Earl of Desmond "nethere to the frendes of his enemyes."

If all these petitions are granted the Mayor and Council are to keep the boy on the King's behalf for three years and then to restore him to his father, "without hit shalle please the kynge is good grace withyn the meane tyme toe comaunde hym to be deluyered to the said Erle of Kyldar." If within two years of the making of the indenture all of these petitions are not granted the Mayor and Council are to release the boy, who is likewise to be released if within one year from the making of the indenture the King has not granted the second and third petitions. The Mayor and Council covenant to keep the boy safely and to give him back to his father at the arranged time. They also covenant not to hand him over to anyone else during the period when he is in their custody, unless "the said Erle of Dessemond notoriously rebell contrary to his allegeaunce." But whatever effect these words may have been intended to have seems to have been neutralised by a curious provision that "yf the kyng is good grace depute lieutenaunt other anye of them other anye other yn their name or comaundemente be their agreement trouble other vexe with werre notoriously the saide Erle of Dessemond withyne the three yer after the date of thus present writenge that then the said mair ballyf' and consaylle for the tyme beyng shalle delyuer the said sone unto the said Erle."

This indenture was the prelude of direct negotiations between the King and the Great Earl. The most celebrated account of their meeting is that in the Book of Howth. It runs as follows¹⁴⁸:—"Amongst all other, the Bishop of Methe being there, did charge the Earl with sundry matters of great importance to which matters the Earl could not make answer, but stayed his tongue awhile, and said he was not learned to make answers in such weighty matters, nor at that

¹⁴⁸ Of this account Gilbert (p. 460) says:—"An Anglo-Irish chronicler, attached to the house of Tudor, seeking to cast ridicule upon so prominent a Yorkist, represented Kildare as a wild and half-witted man, whose demeanour afforded merriment to Henry VII., and his Council in England."

time was he not well advised of them; for he said that the Bishop was learned, and so was not he, and those matters was long agone out his mind, though he had done them, and so forgotten.

The King answered, and bade him choose (a counsellor) whom he would have in England, and he should have him, and also a time to be advised. 'If you will do so,' said the Earl, 'I shall make answer to-morrow, but I doubt I should not have that good fellow that I would choose.' Said the King, 'By my truth thou shalt.' 'Give me your hand,' said the Earl. 'Here is my hand,' said the King.

The truth was, this Earl was but half a[n] innocent man without great knowledge of learning, but rudely brought up according the usage of his country, and was a man of no great wit, which the King well perceived, and did but jest at his demeanour and doings at court; for oft in his talk he thou'd the King and the rest of his council, which they took in good part.

'Well,' said the King, 'when will you choose your counsellor?' Said the Bishop, 'Never, if it be put to his choice.' 'Thou liest brallaghe, bald Bishop,' said the Earl; 'as soon as thou wouldest choose a fair wench, if thou hadst they wish, and that should be within this hour.'

With that the King and the lords laughed, and made game thereat, and asked the Earl if he said true. 'By your hand,' said he to the King, and took the King by the hand, 'there is not in London a better mutton master or butcher than yonder shorn priest is, I know him well enough,' said the Earl. 'Well,' said the King, 'we shall talk of these matters another time.' 'I am content,' said the Earl, 'for I have three tales to tell thee of him, and I dare say it will make you all laugh that is here. If you tarry a while I shall tell you a good tale of this vicious prelate.'" The King and the Lords could not hold the laughter, but the Earl never changed countenance, but told his tale as though he were among his fellows in his country.

'Well,' said the King, 'it is best for you to choose well your counsellor, and be well advised whom you will choose, for I perceive that your counsellor will have enough to do in

your cause, for anything that I perceive you can do.' 'Shall I choose now?' said the Earl. 'If you so think good,' said the King. 'Well, I can see no better man than you, and by Saint Bride! I will choose none other.' 'Well,' said the King, 'by Saint Bride! it was well requisite for you to choose so, for I thought your tale could not well excuse your doings unless you had well chosen.' 'Do you think that I am a fool?' said the Earl; 'No,' said he, 'I am a man indeed both in the field, and in the town.'

The King laughed, and made sport, and said 'A wiser man might have chosen worse.' 'Well,' said the Bishop, 'he is as you see, for all Ireland cannot rule yonder gentleman.' 'No?' said the King, 'then he is meet to rule all Ireland, seeing all Ireland cannot rule him'; and so sent him to his country with great gifts, and so the Earl came to Ireland." In Irish history this story is almost as famous as, in English history, is the story of Alfred and his cakes. It is as picturesque and it is more significant. It states the Earl's unanswerable qualification for the Deputyship namely, that even when a captive he could prevent any one else from ruling in his place. At the same time it shews his humour, his bluntness, and his shrewdness. The Great Earl was audacious, for he knew that audacity paid.

His audacity is still more clearly shown in the story of the burning of Cashel Cathedral:—"Being charged before Henrie the seuenth, for burning the church of Cashell and manie witnesses prepared to aduouch against him the truth of that article, he suddenlie confessed the fact to the great wondering and detestation of the councell. When it was looked how he wold iustifie the matter: 'By Jesus,' (quoth he) 'I would never have doone it, had it not beene told me that the archbishop was within.' And bicause the same archbishop¹⁴⁹ was one of his busiest accusers there present, the king merilie laughed at the plainnesse of the noble man, to see him alledge that thing for excuse which most of all did aggrauate his offense."¹⁵⁰ What was the cause of the enmity between the Great Earl and the Archbishop is not stated. Ware says

¹⁴⁹ David Creagh. [Ware, p. 46.]

¹⁵⁰ Hol., vol. i., p. 83.

that according to tradition the Earl was later on touched with remorse of conscience and laid out money for the repair of the cathedral.

Polydore Vergil gives the following account of how the Great Earl met his accusations, and of why the King so completely reversed his policy despite the Great Earl's enemies:—"Huic postea licet multa obiecta fuissent, non defuit tamen ingenium ad leuandam culpam, quam facillè in alios deridalit, ac ita se purgauit, ut a Rege missus statim factus in Hyberniam redierit, praefecturamque rursus obtinuerit. Multa nempe Henrico venerunt in mentem, quamobrem minus seruere, quam adversarii Geraldii factus pervolebant, ea in re agendum iudicavit, primum hominis autoritas apud suos Hybernos, deinde conditio temporis, quo initium fieri alicuius belli sentiebat, et tertio loco fiducia iampridem in Comite collata." This has been attractively translated by Hall in his "Union of the Two Noble and Illustre Famelies of Lancastre and Yorke."¹⁵¹ He renders it as follows:—"Where, when he was examined and certeine matters of treason layed to his charge, he avoyded them all, and clerely (such was his wytt and innocencye) quit hym selfe and layed the burden in other mennes neckes. Whom the kyng dismissed and sent hym into Ireland agayne, there to be his deputie and Lieutenant as he was before. The kyng like a poletique prince had many greate and weightie consideracions whiche refreyned hym from usynge of any severitie or extremitie againste this earle, contrary to the myndes and willes of his malicious adversaries. One was the great authoritee and swynge that he bare emongest the Iryshe nacion: Also the condicion and state of the tyme, wherin he savoured some sedicion to bee in brewyng. And chiefly of all the assured hope and affiaunce that he conceived in him."

The terms upon which the Great Earl was reinstated as Deputy are clearly shown in two documents which have recently been published by Miss Conway. The first¹⁵² is a tripartite indenture made at Salisbury on August 6th, 1496, in the presence of the King and Council, between Walter

¹⁵¹ Hall, 1550 ed., p. 37.

¹⁵² Conway, pp. 226-229.

Archbishop of Dublin, Thomas, Earl of Ormond, and Sir James of Ormond on the one part; and Gerald FitzGerald, Earl of Kildare, on the other part.¹⁵³ This indenture recites that "of long tyme" there has ensued great hurt and damage both to themselves and to the weale publique from the "great and haynoux discord discencion and variaunce, that have be betwix thies ii noble blodes of the land of Irland called Botellers and Geraldynes." The purpose of this indenture is to secure a perpetual amity concord, and love between the said bloods. Each party freely forgives to the other party "his frendes allyes servantes adherentes and party takers being the kinges obeissaunt subgiettes and also Irissmen which take parte with the said Sir James in the kinges service without the said Irysshmen gyve occasion from hensforth to be werred upon, alle maner of . . . offenses doon by them or any of them before the date of thies presentes for any maner of cause or occasion happened betwix them or any of them, Action of dett and plee of land alway except." Each party undertakes to procure "to thuttermost of their powers" a similar forgiveness on the part of their kinsmen, friends, allies, servants, adherents, and party-takers. Each party promises to be faithful, true, and obedient subjects to the King and his heirs, to his lieutenants, deputies, or other officers in their degrees, and to truly obey, serve and execute his laws. Each party undertakes to procure a similar obedience on the part of their kinsmen and adherents. The parties promise that they shall be loving, amiable, friendly and concordable, and that they shall pursue the cause and nourishing of love by amiable and familiar conversation and good company. A special provision is inserted by which the Great Earl undertakes that he will forgive and owe his love and lawful favour to those subjects of the King who have "take his [i.e., the King's] parte and quarell according to their duetie and ligeaunce," and to the best of his power without any fraud or dissimulation he shall procure a similar forgiveness on the part of his adherents. Moreover, since the King by the advice of his most honourable Council has made the said Earl of

¹⁵³ From this it might appear that the indentors had only two parts, but a third part remained with the King. This indenture was witnessed by the King's Council.

Kildare to be Deputy and to have the rule and governance of his land of Ireland "underneath" his dearly beloved son, Henry Duke of York, Lieutenant of the said land, the Earl faithfully promises "that he shall never trouble, vex ne inquiete ne cause to be troubled vexed ne inquieted by colour of his office or otherwise any of oure said souverain lordes subgiettes which afore this tyme have taken his parte and quarell, ne the frendes alyes servauntes adherentes ne partetaks of the said Erle shal in any wise trouble vex ne inquiete ne cause to be troubled vexed ne inquieted any of the said kinges subgiettes within the said land of Irland if the said Erle in any wise may lette it, for any robbory brennyng of houses Iniuries slaundeers maymes manslaughters or any other offenses doon by any of the kinges said subgettes to the said Erle his frendes alyes servauntes and paretakers befor the date of thies presentes, dette and title of land alwaies except." Finally, all the parties agree that they will not give credence to any "light or sinistre" report made by any of their servauntes or other sounding to any debate displeasir or dishonour of the said Archebisshop, Erles, Sir James, or any of them." If they cannot agree and determine the matter between them they shall show it to the King's grace and they shall proceed no further until they know the King's pleasure. The indenture is signed by Walter, Archbishop of Dublin; Thomas, Earl of Ormond; Gerald, Earl of Kildare; Sir James Ormond, kt., and nine members of Henry's Council.

The second document¹⁵⁴ consists specially of articles which the Great Earl agreed to keep and execute as Deputy in Ireland. These show clearly the terms with the Butlers, Fitzgerald pacification agreement upon which he was to hold his Deputyship. They represent a compromise by which while the Earl was to rule Ireland, a part of the fruits of the Poynings regime was to be retained. The first two articles are particularly important. They represent the retention of what is generally known as "Poynings' Law," and run as follows:—

"First the said Erle of Kildar shal not somon eny parliament to be holden and kepte or eny suche hold and kepe within the

¹⁵⁴ Conway, pp. 230-232.

said land of Irland before that same Erle have shewed unto the kinges highnesse or to his heires kinges of England the causes and consideracions of the keypyng and holding of the same parliament and the kinges speciall licence or of his heires undr writing and grete Seall of England befor the holding and keeping therof be had and obteyned by the said Erle.

“ Item the said Erle shal not cause any Acte to be made in any parliament to bee holden within the said land of Irland but suche Actes as the kinges highnes shal licence undre his said Seal to bee med in the same parliament.” This shows Poynings’ Law in its true context.

The remaining articles embody chapter 7 of Poynings’ parliament and are in many respects similar to the promises which the Great Earl had made before Edgecombe. They are: that if any of the King’s subjects rebel and take refuge in Ireland the Earl shall take him and commit him to ward without bail until the King’s pleasure be known. If the King send for any rebel being in Ireland to come to England or any other place under the King’s obedience the Earl shall endeavour to the uttermost of his power to take and send him according to the King’s command “any statute or pretended custume in the said land of Irland notwithstanding.” And if the Earl of Desmond or any manner of man “be he of the Englishe Irysshe or of the wilde Irysshe or commen theder out of any othre place or countrey” rebel or offend his grace “contrarie to his trouth duetie and liegeaunce ther” that then setting apart all consanguinity, all affinity, and all other favours, he shall “put hym in his uttremoste devoir without any maner of colour or dissymulacion to subdue and repress theim.” “And yf any Estraungiers Scottes ffrenshemen or others wold invade the said lande, he shall defende the same against theim.” If the King command any person being within the said land of Ireland to come and appear before him in England or in any other place of his “obeyssaunce,” such persons shall not excuse their non-appearance by reason of being born or resident within the said land of Ireland, but “notwithstanding any acte, statute or custume had or made within the said land of Irland” they shall appear according to the King’s command, and if they refuse to do so without

lawful impediment such "as sykenes or othre jeopardies of life" the Earl shall endeavour himself to take the persons so disobeying and send them to the King according to his command. Finally, "the said Erle of Kyldare now deputie shall endevoir hym self to the best of his powr that the statutes of and against provisours . . . bee duely put in execucion," and he will maintain the universal church of the same land of Ireland and the liberties of the same in the best wise that he can to the pleasure of God repressing of vices, increasing of virtue and the common weal of that land. This is initialled by the Earl, and ends the first part of the articles.

The second part of the articles deals with the marriages of the Great Earl with the King's first cousin,¹⁵⁵ Elizabeth, daughter of Oliver St. John of Lydiard Tregoze. It states that whereas the King has made the said Earl of Kildare Deputy of his land of Ireland "and also caused the lady Elizabeth saint John his nigh kynneswoman and of his noble blodde to be maryed to the said Erle," and with her marriage amongst other things has given to the said Earl lands and tenements to the yearly value of 200 marks above all charges, of which, lands and tenements to the yearly value of 100 marks are assigned within his realm of England, and the residue within his land of Ireland; and whereas the King has also given to the said Earl for the said marriage 500 marks sterling, the said Earl in consideration of the premises, covenants that he before the feast of the Nativity of St. John the Baptist next ensuing shall make, or cause to be made, a sure sufficient and lawful estate of lands and tenements to the yearly value of £200 above all charges within the said land of Ireland, to have and to hold to her and to her assigns for term of her life in full recompense of jointure and dower that to her in any wise might pertain or belong of the lands, tenements or any inheritaments of the same Earl; and when the said estate is made to the said Lady Elizabeth, then the "Archiebisshop of Develyn John Toplief chief Justice of the commen place of Irland and William Attlief" or two of them before the feast of St. Michael the Archangel then next following shall certify

¹⁵⁵ Her father was a half brother of the King's mother, Margaret Beaufort.

the manner and form of the said estate, its yearly value and the names of the lordships, manors, lands and tenements whereof it is constituted. This is also initialled "G.E. of K."

These legal documents show that the King had in fact carried through that reversal of policy which sounded like a fairy tale in Peregrine O'Clery's account. He had decided "to form a matrimonial alliance with the Earl of Kildare and to give him the representation of the Saxon King in Erin and many lordships in England." "That was a wise decision that they came to," says Peregrine O'Clery, "to allow the return into Ireland of the man who would defend her God, compassionate the poor and the wretched of the Lord on that occasion, for the poets and the religious orders and the Friars Minors were granted their prayer and request of God, i.e., to permit the man who would succour and relieve them to come back to Erin, i.e., Earl Garret. Joy and exultation seized on the men of Erin at his coming, excepting his foes and enemies alone."¹⁵⁶

¹⁵⁶ O'Curry's translation of Peregrine O'Clery's "Book of Genealogies," Ger. Coll., p. 85.

CHAPTER VII.

The Great Earl, restored to power in August, 1496, had still to enjoy seventeen years of energetic and successful life before his death in September, 1513; but except for the battle of Knocktoe no event of any great magnitude was to occur in this period. The various forces and tendencies which have been seen working themselves out in the Earl's life had all already given their most striking manifestations, except, perhaps, his friendship and co-operation with the "King's Irish enemies" which continued to grow steadily till the end of his days.

After his pardon in August, 1496, the Great Earl returned triumphantly to Ireland. His return is thus described by Peregrine O'Clery¹:—"The Earl came into the port and harbour of Howth and immediately began to raise up the weak and pull down the strong, and he waited not to put away from him the fatigue of his sea voyage, before he came on an expedition into Idrone,² and he burned the country and took the castle of Carlow, and he made peace with Mac Morough then and got Mac Morough's son as a pledge for its preservation. He did the same to O'Conor Faley, and all the Irish of Leinster gave him pledge and hostages in like manner.

And that was the way in which the Earl of Kildare was freed from all troubles, and all the men of Erin thought that he would never again come into his own country.

Happy the man who is munificent like him and whose name is blessed. And Saint Bridget manifested her miracles on the Earl on that occasion."

¹ O'Curry's translation of Peregrine O'Clery's "Book of Genealogies." Ger. Coll., pp. 85-7.

² The territory of MacMurrrough.

The accuracy of O'Clery's account is shown by a letter from Sir Ralph Verney to Sir Reginald Bray, written at Dublin on October 31st, 1496, and recently published by Miss Conway.³ Verney, through his wife, was a connection of the new Countess and of the King, and he had accompanied Kildare from England. From his letter it is shown that Kildare "had a trubelous and longe passayge duryng the space of xxi days," and that he landed at Howth on the 17th September. On the 21st he was in Drogheda where he and his lady were "ryght honorably resseyved," and there before the high altar in St. Peter's church in the presence of all the lords and commons, "my lorde depute toke his othe." In addition to the lords and commons, Kildare had been met by messengers from "all the great Iryshemen of the northe partys of Irland," with whom he arranged for a meeting in "the northe marche" at the town of Dundalk on Michaelmas day. There he was met by Donal O'Neill,⁴ both the MacMahons "the owlde and the newe," Magennis, O'Reilly, and O'Hanlon, all of whom took an oath of peace and fealty to Henry VII., gave their eldest sons as pledges, renounced their accustomed black rents, and signed indentures with the Deputy. O'Donnell did not come himself, but he and the Clannaboy O'Neill sent letters to Kildare at Dundalk "desyringe him of peace and promittinge him by ther sayd lettres to come to him at any place he will assigne them within Irland and be rewlyd as he will hafe them, and he hathe answord them, in asmoche as they wer with the Scottishe kinge and ayded Perkyn Warbeke agense the kinge our soverayne, thay shulde hafe no peace nor lofe of him but yefe they wil be sworne to the kynge and sew for ther pardone takynge the kynges parte aynste al men." Verney states that Kildare had made similar arrangements with "all the Irishemen of the Southe and West partys of the land so that nowe thanked be God the kynge hathe peace in all the lande without strake or ony great charge or coste to him." He also states that every one was glad to submit himself of his own free will without compulsion, except Mac-Morough who would not deliver Carlow Castle until Kildare

³ Conway, pp. 232-4.

⁴ "One of the Onelys thelder Brodir callyd Donylonell."

had made two expeditions⁵ against it, "and so hafe the kastell delivered and ther plegges with their othis and indenters." These submissions unparalleled since the time of Richard II. were a striking tribute to the wisdom of Henry VII. in reinstating the Great Earl as Deputy. It is no wonder that Verney writes, "I trow his grace coude hafe put no mane in auctorite here that in so short space and with so little coste coude hafe set this land in so good order as it is now but this mane onlye," and adds, "I trust the kynge shall hafe a great tresor of him." Too much importance should not, however, be attached to these submissions. Although they were made nominally to the King they were more a recognition of the authority of the Great Earl than a recognition of the authority of which he was the official representative.

The Great Earl had been very energetic since his return. In addition to his activities in Carlow and in the North, Verney says that he had been in communication with the Earl of Desmond, and also with "a grete Irishemane of the west contray whiche rewlithe all the contray aboute Galway whos name is Shane Borke." This man was stated to be "the grettest secour that Perkyn hade while he was in the londe safe only therle of Desmonde." He came and submitted himself asking Kildare to sue for his pardon and offered to go to the King in England. Desmond was less satisfactory. In Verney's opinion he was not to be relied on:—"his wordis bene goode and his dedis prove thereafter." He had made an appointment with the Earl and had not kept it. He had, however, promised to meet the Deputy at Waterford in the week after All Hallowtide, and there to conclude all matters touching his promise to the King. Verney's apprehensions seem to have been unfounded, for when Perkin returned to Ireland in July, 1497, he received no aid from Desmond nor from Kildare.

In addition to the lands which he had acquired from the King on his marriage with the Lady Elizabeth, Kildare inherited some land from his former father-in-law. On the 19th December, 1496, Sir Roland FitzEustace, Baron

⁵ "tuoo jurneys."

Portlester, "being very aged," departed this life.⁶ He was buried in the abbey of the Friars Minors of the Stricter Observance which he had founded in 1486⁷ on the banks of the Liffey near Kilcullen Bridge in the county of Kildare, and where lay also his daughter, the Great Earl's first wife, the Countess Alice. By their deaths the Great Earl acquired the manors of Ardglass, Strangford and Portlester. Soon after, he embellished the church of the neighbouring abbey of Bective, and paved it with encaustic tiles, on some of which are his arms and motto, "si dieu plet crom a bo." One of these may be seen in the museum at Ulster's office, Dublin Castle.⁸

The indenture of pacification between the FitzGerald's and the Butlers made at Salisbury on August 6th, 1496, was not successful. Although the Great Earl seems to have attempted to carry out, as far as he could, his compact with the King, the parties concerned could not so easily procure an ending of the "great and haynoux discord" on the part of their adherents. Fighting soon re-commenced between Sir James of Ormond and Sir Piers Butler. The details of the struggle can to a large extent be deduced from the letters which Miss Conway⁹ has recently published between the Earls of Kildare and Ormond, and the letter printed in Graves and Prim,¹⁰ and in Gairdner,¹¹ written by Sir Piers Butler to Thomas Earl of Ormond on the 7th September, 1497. According to Sir Piers, Sir James of Ormond behaved very badly. "He without any cause or occasion on my side kept from me all mine own lands and duties, and over this took and kept me in prison by a long season, contrary to his oath and promise made upon the holy

⁶ Ware, p. 34. It is also here recorded that he built "a goodly Monument for himself and his deceased wife, Margaret Jeincks at Dublin, anno 1455, in St. Andrew's Church, viz., in St. Mary's Chappel, founded likewise by himself." Ware gives the inscription:—"Orate pro Anima Rolandi FitzEustace de Portlester, qui hunc locum siye Capellam, dedit in honorem beatae Mariae Virginis; etiam pro Anima Margaretae Uxoris Suae, et pro Animis omnium fidelium defunctorum Anno Dom. 1455."

