

‘The medieval Irish plea rolls – an introduction’

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The administration of justice in the area under the control of the Dublin government in the Middle Ages was carried out in a network of courts, each with its own distinct jurisdiction. On a local level, there were county courts, manorial courts, liberty courts, and courts in the various towns and boroughs. Central justice was administered in the king's name by the justiciar's court (which later became the King's Bench), the Common Bench and by justices itinerant sent out from time to time to different areas of the country, and it is with the records produced by these central courts that this article is concerned.

The justiciar's court travelled around the country dispensing royal justice. Pleas are recorded as being heard before the justiciar, but from the 1280s he had a professionally qualified judge assisting him, and a second judge was appointed on a regular basis from 1324 onwards. The court dealt with both civil and criminal matters. On the civil side, cases included assizes dealing with title to land, and actions involving trespass; on the criminal side, with actions brought in the king's name for offences against the king's peace such as homicide, rape, arson, highway robbery and harbouring felons. The Common Bench was established at Dublin and remained there for the whole of the medieval period, with the exception of the years 1362–94, when it and the Exchequer were moved to Carlow. It dealt solely with civil cases, including those relating to possession of land, debt, detention of goods belonging to another person, non-performance of contracts and agreements, assault and false imprisonment. The justices itinerant had a wide jurisdiction both civil and criminal in the areas assigned to them, but the practice of appointing such justices died out after 1321.

At each court session, rough notes were taken of the proceedings and these were used as a basis for entering an account of the cases on vellum rolls for permanent preservation and reference. These rolls consisted of membranes about 12–18 inches long, usually written on both sides, and joined at the top with vellum thongs. Each membrane had a heading giving the details of where, when and before whom the session was held. In the case of the justiciar's court, separate rolls were compiled for civil and criminal business. Each court had an official who was charged with the custody of the records. In the case of the justiciar's court, this clerk was responsible for keeping the rolls, writs, indictments, records and bills of the court, but the rolls are the only series of records which survived into modern times. We know that the records of the Common Bench were stored in the Exchequer and it is possible that the other court rolls were also kept there. After the return of the administration from Carlow in 1394, records appear to have been stored in Dublin Castle.

In 1537 it was recommended that all of the *rolls and mynymentes* [muniments] should be centralised in the Bermingham (or south-west) Tower of Dublin Castle, and put in order there. Security was to be improved by providing the door with two locks, one key being held by the constable of the castle and the other by the under-treasurer. It was further laid down that *no man be sufferid to have loone [loan] of any of the said mynymentes from the said place, nor to serche, viewe or rede any of them ther, but in the presence of one of the kepers*. That this was not totally effective can be seen from a proclamation in 1669 concerning the return of records which had been embezzled and removed from the Bermingham Tower. This was followed in 1672 by an order that all custodians of official records were to survey the records in their custody, put them in order, and make inventories and indexes, copies of which were to be lodged in the Surveyor General's Office. It is not known whether this was done; no inventories of this date are ever referred to, and many of the records of the Surveyor General's Office were destroyed in the Council Office fire in 1711.

An inquiry into the state of public records in Ireland was held in 1723. Arthur Hall, the keeper of records in the Bermingham Tower, stated that there were many gaps in the plea rolls in his custody, adding that although no records had gone missing since he took up office, he was unable to account for the gaps in the series, or for the fact that the earliest records dated from the reign of Henry III (1216–72). According to Hall, the records were kept in wooden presses around his office, and there were tables and indexes to the rolls, though no details of these finding aids are given. They may have been the two volumes dating from the reign of Elizabeth I which were described by a later keeper in 1791 as *two very old books or alphabets relating to the records in the tower, which are very imperfect* and which the Record Commission found to be abstracts in Latin, *a kind of Repertorium, referring to the patent rolls and to the plea rolls of the reigns of Henry III, Edward I and Edward II ... the abovementioned two volumes appear to be merely the draft of a Repertorium intended to have been made, but which did not proceed further...* Brooking's map of Dublin, made in 1728, shows the Bermingham Tower in a ruinous condition, but while this may have been exaggerated for artistic reasons, the tower appears to have been a far from ideal record repository.

There were a number of fires which resulted in the destruction of records, though these losses are not precisely documented, and there was a problem with damp. In 1758 there was a major fire which resulted in the destruction of five out of the ten presses in which records were stored but fortunately, the keeper had removed the contents of two of them sometime before *to preserve them from the rain which came through the roof*. The major casualties of this fire were the seventeenth century plea rolls, though other unspecified records were scorched. Some of the charred remains were preserved and discovered by the Record Commission in a closet marked *Burnt Lumps*.