⁷ *Annals of Ulster*, vol. iii., p. 311.

⁸ See Lord Walter FitzGerald's paper in *Journal of Kildare Archaeological Soc.*, vol. ii., No. 2, 1896, p. 124.

⁹ Conway, pp. 239-241.

¹⁰ Graves and Prim, pp. 193-4.

¹¹ *L. and P.*, vol. ii., pp. xli-xlii.

cross and other great relies upon surety whereof I then came to him."¹² Kildare wrote to Earl Thomas complaining of Sir James' "mysdemeanure."¹³ Ormond replied regretting that he should have so acted.¹⁴ Kildare wrote once more, and Ormond in accordance with the Salisbury agreement brought the matter to the notice of the King, who by May 16th, 1497, had written to Sir James requiring him to conform with the indenture. Sir Piers, however, states that it was only "by the great instant labours" of the Earl of Desmond that he was set free, "whose desire" Sir James "fulfilled upon trust that he should have married one of the said Earl's daughters." After that Sir Piers "resorted unto my lord of Kildare, deputy lieutenant unto our sovereign Lord the King," and when Sir James heard of it, "not pondering his said oath and promise" he "shewed openly," wrote Sir Piers, "that wheresoever he might find me he would kill me, and over that took goods and cattle from such as he knew were towards me, as far forth as he might, to their great hurt and impoverishing, and to the utter undoing of some of them for ever." Here Sir Piers alleges, just as the Great Earl had alleged, that Sir James had not only taken upon himself "all the rule within the counties of Kilkenny and Tipperary," but had "called himself Earl of Ormond." He continues, "after which time it liked our said Sovereign Lord to command him by his second letters as he did by his first to come unto his gracious presence, which letters the same Sir James utterly disobeyed in every point. Whereupon Dublin poursuivant unto our said Sovereign Lord published the same Sir James his disobeisant subject."

Sir James had indeed become disobedient. Now that the King has become "good and gracious Sovereign Lord unto his said deputy," the Earl of Kildare, Sir James could no longer be a faithful subject of His Majesty. If Sir Piers is to be believed, he actually turned and urged Perkin Warbeck to come to Ireland, but Perkin did not land until nine days after

¹² If this happened after Sir James' return from England the oath must have been the Salisbury oath.

¹³ Conway, p. 239. As is shewn by Ormond's letter to Kildare May 16th, 1497.

¹⁴ "As I have heretofore written unto you I am right sorry for it."

Sir James had been slain. In the meantime Sir Piers and Lady Margaret, his wife, appear to have been in the greatest extremities. But after reaching a position as desperate as had been that of the Great Earl when he was pursued by Plunket of Ramore, Piers in his turn met and slew his enemy. Stanyhurst's¹⁵ account of this incident is as follows:—"Great and manifold were the miseries the ladie Margaret susteined, hir husband Piers Butler being so egerlie pursued by the usurper, as he durst not beare up hed, but was forced to houer and lurke in woodds and forrests. The noble woman being great with childe, and upon necessitie constreined to use a spare dyet (for hir onelie sustenance was milke), she longed sore for wine, and calling hir lord, and a trustie seruant of his, James White, unto hir, she requested them both to help hir to some wine, for she was not able any longer to endure so strict a life. 'Trulie Margaret,' quoth the Earle of Ossorie, 'thou shalt haue store of wine within this foure and twentie houres, or else thou shalt feed alone on milke for me.' The nexte daie following, Piers hauing intelligence that hys enimie, the base Butler, would haue trauelled from Donmore to Kilkennie, notwithstanding he were accompanied with six horssemen; yet Piers hauing none but his lackie, did forstall him in the waie, and, with a couragious charge, gored the basterd through with his speare." The account in the Book of Howth¹⁶ is slightly different. According to it "it chanced the Earl of Wormon [Sir James of Ormond], being a very pleasant gentleman, was in love with a fair and beautiful gentlewoman called Rose Barre, which he promised to have seen the morrow after with a few of his serving men. And as he was riding the way thither, this Marget FitzGeralde, wife to the foresaid Persse, asked her husband some wine to drink and complained she could have none. That hearing, her husband sware that he would never return before he did relieve her grief; and as he went he saw the Earl [Sir James] and so gave the charge upon them." This happened on Wednesday, 17th July, 1497.¹⁷

¹⁵ Hol. vol. i., pp. 83-84.

¹⁶ *Bk. of H.*, pp. 177-178.

¹⁷ Ware, p. 36; *Annals of Ulster*, vol. iii., p. 419.

On the 26th July, 1497, Perkin Warbeck landed at Cork. The old position was now entirely reversed. It was, according to Sir Piers, Sir James of Ormond who "upon his comfort and special desire moved, caused Perking Warbeck to come . . . unto this land." Neither Kildare nor Desmond gave him any assistance. On the 12th September of this year the King in a letter to Sir Gilbert Talbot wrote that "Perkyn Warbek and his wif were lately sette ful porely to the see by the King of Scotts, and afre that landed within our land of Irland in the wylde Irisherne, where he had be taken by our cousins therls of Kildare and of Desmond, if he and his said wif had not secretly stollen away."¹⁸

On September 7th, 1497, Sir Piers Butler wrote to Thomas, Earl of Ormond, giving him the foregoing information, and relating how Sir James "was a great and ancient rebel by his life-days"; how it fortuneed him "suddenly in the open field not far from Kilkenny to meet with him and so by the grace of God, who would that every evil deed should be punished, the same Sir James and I . . . fought together so long till God had wrought his will upon him." Sir Piers wrote a very tactful letter. After describing Sir James' iniquities and his recent treason "like as his Higness shall understand within brief time by the report of such as were privy unto the counsel of the said Perkin," he beseeched Ormond "having tender respect for the premisses and that I am a poor kinsman of yours" to grant him "by your writing and seal authentic, the farm of all such lands and duties as your lordship hath, and shall grow due unto you within the counties of Kilkenny and Tipperary." He stated, "I shall see you better contented therefore than ye have been these many years past and over this cause the same to be inhabited and occupied in the best and availablest manner that I can think or devise." And as a final inducement he added: "for so much as I woll that your lordship should understand how well I shall behave me in the premisses for your pleasure and advantage, therefore I desire to have the said farm of your lordship but during your good pleasure. And like as I demean me therein, so I trust

¹⁸ Anstis: *Order of the Garter*, vol. ii., p. 215; Pollard: *Henry VII.*, vol. i., No. 113; *Earls of K.*, 1st Add., pp. 12-13.

to find you my good lord for your larger grant in the premisses." He wrote the letter from Kilkenny on the 7th day of September, and signed it "Your lowly servant Pers. Botiller."¹⁹

The Great Earl, who had in one of his earlier letters to Ormond aspired to obtain the farm of the Butler lands for himself,²⁰ on January 28th, 1498, wrote to Ormond supporting the claims of his son-in-law, Sir Piers.²¹ "I have very confidence," wrote Kildare, "that he wol not faille to perfourme the same in every behalf and whatsoever thing ye wol yeve him in this contray I shall endeavour me to aide and support him to attayn or gete the same." What was the immediate result of these letters is uncertain. But Graves and Prim²² give an exemplification of an indenture of the 9th July, 20 Hen. VII. (A.D. 1505), by which Sir Piers was made Deputy to Thomas, Earl of Ormond.

Sir Piers did not attain peace by the death of Sir James. He had to contend with O'Brien and with a hostile section of the Butlers. The Great Earl, in a letter to the Earl of Ormond written from Maynooth on March 30th, 1498, (and recently published by Miss Conway),²³ says, "your awen kynesmen in thes parties been right eville disposed and ymagyn everiche others distruccon, and I have suffred theim long, trustint that Sir Piers Butler wold woll remedye, but he hath been diseased." His contention with O'Brien was, however, still more serious. In the same letter Kildare writes that "OBrene which is nowē lately made is a mortalle enemye to all Englisshmen and most maliciously disposed of anny that ever I herd speke of." This was Torlogh the Brown son of Tadhg, who had become O'Brien in this year (1498) on the death of "Gilduff," as Ware calls him, (*recte* Gilla dubh, the black Gillie).²⁴ Kildare in the same letter says that O'Brien

¹⁹ The letter is given in Graves and Prim, pp. 239-241, and in *L. and P.*, vol. ii., pp. xli-xlii.

²⁰ "Also where as ye write to have my landes there in fferme I shall sende unto you right hastely my servaunte John a Devinshire: whiche shall shewe you my full mynde in that behalf." Letter from Ormond to Kildare, May 16th, 1497 (Conway, p. 239).

²¹ *Ibid.* p. 240.

²² Graves and Prim, pp. 199-201.

²³ Conway, p. 241.

²⁴ *Annals of Ulster*, vol. iii., p. 439.

"intendith with the assistaunce of all Irisshmen to make warre upon youre parties of the Counties of Kilkenny and Tipperare and also upon all the kinges subgiettes here." He says that for his resistance he has written to the King to send hither an army of 300 archers and three score gunners "to bee wagid at the charge of me and other of my frendes in this contray." In the following year there was a great battle between Sir Piers and O'Brien, in which O'Brien was victorious. The *Annals of Ulster*²⁵ relate it thus:—"Great defeat this year by Ua Briain on Piers Butler the Red, wherein were slain the Sovereign of Kilkenny and many of the people of that Piers, and wherein 16 score of corslets were taken from them, as some say." Ware,²⁶ who also records it, says "some do avouch this Dissension to have taken its first rise about certain Lands and Limits, which each of them claims to himself."

The Great Earl was much concerned in these years with the affairs of the O'Donnells and the O'Neills. In Sir Ralph Verney's letter of October 31st, 1496, Kildare is shown cogitating as to which of the O'Neills he will support. Since 1493 when the Great Earl's brother-in-law, Conn More O'Neill, met his death at the hands of his brother Henry, there had been two rival O'Neills,—Henry, the fratricide, and his brother Donal. Donal had been put forward by O'Donnell. Each claimed to be the O'Neill, and there was constant fighting between them. The *Annals of Ulster*²⁷ under the year 1496 record how "Ua Neill, namely, Domnall [Donal] son of Henry, son of Eogan and his two sons, namely, Brian and Eogan, went on a raid on another Ua Neill, namely, on Henry junior, son of Henry, son of Eogan," and state that this "was the 24th raid that Domnall made on Henry . . . since the other Ua Neill, namely Conn, was slain." In the following year²⁸ "peace was made by the two Ua Neills, namely, Domnall and Henry junior . . . and the son of Domnall . . . namely, Aedh, was liberated without ransom, and other large donatives of horses and of apparel and of

²⁵ *Ibid.* p. 439.

²⁶ Ware, p. 39.

²⁷ *Annals of Ulster*, p. 401.

²⁸ At the end of spring in the following year, 1497.

increase of every valuable besides were given to Domnall, in consideration of putting the name of lord from him.”²⁹ This peace did not last long, for in the following year (1498) the Great Earl’s two nephews revenged the death of their father by slaying Henry, whereupon Donal renewed his claims.

The Annals of Ulster³⁰ record the death of Henry in these terms:—“O’Neill, namely, Henry, junior, son of Henry, son of Eogan, was slain this year in the house of Art, son of Aedh, son of Eogan Ua Neill, in Tuath-Echadha, by two sons of Conn (that is, the Ua Neill), son of Henry, son of Eogan, namely Toirdelbach and Conn, namely, sons of the daughter of the Earl. And it is by that Henry fell the father of those two, five years before that, in treachery. On the 12th of the Kalends of the month of August [July 21] was done that slaying of Henry junior.” Their mother Eleanor, the Great Earl’s sister, had died on the 14th November in the previous year³¹ (1497), and from that time on the Great Earl seems to have taken an increased interest in their welfare. As soon as Henry was slain, Donal, “namely, he who was proclaimed O’Neill before that, mustered his friends and his people-in-law, namely, the descendants of Redmond Mag Mathgamma” [MacMahon], and made an inroad to the castle of Dungannon which was still in the hands of Henry’s faction. They were for a while about the castle, and on the following Monday night they slept at Cros-Caidhbenaigh. While they were still there Felim, son of the Henry who had just been slain, “drew on them Niall son of Art O’Neill and every other muster he found.”³² He came upon them early on Tuesday morning when they were lying down asleep, “and the cold-awaking of foes was given to them and great defeat was inflicted,” but Felim himself “was wounded in his head with the stroke of a spear in the heat of that defeat and died at the end of a novena.”³³

At this time the Great Earl’s nephews were in alliance with Donal. The Great Earl was induced to come up and assist

²⁹ *Annals of Ulster*, vol. iii., p. 417.

³⁰ *Ibid.* p. 433.

³¹ *Ibid.* p. 425.

³² *Ibid.* p. 433.

³³ *Ibid.* p. 435.

them. A great host assembled including O'Donnell, and together they took Dungannon, and liberated the prisoners who were in it, amongst whom was Donal, the son of O'Donnell, who had been imprisoned there ever since the expedition which Henry Oge O'Neill had made into TirConaill, in the previous October.³⁴ The Annals of Ulster give an interesting account of Kildare's expedition. It is as follows:—"The castle of Dun-Genainn was taken this year by the Deputy of the king of the Saxons in Ireland, namely, the Earl of Kildare, at instigation of Toirdelbach, son of Conn O'Neill. And very many of the Gaidhil of the South of Ireland went with the Earl on that expedition and Ua Domnaill, namely, Aedh the Red, and Mag Uidhir went with him on the same expedition. And Domnall Ua Neill with his sons and with all his friends, went with a host hard to count to meet the justiciary to the same castle and it was taken with guns by them on the morrow. And many captives were taken from it, including the son of O'Domnail, who was a year in captivity before that . . . and many captives and chattel besides, both horses and accoutrement . . . And the castle was given to Domnall Ua Neill . . . And that host of Foreigners and the Gaidhil went from that to the castle of the Oghmagh, and Niall, son of Art O'Neill, went to meet them and gave hostages to them in pledge for peace and to save his country and his castle. And those hosts returned to their houses with triumph of victory."³⁵ This hosting was typical of the Earl. With him he had guns. He had men from the Pale. He had "very many of the Gaidhil of the South." He was supported by a great party of the Gaidhil of the North, and the man who had invited him was his own nephew.

The Great Earl's relations with O'Donnell are worthy of note. In 1496, in the letter of October 31st from Sir Ralph Verney to Sir Reginald Bray, O'Donnell and the Clannaboy O'Neill, "the gretteste Iryshemen of the northe whiche marchen uppon Scotland and the oute yeles and on the kastell of Knokfergous," are said to have written to Kildare desiring him of peace and promising to come to him at any place he

³⁴ *Ibid.* pp. 423-5.

³⁵ *Ibid.* pp. 437-9.

would assign them in Ireland and to be ruled as he would have them, and Verney represents Kildare as replying that they should have no peace nor love of him, but if they will be sworn to the King and sue for their pardon, taking the King's part against all men.³⁶ In the same letter Kildare is described as hesitating whether to support Donal or Henry O'Neill, "for whiche of them may and will do the kynge best service his parte entendithe my lorde to take." The whole effect of this letter is to imply that Kildare's main objective in his dealings with the Irish princes is to secure as complete and widespread submission for them to Henry VII. as it is possible for him to achieve. In 1498 Kildare, O'Donnell and O'Neill (Donal) are seen co-operating together to take Dunganon Castle, at the instigation of Kildare's nephew, and in order to liberate O'Donnell's son. In 1499 the *Annals*³⁷ of Ulster record that "O'Domnaill, namely, Aedh the Red, went into the Foreign settlement this year, to meet the deputy of the king of the Saxons, namely, Gerald, son of Earl Thomas (and the son of the Earl, namely, Henry, was taken away with him to be fostered)." This was a violation of the statutes of Kilkenny, which had been fruitlessly confirmed though not in toto by Poynings' parliament. It is the best commentary both on Verney's letter and on the Anglicising enactments of Kildare's post-Poynings' parliaments. From the fosterage of his son it is quite clear that the hegemony which Kildare sought to establish in Ireland was not an English hegemony. It was an overlordship of the house of Kildare based as much on traditional Gaelic custom as upon the English-given authority of the Deputyship. The two were interlinked. In obtaining submissions to Henry VII., Kildare was obtaining submissions to himself. Kildare accordingly sought for such submissions, and in so doing placed himself well in the eyes of the court, and led Verney to believe that his main objective was the interest of the King.

Kildare had held a parliament in 1498. This was the first parliament which he had summoned since he had signed the

³⁶ The last phrase seems to have been a usual part of the oath of allegiance, see Desmond's oath of March 1494 (Conway, p. 152).

³⁷ *Annals of Ulster*, vol. iii., p. 443.

articles of August, 1496, the first two of which had embodied "Poynings' Law." The effect of the new restrictions was very striking. The parliament was authorised by a commission signed by the King on March 28th, 1498, empowering the Earl to summon a parliament within a year from that date, which should not last for more than half a year from its commencement, and which should take into consideration "the following and no other matters prayed by the commons in the present parliament in England"³⁸:—

1. That whereas the aforesaid Gerald was among other persons at a parliament held at Drogheda before Sir Edward Poynings attainted of high treason; which act of attainder so far as it concerned the said Gerald was reversed by authority of parliament in England, the present parliament do ratify the reversal of his attainder.
2. That whereas in the parliament held at Drogheda the authority of the election of the justiciary of Ireland granted by King Henry FitzEmpress was annulled, and it was directed that in such case the treasurer should act as governor, it be ordained by the present parliament as "divers great inconveniences, jeopardies and charges had of late fortun'd within the land," that "whensoever the land of Ireland might happen to be void of a lieutenant deputy or justiciary" it shall be lawful for the chancellor and treasurer or one of them with the assent of the king's council of the said land and of the lords spiritual and temporal of the four counties or the majority of them, to elect under the great seal of Ireland a justiciary to hold the government until the king shall provide a lieutenant or other government for the said land under the great seal of England.

³⁸ The quotation is from the summary given in the *C.P.R.*, p. 128. The articles are derived from the accounts given in the *C.P.R.* and in Gilbert, pp. 464-6.

3. That the statutes against absence from Ireland be revised so that persons having possessions there shall not depart from or dwell out of Ireland without licence under the great seal of England. Persons evading the statutes shall incur the forfeiture of one half of their property to be expended by the deputy in defences against the Irish. With an exception in favour of religious houses and students leaving Ireland to study "any science of God's law or the King's at Oxford, Cambridge, London, or any other university."
4. That a statute be passed obliging every person dwelling within the English Pale "to use English habit, and when he go or ryde to any hostyng or jorney, that he and his company use English artillery for their defense, as sowerdes, bokelers, paveses, bowes, arrowes, billes, crossbowes, gunnys or any suche handewepyn." This article recited that divers gentles and commons drew them to idleness and used to wear the Irish habit and took them to horsemanship and to cast darts and spears, leaving the defence of bows and arrows which was one of the greatest causes of the desolation of the land, for when they went to field with him who bore the King's state they neither could nor dared to cast dart or spear because they had not the profound way and feat of it.
5. That a statute be passed for the preservation of the king's customs, and that enactments made in England for the punishment of "custumers" be affirmed in Ireland.
6. That a statute be passed to authorise the king to receive 12d. on every 20s. worth of merchandise brought into or taken out of Ireland, with an exception of the freemen of Dublin, Waterford and Drogheda.

7. That for the increase of English manners it be enacted that every temporal lord of parliament in Ireland wear in that parliament house his robes according to his estate as the lords in the parliament of England.
8. That for the "increasing of English manners and conditions within the land and for diminishing of Irish usage" it be enacted that every lord spiritual and temporal having livelihood or benefice worth 20 marks a year within the precincts of the English Pale do ride "in a sadyll after the English gyse," under pain of forfeiture of the horse and harness. The statute to apply to merchants, but not to extend to persons riding in the deputy's company to or from any hosting or journey in time of war.
9. That a statute be passed for the cleansing of the towns in Ireland, and it be enacted that the mayors of "Develin" and "Droghida" shall cause all swine to be put out of their towns and that the sovereign and portreve of "Kenlys," the portreves of Trim, Navan and "Aithirde," and the bailiffs of Dundalk shall before Michaelmas compel every merchant dwelling within the said towns to wear gowns and cloaks instead of the "custumable huks and foldings" and that they shall have their walls made and ditched and their streets drained and paved according to their grant of customs: all the premisses to be inquired of from time to time before every judge in the land.
10. That whereas William Barry, called lord Barry of Munster, and one John Water of Cork, merchant, have of late received divers letters from "Parkyn Wosebek" and have treasonably concealed the same from the king and his council, the said William Barry and John Water be attainted of high treason.

The parliament which passed these acts met at Tristledermot³⁹ in the county Kildare "on Monday the 26th August, in the 14th year of the reign of King Henry VII.," that is to say, on Monday, 26th August, 1498.⁴⁰ The foregoing articles show very clearly that the Great Earl could no longer legislate as he chose. It is unlikely that of his own accord he would have attainted Lord Barry or the Mayor of Cork. He had never before attempted to legislate his people into wearing the English dress. His views on parliament robes have already been noted. He would have liked the electorate of the justiciars to have been as small and as Geraldine as he could make it. The legislative independence of parliament was gone. Kildare's acquiescence in this had been made a condition of his re-appointment. Parliament had always been pliable. It was in future to be subject to English influence, instead of to Kildare's influence. In a sense it never had any independence, and was merely undergoing a change of masters. To the more Anglicised townsmen this change would be agreeable. To Kildare it was a nuisance, but not much more. He was no longer able to use parliament as an instrument of his policy; but apart from parliament his powers were unfettered. Parliament could not appreciably interfere with his policy. In some matters such as the attainder of Lord Barry and the Mayor of Cork, the Great Earl had yielded to the King's desire. On the question of the election of justiciars a compromise had been reached. Poynings' reversal of the statute of FitzEmpress had been repealed, and a position approximating to Lord Grey's enactment⁴¹ had been arrived at. The objections raised against Grey were obviated by a provision that in future the King should only appoint deputies and

³⁹ Now called Castledermot.

⁴⁰ "Apud Tristledermot die Lunae xxvi, die Augusti, anno regni Regis Henrici septimi decimo quarto" (*Statutes at Large*, 3 Edw. II.—13 James I., p. 57). The *Statutes at Large* give it as 1499, but this is wrong, as the 14th year of Hen. VII. started on the 22nd Aug., 1498. Ware also places it under the year 1499 (Ware, p. 40). The parliament which he mentions (p. 38) as being held at Dublin on the 1st March, unless it be dismissed as an error arising from the date of the royal commission of the 28th March, 1498, must have been held after this parliament, on the 1st March, 1499.

⁴¹ Chap. 10 of Edw. iv.

lieutenants under the great seal of England, and on the other hand the justiciar's power was limited to appointing during pleasure (of the King), officers of justice; to mustering men for the defence of the King's lieges; and to raising and spending the revenues for the same purpose. The lesser enactments were of no great importance. Acts such as those directed against Irish customs were probably never intended to take effect. Their passing pleased the English and did not hurt Kildare. That it should have been considered necessary to pass an act ordering merchants to ride in a saddle after the English fashion shows how far the Hibernicisation of the Pale had progressed. That the act was not to extend to any persons riding in the Deputy's company in time of war shows how ineffective it would be.

This parliament must have been held shortly before the Earl went on his hosting against Dungannon. When he came back from the north in October, 1498, he put himself further into the King's graces by undertaking an expedition to Cork "where," says Ware,⁴² "by reason of the Cities former Defect, and to prevent the like, he placed a Garrison; and then on the 15th day of the same Month he caused the principal Citizens of Corke and the Townsmen of Kinsale to take the Oath of Allegiance to the King in his and the Councils presence, which to observe he made them both enter into Bonds and put in Pledges. These things being done according to his mind, and Winter approaching, he went home." Ware says that "on the 1st March⁴³ after he summoned a Parliament at Dublin . . . But what Laws were then made appear not upon Record, nor of other Acts which were passed, except some Amerciaments, or small pecuniary Fines, imposed on some of the Nobles and others that were summoned who were absent. Some do report," he says, "that the Roll of the Laws then established was heretofore surreptitiously taken away, and that afterwards one Nangle and Skegan were accused of this crime in England; especially Nangle, who was therefore committed to Prison, and there detained all the days of his life."

⁴² Ware, p. 38.

⁴³ In 1499.

In 1499, the Great Earl made a hosting through Athlone into Connaught.⁴⁴ The Annals of Ulster⁴⁵ record it thus:—“A great hosting this year by the justiciary, namely, by the Earl of Kildare, namely, Gerald, son of Thomas, son of John the Stopped, to Ath-luain beyond Shannon. Then, through the length of Connacht, so that he took four castles on that circuit, namely, the castle of the entrance of Ath-liag⁴⁶ and Roscomain and Tuilsc and the Caislen-riabhach.”⁴⁷ The Earl at this time had his attention occupied in many places, for this was the year in which Sir Piers was defeated by O'Brien, and in which O'Donnell came to him and took his son Henry in fosterage. It was a successful year for O'Donnell, for taking advantage of the death of MacDermot of Moylurg he marched against his successor, Cormac, and recovered the Cathach⁴⁸ of Columcille which the MacDermots had taken from O'Donnell's son, Conn, during the period when O'Donnell had laid aside his lordship in 1497.

In 1500 the Great Earl went on another expedition to the north in aid of his nephews. He took Kinnaird Castle and gave it to his nephew, Torlogh (Toirdelbach). In this expedition he again received assistance from O'Donnell. The Four Masters record it thus:—“A hosting by the Justice Garret FitzThomas, Earl of Kildare, into Tyrone, and another hosting by O'Donnell, Hugh Roe, and his troops, till they met the Justice at the Castle of Shane Boy⁴⁹ O'Neill's sons, i.e., the Castle of Kinnaird; to which they laid siege until they took it. The place was then given to Torlogh son of Conn O'Neill, i.e., the son of the Earl's sister. These nobles then returned to their homes.”⁵⁰ This new acquisition did not bring good fortune with it. O'Neill must have begun to fear that young

⁴⁴ Russell: *P.R.I.A.*, May 24th, June 14th, 1869, suggested that the Gaelic indenture of 1530 between Gerald Oge and MacRannall “may most probably be traced” to this expedition.

⁴⁵ *Annals of Ulster*, vol. iii., p. 443.

⁴⁶ Athleague on the river Suck, county Roscommon.

⁴⁷ Castlerea, Co. Roscommon.

⁴⁸ *Ibid.*, pp. 421, 425. The Cathach was a silver case containing a copy of the Psalter supposed to have been written by St. Columba, and carried into battle in order to secure victory for the O'Donnells.

⁴⁹ “Seaain buidhe,” i.e., John the Tawny.

⁵⁰ O'Curry's translation, *Ger. Coll.*

Torlogh was aspiring to his father's place, that is to say, to become the O'Neill, for shortly after Torlogh's new acquisition, "Toirdelbach was taken by Ua Neill, namely, by Domnall Ua Neill, in the castle of Ua Neill himself . . . and his cattle were taken from him." The *Annals of Ulster*⁵¹ state further that "great war arose in the Province (Ulster) from that."⁵²

In the same year the Great Earl held a sort of great council or miniature parliament at Kilkenny. The proceedings of this assembly relating to Kilkenny were recorded in the "*Liber Primus Kilkenniensis*" which has recently been published by the Irish Manuscripts Commission under the editorship of Charles McNeill.⁵³ In such an assembly Kildare was free from the restrictions imposed by Poynings' Law. The enactments passed by Kildare's assembly "for the reformation of the Contres of Kilkenny and Typerary." Hitherto, although the Sovereigns and Council of Kilkenny did exercise a local jurisdiction, such local enactments were usually passed by a parliament. In personnel this assembly approximated to a parliament. The "*Liber Primus*" records that "It pleased the right myghty Gerald Earl of Kildare the kynges deputy lieutenaunt of Irland to come personaly unto the Towne of Kilkenny and ther by the aduyse of the moste Reuerend fadir in god Walter Archbushupe of Dublin and Chaunsler of the same land Olyuer bushupe of Ossery Nicholas buschipe of Leghlene Nicolas saint Lawrence lorde of Howthe Sir Piers Butler knyght Sir William Darsey knyght Sir Richard Ewstas knyght Clement fitz Leones the kynges Attornay the Soueraine of Kilkenny with his counsaile William White Recordour of Waterford with dyuers of the Consaile of the same; and also by thassent of the hoole Clergy gentilmen and comens of the saide shire (*sic*) and towne to conclud that thes articles folowing be obserued kept and put in duhe correccion whiche in euery thinge the Clergy gentilmen and comens forsaid bindeth them and euery of them in the said moste

⁵¹ *Annals of Ulster*, vol. iii., p. 449.

⁵² See Hogan's "Irish Law of Kingship," *P.R.I.A.*, vol. xl., section C., No. 3, for an account of the system which gave rise to such inter-familial fighting.

⁵³ *Liber Primus Kilkenniensis*, pp. 156-8.

Reverend fadir in god is presens undir the paynes theryn conteyned." The record adds that "the Chieffe capteyns of the said Shyres haue presented ther own bodyes as plegys to perfourme the same in euery thinge in the deputie is handez . . . the seconde day of June the xveⁿ yere of kynge Henry the vijth," and the authority for the account is shewn by a note that "of the which Statutes and actes, here foloweth suche as bene beneficiale for the towne of Kylkenny, written by Patrike Archer, then Soffrayne of the same towne, the sixth yere of the Rayne of our said Souerain lord."

As in a parliament the first recorded act of this assembly deals with the church. In this case, however, it is to insure that "no maner mane of holy chirche do no sensurs for no temporale maturs tuchinge themselfe unto the tyme that they be refusid uttirly of right by the governour of the Shire or Rulere of anny towne uppon payne of xli^d shillinges." The next decrees "that no mane kepe no vaccabond of the Shire by nyght nor by day." If any man so do he shall answer for any harm that the same vagabond shall do a night and a day before and after. "And that if anny vaccabond be found so walkynge that it be lawful to euery mane to put hyme unto all maner labour and if he refuse it to take all that he hathe and his body to be pute in the next gayle ther to remayne xx^d Daies els the Contre forsake the Contre [sic] uppon payne of Deathe." The third is "that wheras the Shiriff and Undyr shireff use to endicte the pore comen people and to put them of affynaunns that non from hensforth be endicted but in presens of a learned mane." The fourth decrees that no one shall "gywe surte to anny persone that wolde breke this articlis" except the captain of the Shire and the Sovereign of Kilkenny, "and that the Chirche gwee no Comry to anny extorcioner but acordinge the kynges lawes."

The fifth article is of legal interest. It reads, "Item wheras trowe men ben dayly robbed in ther own presens of ther goodez that from hensforth it [is] ordeyned and establysshed that whosoueer mane of good name and fame accuse anny suspete persone of anny suche hurtes that the same mane his wiff and serwauntes be admytted for wittnes in his owne matir and complainte and therto credens be

gywen till the contrary be justiced and prowed." This shows that as early as the 16th century the old law of evidence was found to be unsatisfactory. The sixth is also legal. It decrees that no man shall "take no plege for no maner cause accione nor chalange except only for duhe rents or by the comaundment of a Juge unto the tyme that he be iij^e tymes refused of right in oppen audyens befor the gouvernour of the shire or Ruler of anny towne and specyaly of Kilkenny uppon payne Cs., halffe unto the gouvernour of the shire and halff unto the soueraine of Kilkenny and to losse his accone for euer." The seventh is "Item that euery fadir answer for his sone onles he haue a sufficient maistir unto the tyme he delyuer hym by the handes unto the gouvernour of the shire or ruler of anny towne. And if he hawe no faidr that the iiij best of his kyne shall answer for hyme in like wise provided alway that all priuileged Townes be excepted of this articlis." The eighth reads, "Item that no theff from hensforth that stelleth or robeth the valu of vjs. viij^d be delyuered for no fyne nor ransowne but to be Jugged by ye Kynges lawis."

The remaining three give some insight into the local conditions of the time. Of these the first, (the ninth article) reads "Item that no maner mane from hensforth in herwiste tyme or in anny othir tyme of the yere by desire nor by costem take corne of the comen people lyenge in lege in eare or stake or in anny othirwise uppon payne of Is. by nyght nor day and if anny so takynge robbynge stellinge or forsinge anny man priuely or oppenly fortunethe to be wonded or slayne or abowte anny othre godes that non amendez be neuer deasired nor hade. And whose wolde do the contrary the kynges deputie or gouvernour of the shire or soueraine of Kilkenny to entre in his landez and godes and to fyned surtes of his gode obeiyng to the kyng and to the party grewed and tille he make a ffyne of Is." The next, (the tenth article) forbids men to bring or receive strangers "out of ye marchis nor Iryshe contres unto this Contre of Kilkenny in tyme to pesse or were" upon pain of 100 shillings "and if he do to answer for all the hurtes that by that meanes shalbe done commynge or goynge a day and a nyght byfor and after." The last (article eleven) is one of the few indications that we have of contemporary morality.

It reads, "Item that no maner mane spirituale nor temporalle use no concupynes oppynly uppon payne of sensurs of holy Chirche and if the ordinary correcte hym not withyn xli^{ti} Daies after proclamacione made that he which so kepethe a concupyne forfeit I^s. to the gouernour of the Shire and if anny mane kepe a concupyn withyne [a] privileged towne that the Ruler therof levy the same payne." As it has generally been considered impossible to prevent extra-marital love affairs by passing laws it is likely that here "oppynly" is the governing word, and that the object of the act was only to prevent men flaunting their "Concupynes" in such a way as to cause public scandal.

From their character and from the personnel of the assembly which passed them, the enactments at Kilkenny were to all intents and purposes acts of parliament. Kilkenny is one of the few towns in Ireland which has been fortunate enough to preserve its records. The Earl may, accordingly, have held similar assemblies elsewhere of which there is now no record. Incidentally, that Kildare held such an assembly at Kilkenny shews that since the death of Sir James of Ormond he had come to be on good terms with the heads of the Irish Butlers.

Kildare's relations with the English Butlers had remained friendly since 1496. They had indeed always been good. Their amity is shown by a letter from Thomas, Earl of Ormond, to the Countess of Kildare written from London on May 16th, 1497,⁵⁴ in which he thanks her for her "good and gentell letter," and tells her that he is "praying to god madame to sene yo[u] some good ffructe: soo that my lord and Cousin your husbondes blood and myn may thereby be encreased: for by verey right of cousinage I must espec[ial] will and desire it and praye for it." "And madame," he continues, "if there be any pleasir that lie[th] in me to doo for you in these parties I shalbe as gladde to perfourme it [as] eny gentilman in Englande." In 1500 there seems to have been a project for further uniting the houses of FitzGerald and Butler by a marriage between the Great Earl's daughter, Eleanor and George St. Leger. This is shown by a document dated 29th November, 1516, and published by Graves and

⁵⁴ Published for the first time by Miss Conway, p. 240.

Prim,⁵⁵ which records, at the request of Sir Piers and Lady Margaret, the testimony of Master James White, prebendary of Maynooth and vicar of Ardee. He deposed that "about 16 years before, or more, he was sent by Gerald, of good memory, Earl of Kildare, to the King of England, about certain matters, when he met Thomas, of similar good memory, Earl of Ormond, at his mansion in London, when they treated of a marriage between George Sayntleger and Elenor the daughter of the said Gerald; the deponent then asked the said Thomas who should be Earl of Ormond, after his death; and Thomas said Sir Piers Butler, knight, then dwelling in Ireland, should be Earl, because that dignity and Earldom was entailed on heirs male after his death. And he said that he could not with a safe conscience do otherwise, or ever break or change that entail."

In the preceding year, in the month of November, Perkin and John Water "late Mayor of the City of Corke in Munster who was numbered among Perkin's chief Abettors in his Treasons and Councils," were tried by a jury of twelve men at Westminster; were found guilty of high treason; and were hanged at Tyburn. Ware records that "Perkin being led to the place of Execution and there ascending the Scaffold . . . publicly read over his Confession . . . and acknowledged it to be true; many of his Abettors bewailing his condition and secretly whispering that he did it in hope of a Pardon."⁵⁶ On August 26th, 1496, a pardon had been issued to all Perkin's supporters in Ireland, except John Water and Lord Barry.⁵⁷ Now that Water had been executed and Barry attainted, the King, in 1500, received the citizens of Cork into his favour, and on the 1st August he "confirmed and enlarged the Immunities and Privileges of the City."⁵⁸

In 1501 the Great Earl's nephew Torlogh, the son of Conn More O'Neill, was killed. He was killed in a conflict between the MacMahons. For some years there had been a struggle between the descendants of Aedh the Red and the descendants

⁵⁵ Graves & Prim, p. 205.

⁵⁶ Ware, p. 40.

⁵⁷ Conway, p. 94.

⁵⁸ Ware, p. 41.

of Redmond. The Annals of Ulster are full of their fighting. In this year "Great war arose in Oilgialla between Mag Mathgamma,⁵⁹ (namely, Ros, son of Maghnus Mag Mathgamma) and the descendants of Redmond Mag Mathgamma, (namely, the sons of Glaisne and the sons of Brian Mag Mathgamma). Toirdelbach, son of O'Neill, namely, son of Conn, son of Henry, son of Eogan, came to the aid of the descendants of Redmond, and those two forces met each other at the mouth of Ath-in-coileir, beside Muinechan, and they fought each other splendidly there. And Toirdelbach was grievously wounded at that Ford and went in despite from that to the castle of Muinechan and died before the end of a novena. And it used to be commonly said that at that time that there was not a man of his years of Ireland that was better than that Toirdelbach."⁶⁰

The year 1503 was an important one for the Great Earl. About the end of April,⁶¹ being sent for by the King, he left Dublin and went to England. Before his departure he left Walter Fitzsimons, Archbishop of Dublin, the Chancellor, to act in his stead. "The principal causes of his Journey were," says Ware,⁶² "as well to give an account of his Office as to receive His Majesties Commands in certain affairs of great consequence."⁶³ "After he had tarried three months at the English Court, having done what he came for according to his heart's desire, he was sent back to Ireland as Deputy for the King with great Honour and new Instructions." "He arrived," continues Ware, "at Dublin in August⁶⁴ with his eldest son Gerald and Elizabeth, his Wife, the Lord Zouch of Codners Daughter, being joyfully entertained by the Common people." The Annals of Ulster⁶⁵ state that "his son . . . was eight years in London in pledge of constancy." Young

⁵⁹ MacMahon.

⁶⁰ *Annals of Ulster*, vol. iii., pp. 455-7.

⁶¹ *Ib.* vol. iii., p. 465, say that "he went on ship the Sunday [April 30th] before May Day in the town of Ath-Cliath" (Dublin).

⁶² Ware, p. 45.

⁶³ Ware does not say what these affairs were, nor do we know what were the "new Instructions."

⁶⁴ "At the end of a week of Harvest." *Annals of Ulster*, vol. iii., p. 465.

⁶⁵ *Ibid.*

Gerald had been well treated in London. In 1502 he, then aged 15, had played the principal part⁶⁶ in the funeral ceremony of the King's eldest son, Arthur, in Worcester Cathedral, and two patents⁶⁷ are extant by which he was given gifts of sumptuous apparel. His wife, to whom he was married at the age of 16, shortly before he returned to Ireland, was Elizabeth, daughter of Sir John Zouche of Codnor. She was a cousin of Henry VII., and she is described as "a woman of rare probity of mind, and every way commendable."⁶⁸

"Before the end of Autumn," writes Ware,⁶⁹ "the Earl of Kildare went for Ulster where he took and demolished the Castle of Belfast; he afterwards made his entrance into the Town of Knock Fergus, alias Carrick-Fergus, or Fergusius his Rock, constituting one Stanton as Governour and Constable of the Castle there." The Four Masters⁷⁰ describe this expedition rather more fully. They state that he made a hosting to Magh-line, a level territory lying principally in the barony of Upper Antrim;⁷¹ that he was "attended by the English and Irish of Leinster," that he then went to Carrick-fergus; that he demolished the Castle of Belfast; and that he "made the son of Sandal⁷² Constable of Carrickfergus."

In this year David Creagh, the Archbishop of Cashel, died. He was the man who had brought the fruitless accusations against Kildare in 1496. Ware describes him as being crest-fallen at his lack of success. From Ware's wording one might almost think that it was because of a broken heart that the Archbishop "exchanged Life for Death."

In this year, influenced perhaps by the return of his son with his newly married wife, the Great Earl instructed Philip Flattisbury to draw up what is now known as "the Red Book," one of the most valuable records of the House of Kildare. It still exists in good preservation, and is now at

⁶⁶ Gilbert, p. 467.

⁶⁷ Printed in *Earls of K.*, pp. 80-81.

⁶⁸ *Ibid.*

⁶⁹ Ware, p. 45.

⁷⁰ *F.M.*, p. 1271

⁷¹ In the county of Antrim.

⁷² An editorial note says that this family gave its name to Mount Sandal near Coleraine.

Carton among the archives of the Great Earl's descendants, the Dukes of Leinster. It is a small vellum folio, partly in Latin, partly in English, and on its first page is the following entry:—"Memorandum that this boke was begon in the yere of Our Lord God M.CCCCC.III., or this in leynth,—a thousand fyve hundred and thre, by the right noble Lorde Gerald Fitz Thomas, Erle of Kildare, as hereafter the contents of the same more pleyne doth apper, whiche was copied out of his evidences." It contains copies of inquisitions, grants and so forth, affecting the family. Unfortunately none of its contents deal directly with the Great Earl, except some unimportant deeds relating to a feoffment of Pollardiston and some other lands made to him by William Wellesly de la Dengyn in 1497. Some entries were added after the Great Earl's death, but the book is in the main composed of transcripts of the deeds of the Great Earl's predecessors. More information about the Great Earl than is deducible from his own book can be obtained from his son's Rental.⁷³

The year 1504 started well for the Great Earl. On the 18th February, Henry Duke of York was created Prince of Wales, Ten days afterwards Gerald, the Great Earl's son, was made Treasurer of Ireland and "took the Oath the same day at Dublin, in the presence of the Deputy and the King's Council, well and faithfullly to discharge that place."⁷⁴ He was soon afterwards to distinguish himself for his bravery, if not for his prudence, at the battle of Knocktoe.

The battle of Knocktoe was fought on the 19th August, 1504, eight miles from Galway. Although it seems to have had very little connection with England, Henry VII. rewarded the victor by making him a Knight of the Garter. It was a victory won by Kildare and the men of the Pale allied with O'Donnell "and the forces of almost all Leath Chuinn," and having with them the Mayo Burke, over Clanrickard, O'Brien and the forces of Munster. It was, therefore, in a sense the traditional fight between Leath Chuinn and Leath Mogha. But that old Irish conflict between the northern half and the southern half, had become a conflict between the "English

⁷³ For a further account of these manuscripts, see Appendix 10.

⁷⁴ Ware, p. 45.

and Irish" of the north, and the "English and Irish" of the south. The annalists⁷⁵ say that no battle equal to it was fought in the latter times. Its peculiarity lay in the size and variety of the forces involved. The feuds and alliances of which it was the expression were constantly manifesting themselves in warfare, but these manifestations were usually local. It is very rare in Irish history that forces drawn from widely separated regions are seen uniting together to form a large army. That such disparate elements as Aedh Rua O'Donnell and Lord Gormanstown, or the Tanist of Kinel Owen and the Mayor of Dublin, should have co-operated together under his banner is striking testimony to the unifying influence of Kildare. Indeed the battle is far the best example of the nature and ramifications of Kildare's power.

The events which led up to the battle are uncertain. Kildare's chief antagonist was his own son-in-law, Ulick de Burgh. "Mac William"⁷⁶ Uachtar," the Upper Burke, Lord of Clanrickard. "Some do not stick to report (how true I know not)," writes Ware,⁷⁷ "that all this business took its first rise from a private Grudge between Kildare and Ulick which at last broke out into that open War." Kildare had married his daughter Eustacia⁷⁸ to Ulick,⁷⁹ and it appears that she was not well treated. "The Eirrl married another doghter of his to a great man in Connoght, which was not so ussyd as the Eyrle could be pleased with and sayd he wold be revengid apon this Irisshe man, who stod at a deffyens with the Eyrle and all his partakers."⁸⁰ Ulick had supported Sir James of Ormond. He was himself the son of Slaine daughter of O'Brien;⁸¹ and he had had for his first wife Slaine the

⁷⁵ *Annals of Ulster*, vol. iii., p. 469. *Annals of Loch Cé*, p. 203.

⁷⁶ The Upper Mac William so called because both he and the Lower Mac William (Mac William Iochtar) were descended from William Liath de Burgo, captured and carried off by the Scots at Connor in 1315.

⁷⁷ Ware, p. 48.

⁷⁸ Gilbert, p. 467.

⁷⁹ He succeeded his father in 1485. *Annals of Ulster*, vol. iii., p. 291.

⁸⁰ *Bk. of H.*, p. 181.

⁸¹ Her death in the year 1481 is recorded in *Annals of Ulster*, vol. iii., p. 277. A note says she was daughter of Conor, king of Thomond, who died in 1496. He was brother of his successor Torlogh (*ib.* p. 405).

daughter of MacNamara, one of O'Brien's chief followers. She had died in the spring of 1498.⁸² The position of Eustacia as a stepmother in a household full of O'Brien connections must have been very difficult. In March, 1498, Kildare in his letter to Thomas, Earl of Ormond, described Torlogh,⁸³ who had just become the O'Brien, as "the most maliciously disposed of anny that ever I herd speke of."

One of the immediate causes of the battle seems to have been an attack by Clanrickard on O'Kelly.⁸⁴ The Four Masters⁸⁵ under the year 1504 record that "three castles belonging to O'Kelly, viz., Garb-dhoire,⁸⁶ Muine-an-mheadha⁸⁷ and Gallach,⁸⁸ were demolished by Mac William Burke, (i.e., Ulick the Third). O'Kelly, i.e., Melaghlin, went to the Lord Justice to complain of the injury done him, the result of which was the defeat of Cnoc-Tuagh." In the previous year the Four Masters⁸⁹ record that "Mac William of Clanrickard gave a very great overthrow to O'Kelly and to a party of the people of Conmaicne-Cuile,⁹⁰ the latter being a party of Clanrickard's own kinsmen of the rival branch of Mac William Iochtar, the Lower or Mayo Burke. These two branches of the Burkes dated from 1333 when the young Earl of Ulster was murdered. They were as independent and as likely to be opposed as O'Neill of Tir Eoghan and the Clannaboy (or Clann Aedha buidhe) O'Neill. In 1402⁹¹ the Mayo Burke had recognised the seniority of the Clanrickard or Galway Burke, but since then they had frequently been at war with each other. It is likely that it was the death of Theobald, "the head of the humanity and hospitality of the English of Connaught,"⁹² lord of Conmaicne-Cuile-Toledh,

⁸² *Annals of Ulster*, vol. iii., p. 429; *F.M.*, p. 1247.

⁸³ See note above on Slaine O'Brien.

⁸⁴ In the year 1487 two O'Kellys were made against each other in Ui Maine.

⁸⁵ *F.M.*, p. 1275.

⁸⁶ *F.M.*, "Rough oak wood"; Garbally, townland in parish of Moylough, barony of Tiaquin, county of Galway.

⁸⁷ *F.F.*, "The shrubbery of the mead"; now Monivea, in barony of Tiaquin.

⁸⁸ Gallagh, or Castle Blakeney, in barony of Killian.

⁸⁹ *F.F.*, p. 1269.

⁹⁰ In county of Mayo.

⁹¹ *Annals of Ulster*, vol. iii., p. 49.

⁹² *F.M.*, p. 1269.

who died at an advanced age in the year 1503, that induced Clanrickard to choose this time for his attack.

Ware⁹³ says that "about this time Ulick Bourk Lord of Clanriccard, commonly called Mac William, and others of the same family, made a league with Tirlagh O Brian Lord of Thomond, Michael Malrony O Carroll and others of the prime men of Leigh-mor; which in time past was called the South middle part of Ireland." He adds "of their particular drifts and intentions I can give no certain account," but says that the Earl of Kildare "being advertised of their councils, he mustered up his forces, and about the beginning of August advanced his colours against them."

It appears⁹⁴ that, despite the English charter which prohibited his entrance without the permission of the municipality, Clanrickard took possession of Galway town.⁹⁵ This enabled Kildare to act against him as the Kings' representative. In consequence he had with him nearly all the chief men of the Pale:—Viscount Gormanstown, Lords Slane, Delvin, Howth, Killen,⁹⁶ Trimlestown, Dunsany, "Nangall Barone of the Navan,"⁹⁷ "Great Darsey,"⁹⁸ John Blake the Mayor of Dublin with an armed band, and a further armed band of townsmen from Drogheda.⁹⁹

The men from the Pale formed only a small part of the Great Earl's army. What is really impressive is the list of forces which he obtained from the rest of Ireland. They are given at length in the *Annals of the Four Masters*.¹⁰⁰ "He was joined, firstly by the chieftains of Leath-Chuinn, namely O'Donnell, i.e., Hugh Roe, and his son; then by the principal chieftains of Kinel-Connell, and a party of the Connacians,

⁹³ Ware, p. 47.

⁹⁴ Gilbert, pp. 467-9.

⁹⁵ Whether this had anything to do with Clanrickard's alliance with O'Brien is not stated. The account in Ware implies, on what authority is unknown, that Clanrickard's army was mustered before Kildare's.

⁹⁶ He is wrongly given as "Kilkenny" in the 1705 edition of Ware (p. 47). The original is "Killenius," 1658 edit., p. 81.

⁹⁷ *Bk. of H.*, p. 185.

⁹⁸ He was the man who had carried Simnel in his arms after his coronation.

⁹⁹ Ware, p. 47.

¹⁰⁰ *F.M.*, p. 1277.

namely O'Connor Roe. i.e., Hugh, the son of Felim Finn; and MacDermot, Lord of Moylurg. There came also in the same muster [all] the chiefs of Ulster except O'Neill, namely Art¹⁰¹ the son of Hugh O'Neill, Tanist of Kinel-Owen; Donnell the son of Magennis; MacMahon, and O'Hanlon; also O'Reilly, and O'Farrell, i.e., the Bishop; O'Connor Faley; the O'Kellys; the Clann William Burke,¹⁰² and the forces of almost all Leath Chuinn." The annalists state that these numerous forces marched without stopping till they arrived in Clanrickard, and that "Mac William of Clanrickard mustered a great army to give them battle, namely Turlough, the son of Tiege O'Brien, Lord of Thomond, and his kinsmen, with their forces, the Sil-Aedha [i.e., the race of Aedh or Hugh; one of the tribe names of the MacNamaras of Thomond] and Mulronee O'Carroll, Lord of Ely, with all clans and chieftains, joined by the chieftains of Ormond and Ara." [An editorial note says that these last were the Mac-I-Briens of Ara and the O'Kennedys of Ormond.]

No recent incidents such as the taking of O'Kelly's castle could adequately explain the gathering of such armies. The battle of Knocktoe was the "explosion of feuds which had gone on for half a century among the Western lords."¹⁰³ Ireland at this time was sub-divided by hereditary feuds and by their concomitants, hereditary alliances. Underneath all the welter of conflicting alliances these remained unchanged. In 1467 O'Kelly and the sons of William Burke were defeated at Crossmacrin by the Clanrickard Bourke and the O'Briens. O'Donnell, Hugh Roe (or Aedh the Red) "went to Connaught to take revenge for this defeat, for Mac William and O'Kelly were his friends and confederates. They forced the Clanrickards to make peace and then returned home in safety."¹⁰⁴ In 1488 Felim Finn O'Connor (O'Connor Roe) was inaugurated by O'Donnell, Mac William Iochtar, and MacDermot.¹⁰⁵ The enmities and friendships of 1504 were in

¹⁰¹ Curtis (p. 407) appears to have confused this Art with Art son of Conn, Kildare's nephew.

¹⁰² Mac William Iochtar, the Mayo Burke.

¹⁰³ Curtis, p. 408.

¹⁰⁴ *F.M.*, p. 1049.

¹⁰⁵ *Ibid.* p. 1161.

direct lineal descent from these enmities and friendships. Matters were complicated of course by rival O'Connors, rival MacDermots, and rival O'Kellys. Clanrickard would support whatever branch Mac William Iochtar and O'Donnell did not support. But the battle of Knocktoe was not confined to the western lords. It had been brought about by a marshalling of the feuds and friendships which existed all over Ireland. No one has written a history of these feuds and friendships. Some were of great antiquity. They were closely connected with the system of tributes and stipends which was an integral part of the existing social order. These tributes and the derbfine system of succession caused the wars of which the annals of Irish history are full. Without a knowledge of their causes these wars must remain meaningless. It would be, however, impossible to give an understandable account of these institutions in the sixteenth century without tracing their development through the preceding centuries. Such a task is obviously outside the scope of this book. All that can be done is to point out that Kildare had a thorough knowledge of these institutions; that his policy was based upon them; and that until their history is written the true significance of a battle such as Knocktoe cannot be known.¹⁰⁶

The extent of Kildare's forces at Knocktoe is the measure of his power. He had men from nearly every part of Ireland. At this time the Pale did not even extend as far as the present limits of the four counties (Dublin, Meath, Kildare and Louth). A document of 1538 says¹⁰⁷ that "it passeth not much xx^{tie} myles in length and bredth, that is from Dublin to Drogheda and from thence to Trym." The counties were, however, represented as fully as possible. Kildare had even the town bands from Dublin and Drogheda. In addition Kildare had the forces of O'Donnell from Donegal and from a wide stretch of surrounding territory, for the annals which record O'Donnell's death in the following year say that his lordship extended from the Curlew mountains to Donegal Bay,

¹⁰⁶ An account of the "derbfine" system of inheritance is given in Professor Hogan's "Irish Law of Kingship." *P.R.I.A.*, vol. xl., Section C., No. 3.

¹⁰⁷ Cowley's "Account of the State of Ireland," *Earls of K.*, 2nd *Add.*, pp. 42-48.

and that he had the rent of Inishowen and the military service of Cenel Moen. O'Neill himself was not present. This may have been because he had imprisoned the Great Earl's nephew, Torlogh, in 1500, but Torlogh was now dead, and as the Tanist of Cenel Eoghan, Art the son of Aedh (Hugh) is recorded as being present with "all the chiefs of Ulster except O'Neill," it is more likely that he was detained by the "treacherous attack which was made on him this year by his own people, namely by Tadhg Ua hOgain,"¹⁰⁸ whereby he lost his castle. Between O'Donnell and O'Neill a territory equivalent to nearly all the northern counties of Ireland was represented. Donal, the son of Magennis, came from the county Down; MacMahon was there from Monaghan; O'Hanlon from between Armagh and Down; O'Reilly from Cavan; O'Farrell from Longford; O'Connor Faley from that territory on the borders of Kildare once known as King's County, now rechristened Offaly;¹⁰⁹ O'Kelly from the district between Ballinasloe and Roscommon; O'Connor Roe and MacDermot from the region between Roscommon and Sligo. In addition to these it is likely that Kildare had with him the men of Leinster, since "many of the Gael of Leinster" had been with him on his northern expeditions, whilst MacMurrough, "Rex Lagenie"¹¹⁰ who died in 1512, owed the Earl 4d. per annum on every head of cattle on certain townlands; and similar payments were made by O'More in Leix and Macgeoghegan in Westmeath. He had also with him an important branch of the De Burgos themselves, namely, the Lower Burke of Mayo, Mac William Iochtar.

A long account of the battle of Knocktoe from the point of view of an inhabitant of the Pale is given in the Book of Howth by a panegyrist of the family of St. Laurence. The account is legendary, but it would be worth quoting if only as an example of a romance created by Palesmen from the historical facts; and it may well enshrine a true account of the

¹⁰⁸ *Annals of Ulster*, vol. iii., p. 471.

¹⁰⁹ Offaly and Ui Failghe, the territory of O'Connor Faly, are not co-terminous.

¹¹⁰ Dowling, quoted by Curtis, p. 411.

battle formation, which is not available elsewhere.¹¹¹ The chronicler starts by relating how Kildare sent to all Irish lords that then were his friends, such as O'Neill, O'Reilly and O'Connor Faley, and gathered all the power of the English Pale "for the Eyrle understode that all the Eyrlys in Ierland wer devidit between him and his adversareys." He relates that Kildare, knowing that he had a formidable foe to face, "made the better provicion of all things" and enrolled the "best men in all the Englishe pale both speyrytuall and temporall." He then gives a long account of a council held twenty miles from Knocktoe.

"And being at 20 miles ofte of Chocketwo [Kildare] called the nobull men to counsall, amonge all were sertayne Bisshopes and men of lawe. When ONeyll sawe them he sayd My Lord of Kildare cummaunde the Bisshopes to go home and praye, for Bisshopes counsayles oght not to be taken in matters of were from them, for their profession is to prey and to make fayre wether, and not to be prevy to manslaghter nor blodshedinge, but in preching and teching the worde of God; and I assure you hit is a presumer for any proude prelate to cum whereas such matters ys to be done, for it is contrary to his relygion."¹¹² And so O'Conore asked the Eyrle what he wolde does with the Judges and men of lawe in his company: We have no matters of pledinge, no matters of

¹¹¹ The original of the *Book of Howth* is in the Lambeth Library. I have ordinarily quoted from the edition by Brewer and Bullen, but here I quote from the transcript in the 2nd *Addenda of the Earls of Kildare*, pp. 33-41. Some differences between this transcript and Brewer and Bullen are shewn by footnotes. The account in Brewer and Bullen is in modernised spelling.

¹¹² This jibe may well have been directed against O'Farrell, the Bishop of Ardagh. Although a bishop he had become the O'Farrell in the year 1496. He was now amongst Kildare's supporters. Under the year 1496 the *Annals of Ulster* have the following:—"Ua Ferghail, namely, Rughruidhe, son of Cathal, died this year.—Rughruidhe, son of Irial Ua Ferghail, namely, the other joint-chief of the Anghaile, was taken by the bishop of the Anghaile, namely, by William, son of Donchadh, son of William Ua Ferghail and the bishop himself was proclaimed Ua Ferghail the same year. Cetach, son of Thomas, son of Cathal, son of Thomas Ua Ferghail, was proclaimed another Ua Ferghail after that." *Annals of Ulster*, vol. iii., p. 403. The brother of Rury son of Irial had been taken by Rury, son of Cathal, in 1486 "and given to the Earl, that is, to Gerald, son of Earl Thomas, namely Earl of Kildare." *ib.* p. 307. See also p. 331 and p. 381. The bishop died in 1516.

arguments, no matters to debatt nor to be discussed by pen and yngke, but by the bowe, spere and sword and the valyent harts of gentyllmen and men of were, by their fersse and lusty doyings and not by the sepellsory and weycke and dubtfull stomackes of larned men; for I never saw thos that was larned ever give good counsall in matters of were, for they were alwayes doubtinge, strayinge and perswadinge more in fryvyllus and unsertayne words, more than Ector or Lancelot ys doinges. Away with them, they are over bold to press amongs this cumpany, for our matter is to be discussyd by valyent and stoute stomackes of prudent and wyse men of were, practeyssed in this same faculte, and not matters of lawe nor matters of relygion. The Barone of Delven sayd his lerning was not such that with a glorius tale he could utter his stomache. But I promyse to God and the Prince, I shall be the fyrst that shall throwe the fyrst spere amonges the Irish in this battayll. Say now on whos wyll for I have done. The Lord of Gormanstoune says that hit was good to be advysed what is to be done, for after a good avisement ther shall cum a good ende. For a hasty man never lacked woe. Let us understand the matter er we take thos weyghty matter in hande. For many perells may fall unlesse we take the better heed therof; Let usse understand the quarell agayne and debatt the matter whether we shal prosede or no or we begenne; and lett the Kinge be prevy to this wighty and unsertayne enterprice, for we may put the hole realme in hassad if we sped not well; for I understand that they are many agayns usse; and this ys so myche as I at this time mene to saye. This counsayll was at thre of the clocke afternone befor the day of battayll, the[n] within a few myles from the felde apoynted.¹¹³ Sir Nicholas, Lord of Houthes, said the saynges of O'Neyll and O'Conore ys not to be disalowyd; let it be as they have sayd; and my Lord of Gormanstoune ys opinione ys good so hit had ben spocke befor our cumyng to the felde; and for that her is my opynyon seinge the tyme ys short. For at this time apeyrd upon a hill two myells from the Englishe kampe

¹¹³ Earlier the chronicler said the Council was held at 20 miles from Knocktoe.

abowe two hundrit horssmen, whereunto Gerot the Eyrle ys sone wold haw bene at them and asked of the Counsayll to goe to them, but the Lords of the Counsayll sayd that none should goe till they had gone all, and so stayed this lusty and stalworth gentleman; of which yonge Gerot was very sory as tho he should never have his fyll in fyghtinge. Well, sayd the Lord of Houth to answere the Lord of Gormanstoune, this matter was determyned befor we came hether deliberately by the Consayll, and yf it were not, the tyme ys not now to argue the cause, and our enemys being in syghte. And, for the displesure of our Prince, yf we wine this battayll as I ame suryd we shall, tho the Kinge frounes a lytell with his contenans, his hart will rejoysse and amyt he will be offended upon loussinge this felde. He that shall lyve let him bere the blame or bordone. And as for my parte I ame assuride to wine this battayll or to losse my lyffe and then all the world ys gone with me 'Vayll que vayll pourra' &c.; for I will be afotte in the woward that day mysylf. But to the matter; let ousse send awaye our sonnes and heyers to revenge our quorell, yf ned so require, and prescribe our battaylls in perfytt order this nyght, that every mane shall know tomorrowe his charge, for hit ys not when we shall goe to fyght that we should trobull ousse with discussinge that matter. Well, sayd the Eyrll, my dere cussen, you bathe well spocke, be it as you hath sayde. No, sayd yonge Gerott the Eirll ys sonne, be Godys blood I will not goe home and lewe so many of my frends in battayll, for I mene to lyve and dey amonges you all. Well, sayd the Lord of Houth, boy thous speckest naturall, for ever thy kind ys suche and thy fyrst generacion and fyrst cumynge into Ireland, for thou art to be borne with all, thou worthey gentelman and lyone is harte. The lords of Kyllen and Tremlestone thoght the number of Irishmen very great, as they were credible informed by sertayne sype-ells, wich broght the word and that the number of Yenglings¹¹⁴ seyde were not the sext mane to a mane, and sayd in playne termes that a good gyvinge backe

¹¹⁴ *Bk. of H.* (p. 183) has "Younglings" and a note says that 'seyd' (side) has been interlined, whilst the latter part of the sentence reads "and in further time better provision might be made to serve such a turn."

were better then a evell standinge, and in fourder tyme better provission moght be made to save such a towne. Hit ys well spocke, says the Barone of Slayne and the Lord of Donesany. O good God, sayd the Lord of Houth, be our blessed Lady that bleste in the north church of Houth, you soure moght spocke thes words in somme other ground then this ys, and our enemys now beinge in syght and the neyght at hande."

This finishes the account of the Council proper. It is supposed to have been summoned twenty miles from Knocktoe, and yet it is still meeting when the enemy are in sight, and Kildare's army has arrived "within a few myles from the felde appoynted." Either the chronicler has made a mistake or else the Council must have been held as the army was proceeding to the battlefield.

The result of the council is next given:—"Well, sayd the Eyrll, kall to me the Captayn of the Galeglas, for he and his shall begine this game for it ys lesse forsse of ther lostys then it is of our yonge men."¹¹⁵ I am glad, sayde the Capten, you can do me no more honor be Gods blode, and took his axe in his hand and begane to floryshe. No, sayd the Lord of Houth, I will be the beginer of this daunce and my kingsmen and frends, for we will not hassard our English good upon the Irish blode how be hit, it ys well spocke by the Captayne of the Galloglas; noe they shall not be mexed amonge ousse."¹¹⁶ Then all things was according to the matter prepayrd; the

¹¹⁵ The part about the gallowglass shows the substantial accuracy of the account, for it was the gallowglass who bore the brunt of the battle. The policy of allowing the gallowglass to "begine this game for it ys lesse forsse of ther lostys then it is of our yonge men," must have had some foundation in fact if there was any truth at all behind the "almost incredible" statement which Ware (p. 47) mentions that he saw in the White Book of the Exchequer in Dublin "that in the same bloody Battel there was not one English man hurt." Ware does not himself appear to credit this statement. He in any case takes it as referring only to the "English" who fought on the Earl of Kildare's side. He states that the book from which he had transcribed it was burnt by chance in the year 1610.

¹¹⁶ The passage put into the mouth of the Baron of Howth seems contradictory. He did not start the battle. According to the chronicler "the Barone of Delven a lytill before the yoininge of the battayll toke his horse with the spores and thrawe a smale spere amonges the Irishe and slew by chaunce one of the Bourkes and torned. The Eyre sayd to hym that he kept promes well and well dyd and stallworthely, saving that after this throw he retyred backe."

bowmen put into two weyings wiche the Lords of Gormans-toune and Kyllen had the charge beinge good men that daye; the billmen in the mayne battayll, wich the Lord of Houth was leder and in the woward himself; the Galloglas and the Irishe in another quarter; the horsmen on the leyfte seyde the battayell, under the geysdance of the worthy Barone of Delven, by reysone ther was a lyttell wall of two foot heyght of the other syde the battayll, which wold soumwhat hav troubled the horsmen. After all things put in order they went to supper and after to ther loging to rest the resydu of the night; the ground was apoynted and all such things as was necessary for suche a porpos."¹¹⁷

The chronicler of the Book of Howth next interposes a story showing the bravery of the Lord of Howth. "At mydnight a horsman cam from the Irishe campe to the Eirll [of Kildare] and willed him to gett him away and save his lyffe and sayd it was but folly to fyght, for this man was afore this tyme a horssboy with the Eirll and gave him fyrst horssis. The Eirll came incontynent to the Lord of Houth, beinge in a sound slepe to tell hit him, and a longe wheyll he was er he could wake him, for he called apou him divers tymes, which the Eyrle mervalyd, for he could not avacke him by his voys, he slept so sade and at lynth avoke by sterynge of him and blamed him, who answered that all things was befor determyned in his mynd and so nothings else in his meynd to trouble him, but slepe. But hit muste be ours or thers, sayd the Lorde of Houthe, therefore my mynd ys satelyd; but befor this I could not rest well etc.: Well, sayd the Eyrle, here ys the bisnys; this man ys cum to me as a trusty frend—and so old the holde matter as he tolde the Eyrle before. Well, sayd the Lord of Houth, suffer him to passe and I praye you tell this tale to no more, for it wolde soner doe harme then good."

Next comes the description of the battle itself:—"And with that he arosse and incontynent after the daye aperyd and so they went and prepared themselves in good order of

¹¹⁷ As the Gaelic annals do not record the disposition of the forces, the indications of the military formation given above are all the more valuable.

battayll and did apoynt youge Gerot, a valient yonge gentilman, with a chose company for releffe serving, [fearing] so great a number of enemys wold inclose them about, being fere lesse in number then they. The Irishe, as O'Kelly,¹¹⁸ McWilliam, OBrens and the reste, all that nyght was wackkinge, drinkeinge and playinge at cards, whoe should haw this prisoner and that prisoner, and this they passed the night over, and at morowe they preparid to battayll in such order as ther custome was; they sett forward their galeglass and fott men in one mayne battayll, and all ther horsmen on ther lyfte syde, and so came one. The Eyrle of Kyldare, after his battayll sett, willed that they should stand within that littel walls of two foot hey, that was mad abore by thosse that dwelled ther for sagart of ther coves,¹¹⁹ and rode apon a blacke horsse and made this oracion: My frends and kinsmen, I say to you that here ys ageyns ouse great number of pepell without wepons, for a great number of them hath but one spere and knyffe, without wysdame or good order, they march to battayll as dronken as swine to a troghe, which make them more rashe and folishe than wysse and walyent; remember all that we hawe dothe reste apon this day yssuis and also the honour of our prince; and remember howe we are in a contrey unknowe to the most number of ousse, and fare frome our touns and castles. The Eyrle did not well fenysse thos wordes when they hard thre great cries's that distorbt his oracone. A company of stallworthey gentillmen beinge in the fore front of the Englishe battayll amonges all was Holywod of Tartaine, which seldome hard the lyke. What meneth this crye, said he, doe they think that we are crowes that we will fle with creyinge, and sware by the holy saint Nicolas that blisse in Tertayne that they shall fine usse men or we depart. With that the Irishe galeglas came on, to whome the Englishe archers send them such a showre of arrowes that ther wepons and ther hands were put faste together. MackSweine, Captaine of the Irishe galeglas, came foremost and asked wher was Great Darsy. Darsey

¹¹⁸ This must have been a rival to the O'Kelly fighting on the Great Earl's side.

¹¹⁹ "Sa[fe]guard." *ibid*; "Cornes," *ib*.

answered that he was at hand which he should well understand. With that MackSweine stracke Darsey such a blow upon the helmet that he put Darsey upon his knees. With that Nangell Barone of the Navan, being a lusty gentyllman that daye, gaw MackSweine suche payment that he was satisfyed ever after. They fought teryble and bold. A wheyll the Irish fled. Amonges whom ther came a horseman ronnyng anonges the Englishe and asked who had the Eyrle of Kildare and the rest of the Lords of the English pale prisoners. With that wone S. Kynyvers, a soldere out of Dublinge, stracke him with a gone with bothe his hands and so bett owt his braynes. The yonge Gerot this tyme being left for releffe, seeing the battayle joining, could not stand still to wayt his tyme as he was apoynted by the Eyrle his father, but set on with the formyste in suche fors that no man alyve coule doe better with his onne hands then he did that daye for manhood of a man, but, by reysone of his lustynes not taryng in the place apoynted, all the Englishe cariag was taken away by the Irishe horssmen and a fewe of the English gentellmen taken prisoners that was one that seyde the battayll."

The *Annals of Ulster*¹²⁰ give a spirited account of the battle in the traditional style: "And they met each other in Clann-Riciard, on Cnoc-tuagh, and a spirited battle is fought between them, to which was not found the like in the latter time. So that heard afar from those bands were the batting of the battle-heroes and feats of the champions and rush of the royal-heirs, and thunder of the troops and bruit of the bands in being imperilled; the courage and impetuosity of the youths and of the striplings and the enthusiasm of the brave men in their falling, and the prevailing of the nobles over the lowly. Howbeit, the battle is gained on Mac William and on Ua Briain and slaughter is inflicted on them. And the place wherein were nine battalions of gallowglasses in compact array of battle, there escaped not alive of them but one thin battalion alone. And it was impossible to put an estimate on the (slain) horsemen, or on the footmen there, so that the field became uneven from those heaps of slaughter, with

¹²⁰ *Annals of Ulster*, pp. 469-71.

the multitude of spears and of swords and of battle-shields and of corpses cross-thrown, confused, and of slain youths stretched stark-dead and of gillies beardless, loathsome, unsightly. So that slaughter of the Momonians was inflicted in that great conflict. And there fell many multitudes of the forces of the Earl on the other side."

The battle was fought on the 19th August within a few miles of the town of Galway. It was fought on the hill of Knocktoe near Claregalway. The hill is not high, but as it stands in very level land it commands a wide stretch of the surrounding country. The Book of Howth says that "the hill is not hey, but a great playne."¹³⁷ The armies must have been fairly equal, for Ware states that "the fight was sharply continued for some hours with equal loss on both sides; but at last the victory fell on Kildare's side." According to the Book of Howth "the grettest of the Irishe was Richard Bourke, father to Eyll Locke; ne Keyne McWilliam Eytragh, that is also of the Bourke this tyme was with the Eyrle; the O'Briens was with McWilliam." The forces of MacWilliam Uachtar's side are not given in much detail by any of the authorities. In addition to the troops of Clanrickard himself, of O'Brien, of MacNamara, of Mac-I-Brien of Ara, of O'Kennedy of Ormond, and of O'Carroll of Ely, mentioned by the Four Masters, which by themselves would not have been able to cope with an army as big as the Great Earl's, it seems extremely probable that Clanrickard was reinforced by rival factions to the allies of Kildare.

Ware says that "in the battel and chase on Ulick Bourks side there fell about two thousand men," and considers that the Book of Howth's estimate of nine thousand is without doubt a mistake.

The Book of Howth reads as follows: "When the battayll was done and a great number of Irishe slayn as it was reported IX thousande, the Lord of Gormanstoun sayd to the Eyrle, We haw done one good worke and yf we doe the other we shall doe well. Being asked what he ment, sayd he, We hathe for the moste number kyllled our enemys and yf we doe the

lyke with all the Irishmen that we haw with ousse it were a good deade." The Great Earl's reply is not recorded.

The Four Masters record that "when the Justice had effected that overthrow, he advised with O'Donnell to go immediately to Galway." But he acted on O'Donnell's advice to stop for the night on the battlefield in order that the followers who had been separated from them might return "when they shall recognise our banners and our flags." Accordingly "the Justice and O'Donnell marched next day to Galway, and Mac William's two sons and his daughter in the Justice's hands; and they stopped a night in the town together in mirth and hilarity." "They then went to Athenry and the town was placed at their disposal. O'Donnell and the other nobles then took leave of the Justice, and each party of them returned to their homes."¹²¹ According to the Book of Howth "the Eyrl bestowed xxx tonne of wine amonges the army."¹²² The Annals of Ulster say that the Earl returned to his house "with triumph of overthrow," and they say that he had with him "four of the children of Mac William, namely two sons and two daughters." Ware implies that the two sons were taken prisoners on the field of Knocktoe, and says that Ulick himself escaped by flight.

Soon afterwards the Earl sent the Archbishop of Dublin to give the King an account of the battle and of other public affairs. The King did not even "froune a lytell with his countenans." On the contrary he was so pleased with the Earl's success that he made him a Knight of the Garter. Some credit for this should be given to the Archbishop. Ware¹²³ says that he took ship at Howth on the 20th September and that "having a fair gale of Wind" he arrived in England next day, and a few days afterwards reached the court where he conducted himself "so discreetly and with such prudence" that "the King made a very great account of him, and not long afterwards sent him into his own Country with Letters of Thanks testifying his Good will." In the

¹²¹ O'Curry's translation, Ger. Coll.

¹²² Ware says that he distributed these after his return "among well deserving persons." *op. cit.* pp. 47-8.

¹²³ Ware, p. 48.

following year the Great Earl was formally installed as a Knight of the Garter. He did not himself visit England for his installation. He was installed at Windsor on May 4th, 1505, by his proxy:—"Therll of Kyldare was installed by Sir John Williams, knyght, hys Procurer at High Massetyme, whiche gave to the officers of Arms 5 marks and his gown to Garter (King-at-Arms)." ¹²⁴

Now, as Ware says, we come to "a time more peaceable indeed, yet not so memorable as the former with signal passages and divers occurrences." In 1505 Aedh Rua O'Donnell, the joint victor of Knocktoe, died. The Annals of Ulster give him a great obituary notice:—"O'Domnuill, namely, Aedh the Red, son of Niall the Rough, son of Toirdelbach O Domhnuill of the Wine, died this year. And there came not from Brian Borumha, or from Cathal Red-hand [ob. 1224], down a king, or lord, that was of better sway and rule and was of more power than that king. And it was he that preserved lordship from the Mountain down ¹²⁵ against the Connacians for the Conallians and [exacted] the rent of Inis-Eogain and the military service of Cenel-Moen from the O'Neill Clans. And it was by him was founded the monastery of Friar Minor of [Stricter] Observance in Tir-Conaill, namely, in Dun-na-Gall. So that it were fitting to name him the Augustus of the whole north-west of Europe. And he died after victory of Uction and penance, in the 78th year of his age and in the 44th year of his lordship, on Friday, the 5th of the Ides [11th] of July and in his own stronghold in Dun-na-nGall and was buried on Saturday in the monastery of Dun-na-Gall." He was succeeded by his son Aedh Óg with whom the O'Donnell-Kildare alliance was continued. In the same year the Great Earl lost one of his own daughters. This was apparently Elizabeth who had married Christopher Fleming, 13th lord of Slane.¹²⁶ The Annals of Ulster recording her death under this year describe her as "the daughter of the Earl of Kildare (that is, Earl Gerald), namely, wife

¹²⁴ *Earls of K.*, pp. 64-5, quoting Anstis, *Order of the Garter*.

¹²⁵ i.e., from the Curlew Mountains to the sea at Sligo.

¹²⁶ Burke: *Dormant and Extinct Peerages*, p. 217.

of the baron of Slane (that is, Sir William Walsh)."¹²⁷ They add that she died "of the plague." It must have been an unhealthy year, for the Annals say that there was continual wet weather which destroyed the crops of Ireland in great part and especially in Fermanagh.

✓ On the 1st November, 1506, the Great Earl made an offering to the cathedral of Christ Church of "two vestments of cloth of gold tissue." The Earl was now at the height of his fame. He was on good terms with the English, on good terms with the Irish, and in high favour with the King. His fame was not confined to these people. The Gherardini of Florence wrote to him, and in reply he sent them in May, 1507, the following letter¹²⁸:—

"To be given to all the family of the Gherardini, noble in fame and virtue, dwelling in Florence, our beloved brethren in Florence. Gerald, Earl of Kildare, Lord Deputy of the Kingdom of Ireland, sends greeting to all the family of Gherardini dwelling in Florence.

" Most grateful to us have been your letters to us, most illustrious men. From them we have learned to know the fervour of the fraternal love that you bear to your own blood. But in order to increase your joy still more, I will briefly inform you of the state of your relations in these parts. Know, then, that my predecessors and ancestors passed from France into England, and having remained there for some time, they, in the year 1140 [1170] arrived in this island of Ireland, and by their swords obtained great possessions, and achieved great feats of arms; and up to the present day have increased and multiplied into many branches and families, insomuch that I, by the grace of God, possess by hereditary right the earldom, and am Earl of Kildare, holding diverse castles and manors, and by the liberality of our Most

¹²⁷ The Walshes were never barons of Slane. Burke (*loc. cit.*) states that the marriage between Elizabeth and lord Slane was set aside. Perhaps she married Sir William Walsh afterwards. Lord Slane subsequently married an Englishwoman, Elizabeth Stukeley, and their son James, 14th lord of Slane married Alice the Great Earl's granddaughter (daughter of Gerald 9th Earl of Kildare). Ware, p. 82.

¹²⁸ It is given in Gilbert, p. 473,

Serene Lord the King of England, I am now his Deputy in the whole of Ireland, during the pleasure of his Majesty, an honour frequently obtained heretofore by my father and my predecessors. There is also a relation of ours in these parts called the Earl of Desmond, under whose lordship there are 100 miles, in length, of country. Our house has increased beyond measure, in a multitude of barons, knights, and noble persons, holding many possessions, and having under their command many persons. We are most desirous to know the deeds of our ancestors, so that if you have in your possession any history, we request you to communicate it to us. We wish to know the origin of our house, and their numbers, and the names of your ancestors; whether there are any of them settled in France, and who of our family inhabit the Roman territory. I also wish to know the transactions of the present time, for it gives me great joy always to hear news of our house. If there is anything that we can procure for you through our labour and industry, or anything that you have not got, such as hawks, falcons, horses, or dogs for the chase, I beg you will inform me of it, as I shall, in every possible way, endeavour to obey your wishes. God be with you, and do you love us in return.

“From our Castle of Castledermot, 27th day of May, 1507.

“GERALD,

“Chief in Ireland of the Family of the Geraldines,
Earl of Kildare, Lord Deputy of the Most Serene
King of England, in Ireland.”

No further event of any great importance took place in Ireland during the reign of Henry VII. In October, 1508, the Great Earl summoned a parliament at Dublin “by the King’s Assent,” in which a subsidy of 13s. 4d. on every 120 acres of profitable land was granted “as well by the Clergy as the Laiety.” “But of other Laws there established,” writes Ware, “there are none extant, besides those usual ones of confirming the Liberties and Privileges of the Church and Land of Ireland.” At the beginning of the year 1509 the Great Earl’s antagonist of Knocktoe, Ulick Burke, Lord of

Clanrickard, died, and was buried at Athenry in the abbey of the Friars Preachers.

"He was," says Ware,¹²⁹ "indeed a man of great account among his Relations, valiant in war, and good to advise with, although in this Battel he was surmounted by the chance of War." The Annals of Ulster describe him as "an eminent leader, a man of hospitality and prowess."

The death of Henry VII. did not disturb the Great Earl's final prosperity. On the news of the King's death, which caused the Deputyship to become vacant, the Great Earl immediately summoned the Council and in accordance with the royal wishes¹³⁰ the lords spiritual and temporal and Council of Ireland elected the Great Earl Lord Justice. Then the Earl with the Mayor, Aldermen, the Nobility, "and best of the City" passed through the principal streets proclaiming the accession of Henry VIII. "with the sound of trumpets, ringing of bells, and kindling of bonfires." On the 8th June, 1509, the "Lords Spirituall and Temporal and Consaill" wrote¹³¹ to the King informing him of the Earl's appointment. They state that "According the aunciente use of your said land in semblable cases, and by auctorite of sondry actes of parliament thereupon made and ordained," they have of their "hole assents elected the said Erle youre Justice and Governor here, whom we know moost condign and liable thereunto within this youre said land." The letter continues, "Wherfor, we in oure moost humble maner, beseche that regarding his habilitie and fidelite unto youre Grace to be as good and gracious Soveraine Lord youre ffader, not doubting he woll do unto youre Grace right diligent and acceptable service, God willing, who encrease the prosperite of youre moost roiall estate long to regne in felicite." The King, accordingly, continued the Great Earl as ruler of Ireland.

In the letter from the "Lords Spirituall and Temporal and Consaill" to the King they had stated that the Great Earl

¹²⁹ Ware, p. 47.

¹³⁰ Ware (p. 57) says that the King "by new Letters Patents" constituted him Lord Justice; intimated his father's decease, and his own succession; and confirmed the councillors, judges and other officers in their former places.

¹³¹ This letter is printed in *Earls of K.*, 1st Add., pp. 13-14.

upon notice of the late King's decease had "prepared him to have repaired unto youre noble presence" and that they had dissuaded him. They make the same excuses as had always been made "Albeit, we knowing the emynent daunger and peril wherein this youre saide land and youre treue subietes of the same shulde by his absentie have remained, by the gret malice of Irissmen which allwayes leth desirous and apte to subdue youre said subgietes ever waiting ther advauntage therefor in estaying ther cruell disposition we with mouche instaunce entreted and caused the saide Erle in maner contrary his will to abide in this your saide land . . . forsomouche as hit was requisite for the defence of this youre saide land to have a Governor to resiste the warre of the saide Irishmen." This pretence of a general and continuous war by the Irish against the English ought to have worn too thin by now to have had any effect on an English King. Knocktoe itself was enough to disprove it. The Four Masters record the Earl's activity in this year when he was supposed to be defending the King's "English lieges" from the "cruell disposition" of the King's "Irish enemies." He had gone on a hosting into Tyrone at the request of his nephews, the sons of Conn O'Neill, against the castle of Dungannon.

Earlier in the year (1509) Donal O'Neill, lord of Tir-Eogain, had died, and Art, son of Aedh, was made king in his place. This was no doubt a disappointment to the Great Earl's nephew, Art Oge, the son of Conn More and the Lady Eleanor, who did not become O'Neill until the death of Art son of Aedh in 1513. It was natural that a son of Conn should seek to be king, since "with the single exception of the reign of Domnall, 1404-1432, the kingship had descended directly from father to son as from Aedh (1344)¹³² until Conn's own death in 1493. In the preceding year Art son of Conn had made great raids on the Cenel-Feradhaigh who were supported by Eoghan the Red, son of Domnall. One of Art's captains was slain, but Art himself had "escaped by force" and had carried off his preys. In 1509 Art was "taken in

¹³² Hogan: "Irish Law of Kingship," *P.R.I.A.*, vol. xl., p. 230. At the end of this there are genealogical tables, which greatly clarify those intricate family disputes.

treachery by Art of the Castle, son of Niall, son of Art, son of Eogan O'Neill,"¹³³ one of the Omagh branch of the family. The Annals of Ulster say that he had gossiped seven times with him. He invited him to his Castle, seized him, and gave him into the custody of O'Donnell. It was no doubt as a result of this that the Great Earl took and broke down the Castle of Omagh. At this time the O'Neills of Omagh and the O'Neills of Dungannon must have been allied, for the first objective of the Earl's nephews was Dungannon. The Annals of Ulster¹³⁴ record the expedition thus: "A hosting by the Justiciary, namely, by the Earl of Kildare, into Tir-Eogain, at instigation of the sons of Conn O'Neill and the castle of Dun-Genainn, namely, the castle of O'Neill, was got by the sons of Conn Ua Neill before the Earl came around it and the Earl went from that under the castle of the Oghmagh and it was taken by him. And Toirdelbach, son of Niall, son of Art O'Neill, was taken there and Eogan Mac Suibhne the Red, the one that stretched hand to Art, son of Conn, to take him in the same castle, was taken then. And the castle was broken down by the Earl after that and the Earl returned [in triumph] to his house from that expedition." Brian the son of Conn O'Neill seems to have made a successful expedition on his own in this year. He attacked the sons of Henry Oge, slew Henry's son, and took a prey of 54 horses.

In the next year the Great Earl made an expedition which was a lesser repetition of Knocktoe, and this time he was unsuccessful. The Annals of Ulster¹³⁵ record it thus: "A host [was led] by Gerald, Earl of Kildare, namely, Justiciary of Ireland, into the province of Munster, when he built a castle in despite of the Gaidhil of Munster in Carraic-Cital. And Ua Domnaill, namely, Aodh, son of Aodh the Red, follows him through Meath into Munster with a small force and they march together into Ella and take the castle of Cenn-tuirc and harry the country and go after that into great Desmond and take the castle of the Pailis¹³⁶ and the

¹³³ *Annals of Ulster*, p. 491.

¹³⁴ *Ibid.*, p. 491.

¹³⁵ *Ibid.*, pp. 491-3.

¹³⁶ Near Beaufort, north of the Lower Lake, Killarney.

castles along the Maing in [their] entirety and go safe backwards into county Limerick. Afterwards they make reunion of the host and the Geraldines of Munster assemble under James, son of the Earl of Desmond and the Foreigners of Munster [assemble] beside and Mag Carthaigh the Swarthy,¹³⁷ namely, Domnall, son of Diarmait, son of Finghin and Cormac junior, son of Cormac, son of Tadhg and the Foreigners and Gaidhil of Meath and Leinster and [all] go to Limerick. And Toirdelbach, son of Tadhg O'Briain, king of Thomond and Mac Conmara and the Sil-Aodha and Clann-Ricaird mustered a large host against them. And the Earl with his host went through Belach-na-fadhbaighe and Belach-an-gamna, until he reached a very good bridge of wood that was made by O'Briain across the Shannon and he breaks the bridge and remains a night in camp in the country. And O'Briain with his host made a camp by their side, so that each portion of them used to hear the conversation, or the story-telling, that was being done by the other half. Upon the morrow, the Earl arranged his host and places the Foreigners and Gaidhil of Munster in front and places the Foreigners of Meath and Ath-cliath¹³⁸ on the rear of the host. O'Domnaill dismounts [with] the small force he had and remain on the rear, amidst thee Foreigners. They take the shortest way to Limerick, through Moin-na-brathar and those hosts of the Sil-Briain attack the host of the Foreigners and there baron Kent and Barnwell [of] Circistown¹³⁹ and other noble persons who are not reckoned here. And the host of the Foreigners depart in plight of defeat and the host of the Sil-Briain return with exultation and with many chattels. And there was not of Foreigners or of Gaidhil of the two sides any arm that was of more fame that day than [that of] O'Domnaill, in bringing off the rear of the host of the Foreigners." Ware says that at first the Great Earl and O'Donnell met with little resistance; but that when they were returning laden with spoils they were encountered by a very

¹³⁷ The Great Earl's son-in-law. His wife, Eleanor, subsequently married Manus O'Donnell.

¹³⁸ Ware says the Earl was "furnished with great Forces out of the Counties of Dublin, Meath, Kildare and Lowth."

¹³⁹ In the county of Meath.

numerous army "at a place called Monetrarr"; where there was "a sore Fight with great loss on either side; but on the Earls side the greatest loss, his Army being laden with spoils, and spent with long marchings. Night ended the battel. The next day the Deputy by the advice of his officers (the armies keeping their ranks) withdrew, and without any other loss returned home."

The Munster expedition shows that the Great Earl and O'Donnell, Aedh the son of his old ally Aedh the Red, were on very good terms, but this does not seem to have affected the captivity of the Great Earl's nephew Art Oge. At the end of his campaign O'Donnell set off "in despite of every one on a pilgrimage to Rome," and the Annals of Ulster relate that in 1511 Art Oge the "son of Conn O'Neill, who was in custody with O'Domnaill at his departure, was let out by Maghnus, son of O'Domnaill, from his captivity, without leave from O'Domnaill, and his [Art's] son, namely Niall junior went in his stead in pledge for fulfilment."

Under the same year the Annals record the death of Cahir O'Connor Faley, and say that on his death his whole territory came under the power of the Great Earl:—"O'Concobuir Faly, namely, Cathair, son of Conn, son of the Calbach, the Gaidhel, who was the best in hospitality and prowess, fame and noble deeds, that was in Ireland during his time, was slain by the sons of Tadhg O'Concobuir and by the sons of John O'Concobuir the Freckled, close by Mainistir-Feorais. And the whole territory then was under the power of the Earl of Kildare after that." This meant a valuable accession of power to the Great Earl, for O'Connor's territory lay alongside his own lordship of Kildare.

Archbishop Walter Fitzsimons also died in this year. He died on May 14th (1511) at Finglas, three miles from Dublin. His body was taken to Dublin and was buried "with great Funeral solemnities" in the body of the cathedral church of St. Patrick "near to the Image of Saint Patrick." He was succeeded by an Englishman, William Rokeby, whom Pope Julius II. translated from the see of Meath. Fitzsimons himself was Irish born. Ware describes him as "famous for his Learning and other Episcopal virtues."

In the following year (1512) the Great Earl made a hosting into Trian-Congail, where he took the castle of Belfast and broke down Mac Eoin's castle of Larne. The cause of this expedition may be found in the death of Niall, the O'Neill of Clannaboy, who is described by the *Annals of Ulster*¹⁴⁰ as "Niall, son of Conn, son of Aedh the Tawny, son of Brian O'Neill the Freckled, lord of Trian-Conghail and a man of general hospitality to sages and to folk of erudition and a man that increased Orders and churches and every goodness beside and the ornament of the East of Ireland." He died in Carrickfergus and was buried honourably in the monastery of the Friars Minor. The Great Earl's hosting is thus described: "A hosting by Gerald, Earl of Kildare, namely, the Justiciary of Ireland, against Trian-Congail, whereon he took the castle of Bel-Fersti and broke down the castle of Mac Eoin and harried the Glens and much of the country. And he took the son of Niall, son of Conn and other hostages also with him, in pledge [of compliance] with his own award." This looks as if the Great Earl had interfered in a succession dispute, though which party he supported is not stated. There were many small wars in the north and west of Ireland at this time, for O'Donnell, who had returned from Rome after experiencing much danger on sea and land; obtaining great favours and plenary indulgence from the Pope; an honourable reception both going and returning, a knighthood and large donatives from Henry VIII., had become involved in wars with O'Neill and some of the Burkes. He engaged 1500 axes in Lower Connaught and in Tir-Conaill and in Fermanagh; he went hosting with the nobles of Lower Connaught into Tir Eoghain which he burnt on every side until he reached Dunganon. O'Neill made peace with him after he had been a week in the country, and he went on against Omagh and rebuilt in a week the castle which the Great Earl had broken down in 1509, and left warders in it.

The Great Earl was not to be outdone. He made a hosting past Athlone into Connaught. He raided and burnt Cluain-Conninn. He took Roscommon, and left warders in it. He went from that to Moylurg and took the castle of Baile-na-

¹⁴⁰ *Annals of Ulster*, vol. iii., pp. 497-9.

huama¹⁴¹ and ravaged the surrounding country. Then O'Donnell "came with a large army on foot into the Curlews to discourse with the Earl and to pay him his respects."¹⁴² O'Donnell turned back the same night and gave leave to raid the country on the march and a party of his people was slain without any notable feat being done; and he sat down in Sligo and destroyed the district on the descendants of Brian O'Conor.¹⁴³

The Great Earl was not only a destroyer. In this very year he built a chapel at the east end of Christ Church cathedral. It was dedicated to the Blessed Virgin Mary, but was popularly known as "My Lord of Kildare's Chapel."¹⁴⁴ The Great Earl had been a great benefactor to the cathedral, for in his lifetime he had not only given them "one pair of vestments of cloth of gold tissue," but by his last will he "bequeathed us," says the record in the Mortilogue of the Priory, "his best cloak of purple and cloth of gold to make vestments; and also gave the town, called great Coporan, with all therto pertaining, to support a Canon to celebrate mass for his soul and for the soul of Thomas Plunket, formerly Chief Justice of the King's Court of Common Pleas in Ireland, and for the souls of all the faithful departed." The Earl of Kildare did not only build chapels. He was a patron of learning. The Earls of Desmond had founded a college at Youghal. The Great Earl decided to found one at Maynooth. He dedicated it to the Blessed Virgin; he assigned lands for its support; he drew up a plan for its constitution, but its completion was left to his son Gerald Oge.

In the year 1513 the Great Earl died. The Annals of the Four Masters record his death inaccurately under the year 1514. Their account is as follows:—"The Earl of Kildare takes a great command, for he marched through the Province of Ulster to Carrickfergus, and through Munster to Palleece-MacCarthy. The same Earl sat before Leim-I-Banain; and, what seldomed happened him, he neither broke nor took the

¹⁴¹ Cavetown in the parish of Eastersnow near Croghan, county Roscommon.

¹⁴² *F.M.*, O'Curry's translation, Ger. Coll.

¹⁴³ *Annals of Ulster*, III., p. 501.

¹⁴⁴ *Christ Church Cathedral, Dublin*, by Edward Seymour, p. 31.

Castle; for his assaults affected it not. He returned home to collect a greater army and more Ordnance. But, the result to him was that he took his death illness; and of which he died. A Knight famous in deeds of arms—royal and just in word and judgment, was he who then died, i.e., the Earl of Garret."¹⁴⁵ It is in the year 1513 that his death is recorded both by Ware and by the Annals of Ulster. Ware¹⁴⁶ says that in the spring the Earl resolved to prosecute war in Ely O'Carroll; that at length in the month of August he had collected his forces and begun his march, but that in his journey he fell sick at Athy where he kept his bed a few days and died on the 30th Nones of September. The Annals of Ulster do not record the manner of his death, but they say that he died at Kildare, and was "buried in Christ Church in the town of Ath-cliaith, to the grief of very many of the Foreigners and Gaidhil after him." The most detailed account is that given in the "Earls of Kildare."¹⁴⁷ According to it the Great Earl "marched against Lemyvannan, or O'Carroll's Castle, now Leap Castle, in the King's county but as he was watering his horse in the River Greece, at Kilkea, he was shot by one of the O'Mores¹⁴⁸ of Leix. In consequence of this wound he moved slowly by Athy to Kildare, where after lingering for a few days, he died on the 3rd of September." This fits in with the Annals of Ulster, which says that he "died a death of Unction and penance in Kildare." "His body," writes Ware,¹⁴⁹ "was brought to Dublin, and was honourably buried in Christ-church (unto which he had been a great Benefactor) in a Chapel there build by himself on the North side of the high Altar." Of this chapel in which was his tomb, his arms within the Garter, the arms of his wife and the arms¹⁵⁰ of many of his predecessors and successors, there is now nothing remaining. In Ulster's

¹⁴⁵ O'Curry's translation, Ger. Coll.

¹⁴⁶ Ware, p. 61.

¹⁴⁷ *Earls of K.*, pp. 68-9.

¹⁴⁸ Curtis, p. 409, says that he was killed as a result of a wound received in an affray near Kilkee with the O'Mores whose country he had brought into subjection.

¹⁴⁹ Ware, p. 61.

¹⁵⁰ They were defaced by William Moreton, Bishop of Kildare and Dean of Christ Church, when he repaired the cathedral between 1677 and 1705, *Earls of K.*, p. 69.

office there is a drawing of his tomb which shows it to have been worthy of its occupant, that "mightie man of stature full of honoure and courage, who had bin Lord Deputie and Lord Justice of Ireland three-and-thirtie yeares."¹⁵¹ The Annals of Ulster praise him as "the unique Foreigner who was the best and was of most power and fame and estimation and did most seizure on the Gaidhil and built most of castles for Foreigners and broke down [most] castles of Gaidhil and was of best right and rule and gave most of his own substance to the men of Ireland."

It is a commonplace to say that the Great Earl had been the true Ard Rí of Ireland. The Annals of Clonmacnoise (1041) say that "if the King of Leth Mogha could command Munster, Leinster and Tara (i.e., Meath) and either Connacht or Ulster, he was fit to be Ard Rí; but the King of Leth Chuinn must have one province at command, i.e., Leinster or Munster." The Great Earl's cousin, the Earl of Desmond, ruled in Munster. The Irish of Leinster followed him on his hostings. Meath was within the Pale. At the battle of Knocktoe he had taken Galway and Athenry, and MacWilliam Iochtar and MacDermot of Moylurg had fought under his banner. O'Donnell and O'Neill had come to his house, and in 1496 they had made their submissions before him, the former by letter, the latter in person. The Earl had made repeated hostings to Dungannon, to Omagh and to Belfast. MacMahon, Maginnis, O'Reilly and O'Hanlon had all submitted at Dundalk in 1496. The Earl had a larger following among the Gael than many an Ard Rí, but he was more than a Gaelic Ard Rí. He had a fixed centre of his power and he ruled not only the Gael but the Foreigners of Ireland. He was the representative of their king; the head of their government; the supreme officer of their legal and political system. The striking fact is that he never attempted to impose English law or custom upon the Gael. He never treated the Gael as an inferior race. If he won their allegiance it was by methods such as inter-marriage and fosterage which implied their equality with him. His

¹⁵¹ Stanyhurst. The drawing of the tomb has been reproduced in Lord Walter FitzGerald's paper, *Journal of Kildare Arch. Soc.*, vol. ii., No. 2, Session 1896.

authority over them was Gaelic. The justice that he enforced was Gaelic justice. Although he was the Deputy of the Rí Saxán, the English "Lord of Ireland," and therefore derived part of his authority from England, it is quite clear that he did not rule Ireland in the interests of England. He ruled Ireland in the interests of himself and of his family, and therefore as it happened in the interests of Ireland, for his hegemony was Irish, a thing *sui generis*.

He was not a subtle Machiavelli. He was not even a far-sighted schemer like Sir James of Ormond, but he was more effective than Sir James, probably because he was quite unconscious of scheming at all. His policy was a natural compound of "English" and "Irish" customs.¹⁵² He did not merely represent the "English" of Ireland, he did not merely represent the Gael (and therefore the Annals of Ulster are no doubt right in calling him a "unique Foreigner"). He was more than one of the Gael. He was more than one of the Normans. He was an Irishman. He was not content to be the ruler of any one section of Ireland. He came very near to being a King of Ireland. If his successors had become Kings of Ireland, the house of Kildare might have led Gael and Norman to unite, and have brought into being an independent Irish nation.

It is of course uncertain whether O'Neill and O'Donnell would have been willing to acknowledge Kildare as King of Ireland, but as they had acknowledged the overlordship of Henry VII., they would probably have been willing to acknowledge the overlordship of Kildare. Kildare was not in the position of an ordinary earl. Shane the Proud in a letter of February, 1565-6 to the Lord Deputy, Sir Henry Sidney, wrote: "I care not to be made an Earl, unless I may be better and higher than an Earl, for I am in blood and power better than the best of them; and I will give place to none but my cousin of Kildare, for that he is of my House."

It is at its destruction that the nature of the Kildare power

¹⁵² As is shown for instance by this entry from the Kildare Rental of 1518:—"The half plowland of Ballynekonaghta, in pledge from Fercall MacOwyn Macoghehan for lx kyne, by the judgment of Konla and Konnor MacEgan, for breking the same Erle his slante [protection] on the sept of Nele Macoghegan,"

is most clearly displayed. Cowley, its arch enemy, is its best analyst. In a letter¹⁵³ of 8th September, 1539, to Thomas Cromwell, he writes:—"By the pestiferous working of this O'Downylles wife,¹⁵⁴ th Erle of Kyldares syster, they, whoos auncestors were ever at discencyon, bee made oon, and their powerfs concurring have practysid to allure to theym, many capeteyns of Irishmen, which never before was towards any of theym, as Clane e Boy, O'Roryk, McCoglyn, O Cahan, Magwyre, Nele Conelagh, McDermot, and many moo; so that there never was seen in Irland so great a hoost of Irishmen, and Scottes, bothe of the oute Yles, and of the mayne land of Scotland; and on the other syde the pretendid Erle of Dessmond hath all the strength of the west and he and the said Irishmen be sworne and bounde to giddres." Further on he says "I ensuere your Lordship that this English Pale, except the townes, and very few of the possessioners, bee soo affectionat to the GERALYDNES, that for kynrede, maryage, fostering, and adhering as followers, they coveite morfe to see a Geraldyn to reigne and triumphe, then to see God come emonges theym; and yf they might see this yong Gerotes baner displayed, if they should lose half their substance, they wold reyoise more at the same, than otherwise to gayne great goodes." Under the Great Earl at Knocktoe the chief men of the Pale and the chief men of the Gael fought on the same side, but Lord Gormanstown's remark shews that they were not yet united. If the Great Earl's successors had become kings, a strong national government would have arisen in Dublin under which these two elements might have combined to form an Irish state. But for Mayors of the Palace to become Kings a *fainéant* King is desirable and Henry VIII. was no *fainéant*. With the interference of England, Anglo-Irish enemies and the rashness of Silken Thomas, the quiet of the House of Kildare fell; the chance that in the 16th century Ireland would have become united passed, and Ireland was prevented from following the course by which other countries had evolved into national status.

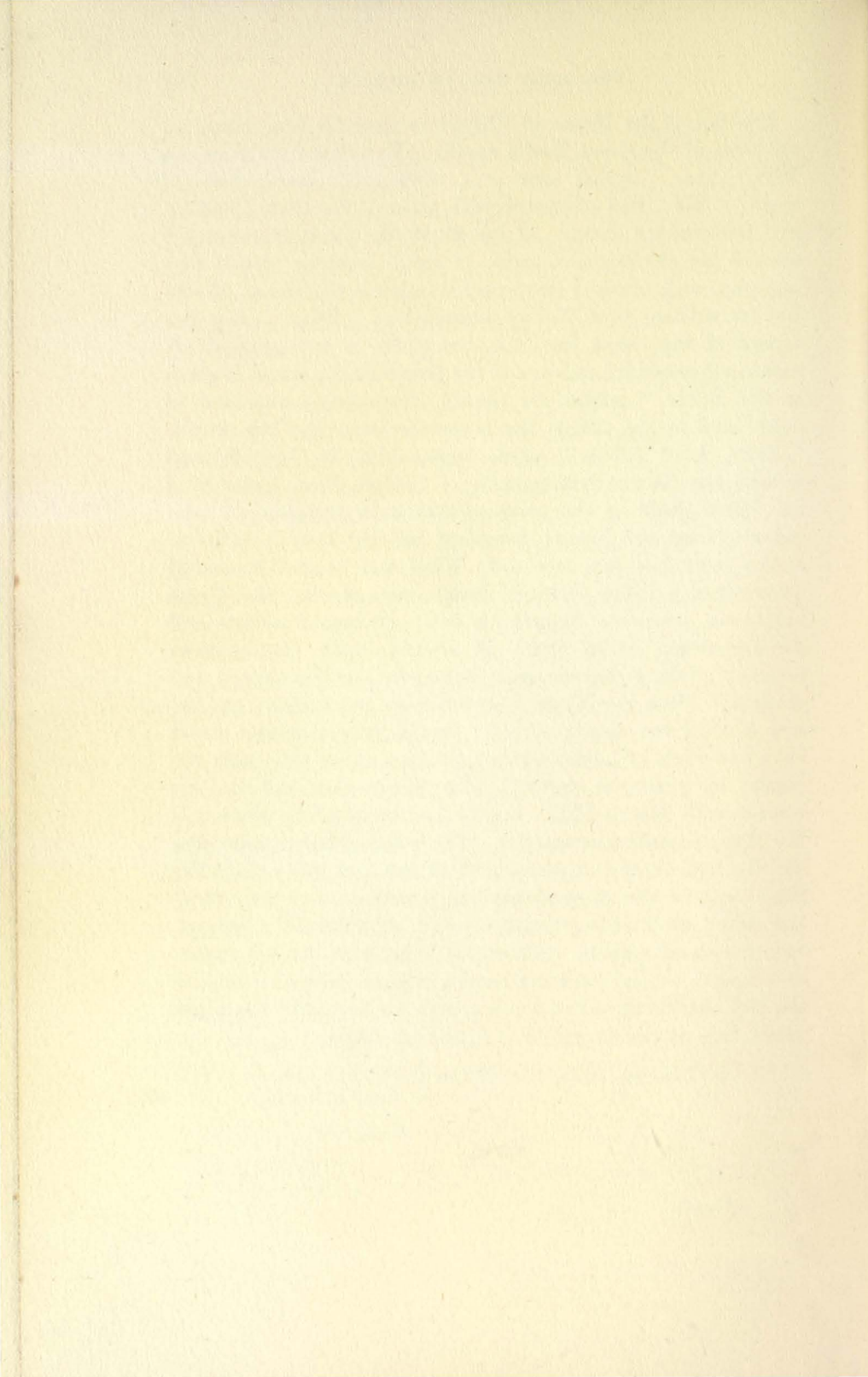
¹⁵³ *Earls of K.*, pp. 189-90; *State Papers Hen. viii.*, vol. ii. pp. 145-8.

¹⁵⁴ The Great Earl's daughter, Eleanor, who married MacCarthy Reagh and then Manus O'Donnell.

The fall of the House of Kildare seemed far from likely at the time of the Great Earl's death. His latter days were, as Ware says, "passed over . . . with great tranquillity of mind." He "had struggled with great Difficulties," and he had surmounted them. At his death the Council assembled elected his eldest son, Gerald, as Lord Justice. Gerald Oge appeared well fitted to carry on his father's traditions: It was not for nothing that Wolsey termed him "King." But the legend of the Great Earl was not easily to be equalled. A striking if one-sided epitome of the Great Earl's career is given in the words¹⁵⁵ which Sir Gerald Shaneson is supposed to have used to the Great Earl's younger son, the heir to the "Lady Saint Johns," when urging him to "invade and subdue the Kingis domynion":—"What, thou foole," said he, 'thou shalt be the more esteemed in Irelande, to take parte against the Kinge; for what haddest thou have been, if thy fader had not doon so? What was he sett by, untill he crowned a Kinge [Simnel] here; tooke Garthe, the Kingis capytayne, prisoner; hanged his son; resisted Ponengis and all Deputies; kyllid them of Dublin upon Oxmantowne Greene; wold suffer no man rule here for the Kinge but himself? Than the Kinge regarded him, made him Deputie, and married thy moder to him; orellis thou shouldest never have had foote of lande, where now thou maist despende 400 markis by yeere or above." The Great Earl had had no contest with Henry VIII., but he had successfully disobeyed the three preceding monarchs. The course of his power was like the outline of a mountain; first the foot hills; then the main peak of the same shape and formation and very steep and high; after it a precipitous fall, an incredible canyon, very deep and narrow, with on the other side a sheer ascent to a height almost as great as the original summit; and at the last stretching out in front a wide plateau until the place where this mountain ended and another began.

¹⁵⁵ *Earls of K.*, pp. 78-9. *State Papers, Hen. viii.*, vol. ii. p. 175.

FINIS.



Appendix 1.

To Pages 1 and 2.

The date of the Great Earl's birth is not recorded in any of the usual sources. A search has failed to reveal even an indirect reference to it in the *Obits of Christ Church*, in the Chartularies of other Dublin Churches, in the *Book of Howth*, in Holinshed's *Chronicles*, in Ware's *Annals*, in the *Four Masters*, or in any of the other well known sources. It is of course possible that it may be referred to by some unpublished document, but there is no record of it among the unpublished papers at Carton, and it is not mentioned in the *Earls of Kildare*. Thus the best evidence of it is provided by this dispensation from which it appears as suggested by the learned authors of the Complete Peerage, (Cokayne's *Complete Peerage*, vol. vii., edit. H. A. Doubleday, and Lord Howard de Walden, publ. 1929) that the Great Earl was born in the year 1456. Some independent corroboration of this suggestion may be found in a Statute passed at a parliament held before the Great Earl's father as Justice of Ireland in 1470, which enacted that on the decease of the latter his son should enter into his lands without having to sue out livery according to the course of the Common Law "the nonage of the then son and heir of the said Earl notwithstanding." (*Irish Statute Rolls*. 10 Edw. IV. chap. 7. Berry, p. 661). The Statute shews that Gerald was not yet 21 in 1470, so that under no circumstances could he have been born before 1449. It suggests that he was not born until some years afterwards, for it would be most improbable that seven years before his father's death special provision would have been made for him to succeed to the Kildare lands despite his nonage, if at that time he were on the verge of attaining his majority. The statute does not fix any definite year for the Great Earl's birth, but 1456 is a year which would fit in with its evidence admirably.

*Appendix 2.**Pages 7 and 8.*

Hec sunt nomina librorum existencium in libraria
Geraldi, Comitis Kildarie :

Hugo de Vienna super iiij^{or} Evangelistas.
Tria volumina Cronice Anthonini
Tria voluminia operis Sancti Anthonii cum glosa
Quatuor partes Nicholai de Lyra.
Hugo de Vienna super psalterium
Jacobi Locher opera poete laureati
Opus Cornelii Vitelli poete
Virgilius cum iiij^{or} commentis
Tabula utilissima super Lyra
Juvenalis cum glosa.
Theodolus [sic] cum commento
Dyalagus Sancti Georgii
Boecius de Consolacione Philosophie
Virgilius cum glosa
Therencius
Fasciculus Temporum
Liber Cronice in pergamens.
De Diversitate Anime [sic]
Psalterium deauratum in pergameno.
Accidens Portiforium.
Liber Alexandri deauratus Ordinale.

The Cronicles of England in Frenche.
A Frenche boke in parchement.
The trye of battails.
Parte of the Bible in French.
The Cronicles of Fraunce in French.
Maundevile in French.
Lalas damour de viegne.
Le Brevier dez Nobles.
Le quatre choses toutz cestz on un lyver.
Le Tryumph de Damez.
A boke of Farsses in French.

ENGLIS.

The Polycronicon.
 Bocaas the Fall of Princes.
 Arthur.
 The Siedge of Thebes.
 The Cronicles of England.
 The feettis of armes of chyvalry made by Christyn de
 Pyce.
 Cambrensis.

IRISHE.

Saltir Casshill.
 Saint Beraghan's boke.
 Anothir boke wierein is the begynning of the Cronicles of
 Irland.
 The Birth of Criste.
 Saint Kateryn's Lif.
 Saint Jacob his Passion.
 Saint George his Passion.
 The Speech of Oyncheaghis.
 Saint Feghyn his lif.
 Saint Fynan his lif.
 Brislagh my Moregh.
 Cuncullyn's Actes.
 The Monkes of Egiptes lif.
 Foilfylmey. The vii Sages.
 The Declaracion of Gospellis.
 Saint Bernarde's Passion.
 The History of Clane Lyre.
 The leching of Kene his legg.
 Cambrensis.

In addition to the foregoing list for the compilation of which no date is given there is in the Rental a list of books made in the year 1525-6. It has the following heading:—

Boks remaying in the lyberary of Geralde FitzGeralde,
 Erle of Kyldare, the XV day of Februarii, Anno Henrici
 viij., xvii.

As this list is longer and includes the books given in the foregoing list it is evident that it is later in date; accordingly

the list given above is either a catalogue of the library of the Great Earl's time inserted into his son's Rental, or a catalogue of his son's library made at an earlier date. In either case it is a closer approximation to what the library consisted of in the time of the Great Earl. Among the books which had been added by 1525 it is worth noting that there were in Latin "Laurencius Valla"; in French "Leze triumphis de Petrarke"; and in English "Caton de Senectute et de Amiscisia"; "The Ordre of the Garter," "The Kyng of Englund his answer to Lutter," "Littilton his Tenors," and "Sir Thomas Moore his booke Agayns the new opinions that hold agayns pilgremags."

Both these lists have been printed by Gilbert in the *Appendix to the 9th Report of the Historical Manuscripts Commission*, 1883, pp. 288-289. The second list has been printed at the end of the *Earls of Kildare*, but the version there given is inaccurate, for no notice has been taken of the fact that in the original Rental, at present in the British Museum among the Harleian manuscripts, there is a line drawn down the centre of the page on which is given the catalogue of books, with more recent entries in a different hand written on one side of the line. In the *Earls of Kildare* some of these entries have been given as if they were continuations of the older entries on the other side of the line, e.g., "Tria volumina opis Seti Anthonii cum tabula Cronicorum"—where the word "Cronicorum" is a more recent entry on the far side of the line and unrelated to the three volumes of St. Anthony's works.

Appendix 3.

To page 9.

The following is the list of plate given in

"THE KILDARE RENTAL" (1518):—

Plate gylt.

Item: A strayner for oranges of golde, weing vi. unces, Cost every unce iii^{li} xv^s.

- Item: In primis two gylt potts, the one ueing c. and ii unces, and the other iii score and xix unces, at vii^s. the unce.
- Item: Two gylt salts, with some bemys, the one with cover xciv unces di-[mid]; the other, iii score [and] xix unces, at vii^s the unce.
- Item: iii great bollys [bowls] with a cover, weing xx score and iii unces. Cost vii^s and vi^d Irysh the unce.
- Item: A salt, with a lady holden it, xxii unces at iii^s. and vi^d the unce, sterlyng.
- Item: A payre of dowble bassens, gilte, with the sonne in the mydds weinge ciii unces iii quarters.
- Item: A tastor for the said bassens, weing ix unces.
- Item: A great note [nut], the shell sylver li di [mid] unces.
- Item: Another not [nut] weing xxxvii unces, quarter and di [mid] quarter, at vii^s. vi^d. a unce.
- Item: A long gobblett with a cover wroght with gargillis, xxiii unces di [mid].
- Item: Thre gobblets, with a cover in a cace, weing lxviii unces.
- Item: A standyn coupe [cup] with whit rosis about fote and cover, weing xxvi unces [and a] quarter.
- Item: Another standynge coupe, with a cover, graven, weying xxvi unces, iii quarters.
- Item: Anothir standyng coupe, with a cover, weyng xxiii unces, 1 quarter.
- Item: Another smale standing coupe, with a cover, and my Lord's armys in the midds, weing xvi unces iii quarters.
- Item: A coupe of assay, gilt, weyng [blank.]
- Item: A smale pounced pecc, with a cover, weing xxvi unces.
- Item: A great salt, weyng [blank.]
- Item: A gylte salte, with dragons hedds in the cover, weing xviii unces.
- Item: Another smale salt, weing xii unces.
- Item: An ewer, of an ostrycheis egg, garnyshed with sylver, and gylt, and stonys, weing xxv unces, quarter.
- Item: A smale ewer, gylt, with two pips weing vii unces.

- Item: A powder boxe, weing viii unces, di [mid.]
- Item: A sand boxe, gylte, weing iii unces at iiis. vid. the unce.
- Item: A castyng bottell, for damaske water, in a cace weing x unces, quarter, at iii s. vi d. sterling the unce.
- Item: An other bottell, with shevis of arrowis on it, weing viii unces iii quarters di [mid.]
- Item: Another smale like bottell, playne, weing iii unces.
- Item: Another bottell, like a harte, weing vii unces di [mid] and di [mid] quarter.

Yett: gylt plate.

- Item: A smale challys, with vices or hostyngs, vi unces at viis. vid. the unce.
- Item: Two Spaynyshe peeces prentyd, the one of them with the Salutacion of Owr Ladye, which weithe viii unces, iii quarters.
- Item: The other pece, weith ix unces, quarter.
- Item: A dossen sponys of one sorte, weing xvi unces di [mid.]
- Item: A spone, with a lyone on the end i unce quarter.
- Item: A folding spone, weyng a unce and more.
- Item: A powder boxe for dyvers spices, and a lite spone in hit, weing xiiii unces, di [mid.] di [mid.] quarter.
- Item: A great horne, bownd with silver and gylt.
- Item: A litill pote to drynke ale in, weing xiii unces, iii quarters.
- Item: Anothir cowpe for ale, with a covver with erys, weing xv unces, di [mid] and di [mid] quarter.
- Item: A high trenchor, weing xxx unces, iii quarters, di [mid] quarter.
- Item: A glase to loke in, garnyshed with sylver and gylt, weing x unces di [mid] quarter, at vii s. vi d. the unce.
- Item: A jewell of jasper stone, garnyshed wyth sylver and gylt, with the Salutacoin of Our Ladye, moder of perle.
- Item: A lyon gylt, weing [blank.]
- Item: A stone cowppe of Turky making, garnesid with silver, with a covver, and a marmasett in the topp of hit.
- Item: An adder his tonge garnesid.

Whit(e) plate.

- Item: An Almayne pott, parcell gilt, with a man on the handell, weing iiiii score vi unces.
- Item: Another Almayne pott of the same sorte, parcell gylte, with a marmaid on the handell weing iiiii score and x—— the unce of the said pott is [worth] viis. vii.
- Item: Another paire of potts, parcell gilt, the one weing xliiii unces di [mid] and di [mid] quarter.
- Item: The other pott, parcell gilt, weing xliiii unces, di [mid] quarter.
- Item: Another paire, parcell gilt, the one weing lv unces, quarter, the other liiii unces, quarter.
- Item: A payre of litill potts, parcell gilt, the one weing xxvi unces di [mid], the other xxii unces.
- Item: A chayffne-dishe, parcell gilt, xxxix unces, with a ewer weing [blank.]
- Item: A paire of flagons, parcell gilt, weing [blank.]
- Item: iiiii bollys, [bowls] with a cover, parcell gilt, weing [blank.]
- Item: iii smale bollys with a cover, parcell gilt weing [blank.]
- Item: A standynge coupe, carved with gilt flowrys, weing [blank.]
- Item: Another standing coupe, with a cover, with gilt branchis, weyng xxvi unces quarter, di [mid] quarter.
- Item: Thre gouge [gage] coupes, parcell gilt, the one weing xxxv unces.
- Item: Thre ale gouge coupes, parcell gilt, being x unc. di [mid] quarter.
- Item: A pott to drinke ale in, parcell gilt, weing x unces di [mid] quarter.
- Item: A lylve pott, parcell gilt, with a cover, weing [blank.]
- Item: A boll, with a talbott in the myddes parcel gilt, weing [blank.]
- Item: A fott for a glass, parcell gilt, weing xi unces iii quarters.
- Item: A Spanyshe pece, with a lyone in the mydds, weing viii unces.
- Item: ii candelstyks, parcell gilt, with my Lords armys, weing xxv unces and quarter.

- Item: Another candelstyk, parcell gylt, weing xiiii and di [mid.]
- Item: iii other smale candelstykes, parcell gylt, weing [blank.]
- Item: A dossen sponys [spoons] parcell gilt, weing [blank.]
- Item: A shovvyll, parcell gylt, for grene gynger, weing 1 unce di [mid.]
- Item: A cace for fumycacions, parcell gylt, weing viii unces.
- Item: A litill salt, with a mayden's hed on the cover, weing iii unces quarter di [mid] quarter.

AT KYLDARE.

- Item: A boll, parcell gilt.
- Item: A small Spaynyshe pece.
- Item: A mornand, garnysed with silver and gylt.
- Item: A salt, parcell gilt.
- Item: A pouder boxe, parcell gilt.

AT PORTLESTER.

- Item: A wrethyd boll, parcell gilt.
- Item: A smale Spanyshe pece.
- Item: A salt, parcell gilt.
- Item: A flat trenchor, parcell gilt, with a litill salt celler on hit, weing x unces, di [mid] and di [mid] quarter.

Appendix 4.

To pages 17-22.

The date of Debenham's Instructions: It seems likely that Sir Gilbert Debenham arrived in Dublin with 400 archers in the early autumn of 1474. From internal evidence it is clear that the instructions refer to the parliament held at Dublin on Friday next after the feast of Saint Patrick, 14 Edw. IV. (18th March, 1474) before Thomas Fitz-Maurice of Kildare, then Deputy of George, Duke of Clarence, Lieutenant, etc., and thence adjourned to Kilmainham, and there finished and ended. It is to this year that the instructions are ascribed by the manuscript

catalogue to the *Chancery Miscellanea* in the Record Office, London. That the ascription is correct is proved by a patent of August 15th, 1474, (*C.P.R.*, p. 467) giving a commission to Robert Boolde, kt., Richard Evys, and Edward Ap David, to take ships for the conduct of certain men-at-arms and archers whom the King has ordered to be sent to Ireland in the company of Gilbert Debenham, King's knight, to resist the King's enemies and rebels there. Also on August 21st (*C.P.R.* p. 491) commissioners were appointed to take muster of the King's knight, Gilbert Debenham, and 400 archers in his company, whom the King has ordered to be sent to Ireland, in any place near the city of Chester on the 9th September next, or within three days following, and to certify thereon to the King and Council. They probably crossed to Ireland soon after this review. It seems that some of those who should have been at Chester did not appear. A patent of April 25th, 1475, (*C.P.R.*, p. 497 and p. 526) is directed against certain persons who have received wages from Debenham "to serve the King in Ireland in his company" but who "have not yet come to the King's service."

The Kynges Dyscrete Servauntes:

Sir Gilbert Debenham: He was one of the Kings carvers¹ (*C.P.R.*, p. 375); had served as various kinds of royal commissioner (*C.P.R.*, p. 352 & p. 406).

James Norres: If he be the man mentioned with different spellings in the patents of April 25th, 1470 (*C.P.R.*, p. 218) and May 1st, 1475 (*C.P.R.*, p. 515), he was originally a Lancastrian yeoman, but afterwards he was taken into high favour, for on February 16th, 1479, one James Norres esquire was granted an annuity of 20 marks from the issue of the lordship of Somerton during the minority of Edward, son and heir of Isabel late the wife of George, late Duke of Clarence. (*C.P.R.*, p. 142).

¹ For a summary of his life see Elrington Ball's *Judges in Ireland* 1921-1929, p. 184.

David Ketyn: Was probably the same as Davy Keting, who appears to have been a connection of Brother James Keting, the Prior of Kilmainham, with whom he is seen as a co-petitioner at the parliament held under Thomas FitzMaurice 11-12 Edw. IV. (Berry, p. 753). In that parliament he was also granted several petitions concerning lands which he claimed in county Wexford. (Berry, p. 775-787).

Sir Robert Bold: Was lord of Ratoath: he had been so created at the close of Worcester's parliament, (7-8 Edw. IV. chap. 72, Berry, p. 623) and in the same parliament (chap. 69) he had been given leave of absence from Ireland for eight years. By chapter 61 of Thomas FitzMaurice's parliament 11-12, Edw. IV., he had been confirmed in the office of Seneschal of the Liberty of Meath, which was stated to have been granted to him by letters patent under the attestation of Kildare (Berry, p. 835). Over this grant there was some trouble (Gilbert. p. 397), Bold being accused of having forged the letters; and on August 27th, 1474, the Stewardship of the Liberty was, with the assent of the Duke of Clarence, granted by the King to Sir Gilbert Debenham.

Appendix 5.

To page 35.

CHAPTER 6, 18 EDWARD IV.

“ITEM, al requisicioun des comunes, QUES come nostre soueraine seignour le Roy par sez lettres sibien de prive seall come lettres del signet directe a Gerote Count de Kildare pretendaunt lui adonques come Justice de la terre dirland, chargeaunt et commaundaunt le dit Count de surcesser de tote manere occupacioun del dit Justice et nient de commenser teigner proceder ou proroger ascune parliament deins mesme la terre, ne nule subsidie taxe ou tallage mittier ou demaunder de sez subiectes del mesme la terre; commaundaunt auxi

par sez aultres lettres de privatez sealx le maior et juratez del Cite de Divelin de faire ouverte proclamacioun que nule de sez subiectes paieroit ascune subsidie ou taxe se ascunes furent grauntez ou demaundez a ou par le dit Count en le dit parliament, contrarie a quele haute commaundement le dit Count summona une pretense parliament de estre tenuz devaunt luy al Naas le vendredie proschien devaunt le fest de Saint Petronill' darreine passe, et le dit pretense parliament illeosqes commensa et continua et en ceo proceda et ceo souent foitz adiourna et proroga, en quele pretense parliament diverz actes furent faitz et une subsidie graunte contrarie as dits commaundementes le Roy et al lesion et anientesment des foialx subiectes le Roy del mesme la terre; SUR QUE LES PREMISSES CONSIDEREZ ordeine est enacte et establie par auctorite dicest dit parliament le dit pretense parliament issint commense et tenue devaunt le dit Count as ditz iour et lieu et toutz estatutes actes ordenaunces provisiouns grauntes et resumpciouns faitz ou ordeinez en le mesme a ascun temps soient voidez et de nule effecte ne force en ley; ET QUE par mesme lauctorite toutz maneres lettres patentes exemplificaciouns ou Mittim[us] grauntez faitz ou ensellez desouth ascun dez sealx le Roy queconq' et de queconq' ils ou ascun de eaux soient a ou par ascun persoun ou persouns iountement ou severalment et toutz processess recordes copies ou minutes et amerciamentes sur iceaux faitz soient voidez et de nule force ou effecte en ley; ET QUE par mesme lauctorite que chescun juge en chescun courte que le Roy ad deins la dit terre face canceller et dampner toutz maneres dez actes estatutes ordenaunces provisions grauntes et resumpciouns faitz ou ordeignez en le dit pretense parliament tenuz devaunt le dit Count et restauntez devaunt eaux ou ascun de eaux, et toutz processess et recordes faitz ou de estre faitz sur ascun et chescun de lez ditz actes exemplificaciouns Mittim[us], et toutz aultres choses en ou de lez mesmez ou ascun de eaux quexconquez y sount esteauntez ou en apres serrount en ascun dez courtes le Roy de recorde la ou ils sount juges; ET queconq' juge en ascun courte le Roy ad ne dampne my et cancelle lez ditz actes estatutes ordenaunces provisions processess exemplificaciouns Mittim[us] et recordes en manere avaunt dit deins XV

iours prochiens ensuantez proclamacion sur icele fait en la courte de quele il ou ils soient juges, QUE adonques par auctorite du dit parlement lez ditz juges et chescun de eaux forfaitent et perdent lour offices et perdent au Roy Mⁱ; ET QUE par mesme lauctorite queconque person ou persons de queconque estate degre ou condicion il ou ils soient ount ascun roull du parlement del dit pretense parlement, ou ascun acte estatute recorde bill processe roull papire copie ou minute de lez mesmez, QUE il ou ils issint eiauntez portent et deliverent mesmez lez actes estatutez recordes billes roulles paperes et minutes a Thomas Douedall, clerke des roullis, dein xiii iours prochiens ensuantz le proclamacion fait en cest dit parlement, ET sils ne facent my de estre felons atteinte; ET QUE lez justices le Roy de sa chief place deins cest terre eient pleine powere a enquerrer en le banke du Roy sur chescun persoun et persouns queux gardent ou reteignout ascun de les premisses et de proceder sur luy ou eaux accordaunt al course del ley.

(Taken from transcripts of unpublished statutes P.R.O., Dublin. The capitals and punctuation are my own).

An English summary of the Norman-French given in the note will be found on pp. 35, 36.

Appendix 6.

THE DATE OF JOHN ESTRETE'S INSTRUCTIONS: AND THE DATE OF THE THREE LETTERS OF EXCUSE.

The "Instruccions" given by the king to John Estrete "to be showed to Therl of Kildare" for which see above pp. 68-80; and the three letters of excuse, for which see above pp. 141-151, have been connected together and have been ascribed to the most various dates. It is submitted that there is no connection between them, that the "Instructions" are of the reign of Richard III., and that the letters of excuse are of the reign of Henry VII. The cause of the various incorrect ascriptions of these documents appears to be a false dating of them by

Ware who says (p. 3): that at this time, namely, the year 1486, the "King had some hint that the Earl of Kildare was setting new Plots afoot, upon which he commanded him by Letters to hasten for England upon a specious pretence of advising with him concerning the affairs relating to the publick peace and tranquility of this Realm," and that "Kildare after the receipt of these Letters fearing the event, acquainted the Estates then assembled at Dublin with the King's commands; whereupon on the 4th June, the Lords of the Realm wrote Letters of excuse to his Majesty," and he then gives a summary of the letter of which a copy is printed above (pp. 205-7).

The documents are all extant. The Instructions to Estrete are at present in the British Museum, *Cotton MSS.*, Titus B. XI. They are undated. The three letters of excuse are in the Record Office, London. That from the parliament is dated the 4th June; that from the Great Earl is dated 5th June; and that from Desmond, etc., is dated the 10th July. On none of them is the year given. The instructions have been printed by Gairdner: *L. and P.*, vol. i., pp. 91-93. The letters of excuse have been printed in the same volume, pp. 377-8. They have also been printed by the Marquis of Kildare, *Earls of K.*, 1st *Addenda*, pp. 9-11, 15-19.

Although Ware is a very great authority and is ordinarily most accurate, all the modern historians are unanimous in rejecting his statement. Busch gives the following reasons for his rejection (p. 324):—"According to the Irishman's letters that royal document of July 28th [i.e., the king's letter to which the letters of excuse refer] was written at Westminster, but then, according to other decrees (*See Campbell*) Henry was not at Westminster at the end of July in the years 1486-1489; but in 1490 [i.e., the year to which Busch and the other modern historians correctly ascribe the royal letter] it can be proved, at least that he was still there on July 11th" (*Bergenroth, Cal. of State Papers*, i. p. 47). Although the conclusion to prove which this argument is adduced is correct, the argument itself does not stand, for in it there are two curious mistakes: firstly, the Irishmen's letters say that the royal document of July 28th was written at Greenwich, they do not mention Westminster; secondly, Campbell (*Materials*

for *History of Hen. VII.*, vol. 1, p. 525) shows the contrary of what he is alleged to have shown, for from him it would seem that at the end of July in the year 1486, Henry VII. was at Westminster. This particular argument of Busch's is, therefore, of no avail against Ware.

There is, however, conclusive proof in Ware himself that his ascription of the letter is incorrect. It is quite clear that the three letters of excuse are inter-connected, for they are all on exactly the same subject; the letter from the parliament and the letter from the Great Earl both refer expressly to the royal document of July 28th, and the letter from the Great Earl expressly refers to the letter from Maurice, Earl of Desmond, etc. Therefore, as the chief signatory of one of the letters was Maurice, Earl of Desmond, the letters could not possibly be of a date when Maurice was not Earl of Desmond. They could not, therefore, be of the year 1486, to which Ware ascribed the letter from the parliament, for in that year Maurice had not yet succeeded to the Earldom of Desmond. There is ample proof of this: Ware himself (p. 8) under the year 1487, relates that on the 7th December of that year James, Earl of Desmond, was "cruelly murdered" and "his brother Morrish succeeded him." It is, therefore, proved that the three letters of excuse were not of the year 1486.

The letters refer pretty clearly to the oath which the Great Earl had sworn upon the sacrament, and to the bond which he had given to Sir Richard Edgecombe. "He, is bound and sworn to be your trew feithfull subyet and ligisman as straitly as eny christen man may be, wich othe and band he haith kept and performyd truly to youre Highenes syn the said othe and band onto this tyme," says Maurice, Earl of Desmond. The reference to the bond makes the connection with Edgecombe unmistakable; therefore, the letters must have been subsequent to Sir Richard's mission in 1488: presumably this is why Bagwell (*Ireland under the Tudors*, vol. i, p. 103, Note 2) says that the letters must be subsequent to that year.

On the 29th July, 1490 (see above, p. 145) a general pardon was granted to the Great Earl on condition that within ten

months he should appear before the king in England. The royal document to which the letters refer and which is not extant, or if extant has not yet been brought to light, was dated the 28th July. Between the pardon and this unknown royal document there is, therefore, a close similarity of date, of parties, and of purpose; it is, moreover, subsequent to 1488. Accordingly, it is practically certain that this is the time to which the letters should be ascribed; and arguing from this pardon, it is to this time that they have been eventually ascribed by Busch (p. 325); Gilbert (p. 440); Gairdner: *L. and P.* (vol. ii, Preface, p. xxxvi.) and the Marquis of Kildare (*Earls of K. 2nd Addenda*, p. 28). Thus, it is seen that the royal letter summoning the Earl to England was written on the 28th July, 1490, and that consequently the letters from the parliament, the Great Earl, and Maurice, Earl of Desmond, etc., are respectively of the 4th June, 1491; the 5th June, 1491; and the 10th July, 1491.

There does not seem to be any connection between the three letters of excuse sent in the year 1491 and the royal instructions given to John Estrete. Busch, however, says that the connection between them is quite apparent. The only similarity that seems apparent between them is that they both summon the Great Earl to England, an occurrence which was not very unusual. There is no contemporary evidence for connecting the instructions with the letters of excuse; nor do any of the old but not contemporary chroniclers make assertions from which such a connection could be deduced. Ware does not mention Estrete's Instructions, although Busch (Note 11, p. 324) incorrectly says that he does. There is, moreover, a definite discrepancy between the two: Estrete's Instructions say that the Great Earl must appear by the following August, therefore, on the assumption that his instructions are of the same date as the royal letter of July 28th, 1490, the Great Earl would be given, according to the pardon, ten months; and according to the instructions, a full year before he need appear in England; which indicates that the assumption is incorrect. A far more cogent reason against this assumption is that from the circumstances of the time Estrete's instructions would be quite ridiculous in the

year 1490. However well the Great Earl may have succeeded in securing his restoration to office after the Simnel Rebellion, it is quite certain that he would not have chosen that time to ask the king to give him an extension of his commission as Deputy so as to secure him in office for 9 or 10 years, a longer term than he had ever enjoyed under the Yorkists; (on this assumption) a grant of the manor of Leixlip with the custody of the Castle of Wicklow; an annual salary of £1,000 during the term of his Deputyship; and a document signed by some of the great lords of England guaranteeing his safe return should he visit the King of England; and fantastic as it would have been for the Great Earl to make these demands in 1490, which is what he did on Busch's assumption, it would be even harder to believe that King Henry VII. granted these demands, which is what he also did on the same assumption.

On the other hand all these circumstances fit in perfectly with the period of King Richard III.'s reign to which the Instructions have been ascribed. (See above, pp. 63-70). The instructions of John Estrete are clearly related to the previous instructions of Master William Lacy, as has been shown by Gilbert (p. 412). Moreover, Estrete's instructions are as closely connected with the grant of Leixlip made to the Great Earl on the 6th August, 1484 (see above, p. 70) as the three letters of excuse are with the conditional pardon granted to the Great Earl on the 29th July, 1490.

Appendix 7.

To page 83.

CHAPTER 17, 2 RICHARD III.

Chapter 17 of the parliament held before the Great Earl in 1485, granted him a subsidy of 13s. 4d. from each ploughland in the four counties and laid down the following regulations for its collection:—

“ET chescun counte deins le dit terre de estre assessez et levez sur et de lez enhabitaunte sibien de lez ditz charues

de terre come croces et clergees de chescune de lez ditz countees exemptez et nient exemptez, ascune acte ou ordonnance au contrarie fait nient obstaunt; ET QUE par la dit auctorite sibien chivalers pour countees et proctours pour clergees deanes et chapitrees et chescun de eaux eient pleine power cest assavere lez chivalers pour countees pour lez charues de terre come lez proctours pour lour spiritualx possessiouns; ET QUE lez clergees et croces ne sount my forsq' dowblement chargez; ET QUE par auctorite dicest parlement lez chivalers pour countees et proctours pour clergees et chapitrees mittent [d]eins al clerke de roulles ou al clerke del parlement suffisauntez collectours nosmez pour la leve del dit subsidy parentre cy et demenche proschien avenir, ET si ils ou ascun de eaux departent et ne mittent my [d]eins lez nouns de lez ditz collectours par le dit iour come est avaunt dit, QUE adonques il ou ils quissint departerount chescun de eaux de [sic] forfaitent et perdent xx^l al dit Depute de estre levez de lour biens et chateux terres et tenementes al volunte du dit Depute; PURVIEU toutz foitz que lez clergees de Ardmagh Divelin Mith et Kildare eient ii semayns apres le dit demenche del space de eslier lour collectours."

These regulations are typical of those laid down by parliament for the collection of subsidies in the time of the Great Earl. It is remarkable that the statutes of the Irish parliaments before the time of the Great Earl—although one would imagine the granting of subsidies was the most important function of parliament—make only rare and vague references to the granting of subsidies and to the method of their collection. (See the *Statute Rolls* published by Dr. Berry).

Appendix 8.

To page 118.

PATENT MADE BY GERALD, EARL OF KILDARE, IN NAME OF KING
EDWARD [LAMBERT SIMNEL?]:

Edwardus dei gratia Rex Anglie et Francie et Hibernie
omnibus ad quos presentes litere peruenerint salutem, Sciatis

quod nos concessimus dilecto nobis Petro Buttyller gentilman, alias dicto Petro Buttiller filio Jacobi Buttiller gentilman, officium vicecomitis nostri comitatus Kylkenn', habendum et tenendum officium predictum prefato Petro quamdiu nobis placuerit, saluis nobis finibus et amerciamentis dicti comitatus perueniendis. Precipiendo de nobis in officio illo feodum consuetum.

In cuius rei testimonium has literas nostras fieri fecimus patentes.

Teste precarissimo consanguineo nostro Geraldo comite Kyldar' locum nostrum tenente regni Hibernie, apud Dublin', xiii die Augusti, anno regni nostri primo.

Dovedalle

per breve de priuato sigillo nostro.

Edward, by the grace of God, King of England, France and Ireland, to all to whom these present letters shall come, greeting. Know that we have granted to our dear Peter Buttyller "gentilman," otherwise called Peter Buttiller, son of James Buttiller "gentilman," the office of sheriff of our county of Kilkenny, to have and to hold the said office to the aforesaid Peter during our pleasure—saving to us the fines and amercements coming from the said county—receiving from us in that office the accustomed fee.

In witness whereof, we have had these our letters patent made.

Witnessed by our very dear cousin, Gerald, Earl of Kildare, our Lieutenant of our kingdom of Ireland, at Dublin, on the 13th day of August in the first year of our reign.

Dovedalle

By writ of our privy seal.

This curious and rather puzzling document cannot be of the reign of Edward IV. because in the first year of his reign the Earl of Kildare was not a Gerald. It cannot be of the reign of Edward VI. because before the first year of his reign Sir

Piers Butler (Peter Butler, son of James Butler) was dead. There is moreover adequate reason to show that it cannot belong to the reign of Edward V. In the first place the document is dated August 13th, and Edward V.'s brief reign lasted only from April 9th to June 22nd, 1483; in the second place it describes the Earl of Kildare as Lieutenant, an honour which he never held under any official King of England; and in the third place it styles Ireland a kingdom, and Edward, King of England, France and Ireland, a style which was not adopted by any monarch prior to Henry VIII. (Up to that time, of course, the Kings of England had styled themselves merely Lords of Ireland¹). The only conclusion left is that the document belongs to the "reign" of Simnel, whom the Great Earl had crowned King Edward on May 24th, 1487. The date of the document, August 13th (1487), seems at first sight to upset this conclusion, for the battle of Stoke, at which Simnel was captured, was fought on June 16th, 1487. But the date of the document is no real objection to its authenticity as a Simnel relic, for as late as October 20th, 1487, two months after the suggested date of the document, Henry VII., writing to the citizens of Waterford, records that "the said Earl with the supportation of the inhabitants of our said city of Dublin, and others there, . . . will not yet know their seditious opinions, but unto this day uphold and maintain the same."

"Dovedalle" was Thomas Dowdall, who became keeper of the rolls in Chancery in 1471, and was among those who supported Simnel.

This document (never before published) is among the Ormond Deeds (now in Kilkenny Castle) which Professor E. Curtis is editing for the Irish MSS. Commission. By his courtesy I am enabled to reproduce it.

Affixed to the document is a seal which appears to be the Great Seal of England, bearing the effigy of a child king. Possibly this was an authentic seal of Edward V., which had come into the possession of the Yorkist party in Ireland.

¹ In the Waterford account the Great Earl's messenger styles Simnel "Lord of Ireland."

Appendix 9.

To pages 73 and 199.

LETTER FROM SIR JAMES OF ORMOND TO THE EARL OF ORMOND,
20TH FEBRUARY, (1495),
and
MEMORANDUM OF THE LANDS OF THE EARL OF ORMOND RESUMED
BY ACT OF [POYNINGS?] PARLIAMENT.

These two documents are connected. They both refer to the resumption of the Ormond lands. Consequently, although Sir James' letter has already appeared in Conway: *Henry VII.'s Relations with Scotland and Ireland*, pp. 149-151, I print them both here together.¹ The memorandum has not been printed before. It is in the Public Record Office, London, and the connection between it and the letter, which is in the British Museum, seems so far to have escaped notice. The memorandum is undated, but it appears to refer, like the letter, to the resumption of the Ormond lands by Poynings' parliament. Even if the letter and the memorandum should not refer to the same act of resumption they would still be complementary.

LETTER FROM SIR JAMES OF ORMOND TO THE EARL OF
ORMOND, 20TH FEBRUARY, (1495).
(British Museum, Cotton MSS., Titus B. xi., vol. i,
f. 52).

"My lord, pleas it your lordshepp it is soo that I wrytt to you off veray good mynd thoo be it I kanne nott peynt my mater but I pray your lordshupe to hyr and see what ye will in hit and leve the remenaunt.

Sr it is so that ther is a parliament kept her which is nott yett endyd, my lord ther is an acte of resumpcion ffor the king in the seid parliament senn kinge Edward the Second is days. Item, the Tresorer her ys nott your best frend and he hath made a serch and as he hath shevyd me therby therbe many

¹ The more so as I differ from her on one or two points of the transcript.

parcels that long to your lordshepp resumed and I seyð nay and caused hym to shewe som of them to me.

Item, he seith the price wynes Oghterard, Castellewarnyng, Blak Castelle, Kilkeny, your annute in Waterford and xiiij townes besydes thes which he wold nott showe ther names. My lorde it is good to be ware and looke well about ffor ye have to doe both her and ther ye ar leyd att on both the sydes. My lord yew [give] neuer your right ouer ffor nothyng, copper wyll aper wher it is hastely, and all shalbe well by godes grace. Sr and I shall writt any thinge ffor my selffe I prey you be nott displeased ffor ye may doo therin as hitt shall like yew, thes binde you nott.

Item, ht is soo that the kinge hath the twoo partes of your landes her and ye but the third part which is but xl poundes and the kinges part lxxx poundes. I thinke my lord yff ye wold lett me have your part off the sam her I shold gett the kinges partt and yett shold ye loos nothing therby in regard ffor I wold ffind you suerte in Waterfford in Dyvelyn other in England to pay you yerly xl markes whill ye lett me have ht My lord I am att grett cost her wayting uppon the deutey and I thinke he is content wt me, and as for your landes in the contes off Kilkeny & Typperare I have rec[eived] nothing as yett nether I have non auctorite off your lordshepp by wrytting and such landes as it nott in your handes nether hath ben many yeres your lordshupe myght lett me have it and your titill in ht wher ye have no profitt nother noo ffriend off yours.

Item, my lord it is good ye be provyded by the king for all maner landes and other thing and send hit hether hastily ffor th [er] is on Ric[hard] Nangle gon ffrom the Tresorer to the king to showe hym all and to cause hym to have a couetise¹ in hit which Ric[hard] is causer off all your perte.² God deffend that ye shold loos that thing that the first Erll off Ormond had off right, as ffor tydinges the depute is as good a man as I knowe ffor all Irysh in thes parties hath put in ther pledges ffor surete off the peas and thos that refused peas he

¹ i.e., to make the King covetous of it. Instead of "u" Conway reads "n," and "a couetise" becomes "a conetise."

² Loss,

hath desturyd all ther land that they wer ffayn to put in ther pledges with amendes and he bydyth grett payn wheroff I take my part. My lord I have send by your servant Richard Hay to your lordshupe an hoby³ and an hauke,⁴ a good hauke I thinke.

My lord ye knowe all and my mynd and as I begann soo shall I end with godes grace who ever preserve your lordsheppe amen.

Wrytten att Dyvelyn the xx^{ti} day off ffebruare.

Your owyn iwiss

James Ormond."

This letter is endorsed:—

"To my lord off Ormond Chamberleyn unto the Queen."

It was sealed with a seal of red wax of which there is now only a trace remaining.

(*Chancery Miscellanea*, Bundle 10, File 27, No. 5. P.R.O., London).

"Memorandum that thiese bee the landes and ryghtes belonging to Therle of Ormond in Irelande whiche bee resumed by act of parliament lately holden within the said lande of Irland.

First the said erles name of his creacion of Therldome of Ormond is resumed.

Also certayne landes in the countie of Kildare called Castell Warnyng, Oterard, and Donnada to the yerely value ioyntly to guydre of xx^l of Irisshe money: whereof the kinges grace hathe ij parties by reason of the said Erles absentie and soo there shulde growe unto the said Erl of the said landes but the iij^{de} parte whiche is x marc: of whiche seid landes the said Erl of Ormond hadde neuer auantage for therl of Kildare and his kynnesmen retayne it by force like as he can shewe in his owne person and also he can shewe the value of euerythinge. Also there is resumed the libertie of the countie of Tipirary,

³ A small horse.

⁴ Conway prints this "hanke,"

wherof the said Erl of Ormondes kynnesmen have alwaies taken the prouffite, soo that noo thinge came to his handes therof, and as for the value it is unknowen unto the said Erl. Also a place called Grennagh in the countie of Kilkenny, which is not worth by yere above xl^s of Yrisshe money oon yere w^t an other wherof the ij partes deducted to the king by reason of the said Erles absentie he hathe but x marc Irisshe.

Also ther is resumed xⁱ ayere of the ffee fferme of Waterford of Irisshe money whiche the said Erl hadde w^t his creacoun, whereof the ii parts deducted by reason of the said Erles absentie ther cometh to his parte but v marc yrisshe.

Also whereas the said Erle shulde haue of right the prise of wyne in Irland he coude neuer been aunswered of more there than of the prise wyne at Lymeryk and half the prise wyne at Waterford whiche amounthe by estimacioun to the yerely value of xxⁱ of Irisshe money oon yere w^t another. Whereof the ii parts deducted to the king by reason of the said Erles absentie he hethe but X marc Irisshe.

Also the said Erl of Ormond sheweth that as far as he can in any wise fynde or understand by any serche that he hathe made that he hathe noo moo landes in case of resumpcoun but thiese before said."

Appendix 10.

To page 235.

Kildare Manuscripts: The "Red Book" which was commenced for the Great Earl in 1503 is now at Carton, whilst a 17th century transcript of it is in the Leinster Estate Office in Dominick Street, Dublin. The "Rental" commenced for his son in 1518 is among the Harlaian Collection in the British Museum. There is a transcript of it at Carton. The Great Earl's own "Red Book" contains least about him; it is chiefly concerned with his remote predecessors, and the only references to him relate to a feoffment of Pollardiston, which does not seem either interesting or important. The first deed on the subject is from William Wellisly de la Dengyn:—
 "Sciant presentes et futuri quod ego Willielmus Wellisly de

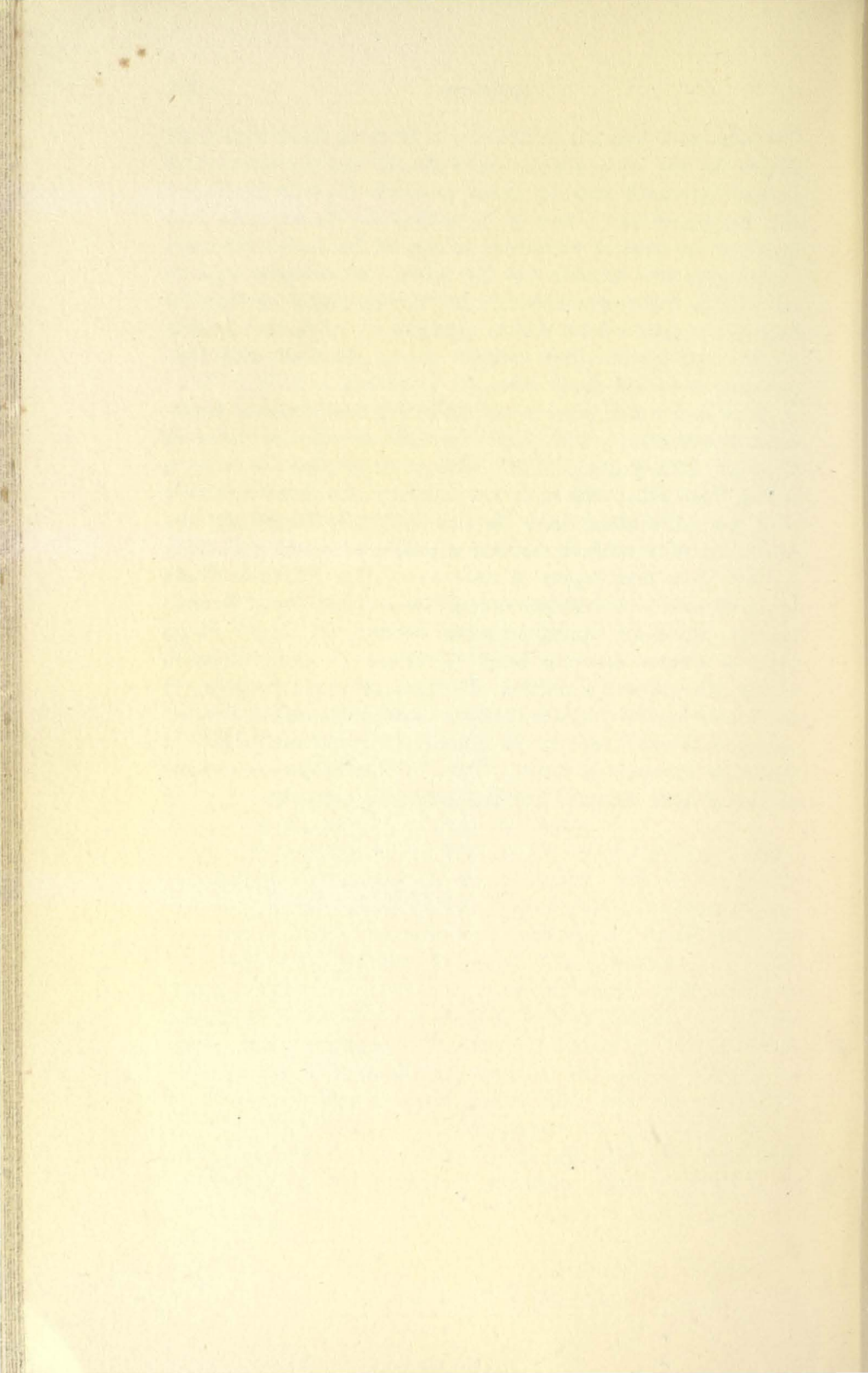
la Dengyn gent, concessi . . . Domino Geraldo Comiti Kildar' omnia messuagia terras tenementa, (etc.) . . . in Pollardiston iuxta Kildar'." It does not seem worth quoting. This deed is of the 30th July, 12, Hen. VIII. (A.D. 1497). There are other later deeds dealing with the same property. It should be mentioned that the 17th century transcript which has slight differences, chiefly in spelling, from the original of 1503, is a beautiful piece of penmanship; it has in it many uncoloured drawings and initial letters which are also uncoloured, but are as graceful as a peacock's tail. In the "Red Book" there are some entries made after the Great Earl's death, none beyond the time of Henry VIII. The documents are not entered in their chronological order, but the last document is also the last in date; it is a patent from Henry VIII. to Gerald, the 9th Earl, then Lord Deputy, authorising him to appoint a Deputy in his absence; it is dated 12th January, 10 Henry VIII.

In the "Rental" of 1518, on a loose piece of parchment is the Irish agreement between the Great Earl and the Maceoghegan. From the "Rental" could be gathered considerable information as to the Great Earl's son and, therefore, indirectly the Great Earl in his capacity of landlord. (On this subject see the papers of Dr. C. W. Russell, *P.R.I.A.*, May 24th and June 14th, 1869). This subject, important as it is, has however been deliberately ignored in this treatise through considerations of time and space.

Gilbert's account in the Hist. MSS. Comm. is by no means a complete catalogue of the Leinster Papers. Amongst others, not mentioned by him, and never published, should be noted a copy of an indenture between the Great Earl and Christopher St. Michael, Baron of Riban, made on the 18th March, 1504; a summary of which here follows:—This Indenture made between Gerald, Erle of Kildare, of the one partie and Christopher St. Michell Baron of Riban of the other partie, Witnesseth that whereas the said Christopher by his deed of feoffment bearing date the 18th day of March, 19. Hen. VII., hath given and granted the one half of all the messuages, lands, tenements, rents and services, with their appurtenances which he had in Athy, etc.,

“ which more plainely in the sayd Deed of feoffement doth apeare for the wch guift the sayd Gerald and his heires and assignes granteth and by these presents bindeth him[self] and his heires and assignes to mainetaine fortifie aide and assist to the best of his power or anie of his heires the sayd Christopher St. Michell and his heires and assignes against all men in their right and title of all such landes as they do hold in the sayd county and in especiall . . of the other halfe of the sayd townes first written in such wise that noe man shall doe them wrong.”

There is another even more interesting maintenance agreement between the Great Earl and Edmund Butler dated at Clonmel, 25th August, 1510. This is an original: it is on a strong thick skin; the seals are missing: the first two-thirds of it are quite clear, save for one dark discolouration; the remaining third is worn, so that a couple of words are hardly legible. The text begins as follows:—“*Hec indentura facta apud Clonmell in crastino sancti Bartholomei Apostoli anno domini millesimo quinquagesimo decimo et Regni Regis Henrici Octavi secundo inter strenuum et potentissimum virum Geraldum Comitem Kildare suosque heredes et assignatos ex una parte ac nobilem virum Edmundum Butiller suosque heredes amicos et liberos tenentes canthrede de Clonmell partibus ex altera . . .*” This indenture appears to be far more mutual than the preceding indenture.



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