In 1775 the Bermingham Tower was demolished in order to be rebuilt, and all the records were put in sacks and stored in the Battleaxe Hall in the castle. After the rebuilding, the space available for records in the tower was greatly reduced, two-thirds of the original accommodation being appropriated as a store room for the castle housekeeper. In 1791, William Bury, the keeper, complained that *the place so lately allotted to them [the rolls] is so contracted and small that they cannot be laid out for the purpose of adjusting them*. This space for arrangement was badly needed, as the records had been returned to him *in great confusion, bundled up promiscuously in*

sacks. He further pointed out that the existing index was of no use, as several of the items listed in it had been destroyed by fire at various times, and that he needed another room for the use of himself and his deputy and of persons carrying out searches. The problems of the Birmingham Tower had not been solved by the rebuilding; wooden presses had been provided for storing the records, *but the weather has penetrated through that placed against the west wall, in the course of the last winter and damaged many of them.*

The Irish Record Commission, appointed in September 1810, surveyed the various repositories containing official records and was not very impressed by the Birmingham Tower. After noting the previous instances of destruction of records there by fire, the report continued *it still incurs the same continued risk, from the basement story of the building being occupied as a kitchen*, adding that the repository occupied a room and a closet which were *convenient but not fireproof*. The rolls were *very much injured by damp, but they are in general legible*. The Commission drew attention to problems associated with rolls; the format admits dust and air impregnated with moisture and acids to decompose the ink; the rolls occupy much more space than portfolios, cannot be kept in as regular a series and cannot be inspected with facility. They suggested that the records should be shelved horizontally between sliding shelves and laced into portfolios where possible. None of these recommendations were carried out.

In addition to the physical well-being of the records, the Commission was concerned with establishing intellectual control over them and making them available through publication. William Betham of the Office of Arms, one of the sub-commissioners dealing with the records in the Birmingham Tower, made a preliminary inventory of the contents of the tower, and completed the transcription and translation of a Repertorium to the plea rolls from the time of Elizabeth I, containing abstracts of rolls which had since been lost or destroyed by fire. A Latin calendar of plea rolls beginning in 1252 was to be completed as far as 1600 and prepared for publication. Work on this was interrupted in 1813 by a radical reorganisation of the storage of official records. The Birmingham Tower was to be abandoned as a record repository and its contents, both records and wooden presses, removed to the Record (or south-east) Tower where they were to occupy room 4 on the top floor.

By March 1816 the move was complete, and attention was turned to the making of an inventory to the contents of what was now referred to as the Birmingham Tower office. Records were to be identified, stray fragments and membranes being restored to their proper place, where possible, and all items to be wrapped in strong parchment and labelled, after which *those various records will be handed down to posterity, protected from further accidents and destruction; which, considering the value of their contents, would be an object of no inconsiderable national importance*. The inventory appeared as an appendix to the Commission's Eighth Report in 1819, the entry for each record consisting of the item number allocated by the Commission, the regnal year, number of membranes, any previous numbers or endorsements found on the roll, its physical location, the heading found on the first membrane, and remarks about the numbering of membranes and the physical condition of the roll.

Once the inventory had been made, work on the calendar of plea rolls could be resumed and by 1823 calendars for the reigns of Henry III, Edward I and Edward II had been completed and in many cases revised for publication. Betham, who had resigned as sub-commissioner in 1812, expressed reservations about the project, recommending that the calendar should be abridged, *a great part of it being unimportant and not worth the expense of transcription*. In April 1823 the Commissioners ordered *that the formation of any further calendars to the Plea Rolls in the Bermingham Tower office might, for the present, be suspended; as it appeared that sufficient materials had been collected for printing, when deemed advisable, and that all the materials of said calendar should be carefully preserved by the Secretary among the other works of the Board*. In the following year the pages of the calendar were arranged and bound, but nothing further was done about publication before the Commission was wound up in 1830. Its records, including the calendars, were deposited in the Record Tower in the castle.

In March 1853, James Ferguson of the Exchequer Record Office in the Four Courts heard from a friend that a Baron de Lassberg of Meersburg in Germany was in possession of *a quantity of old parchments, most of them being documents out of the Irish exchequer in the reign of Edward III* which he had purchased in 1851 from a bookseller named Guggenheimer. Ferguson was naturally anxious to retrieve what he presumed to be stray documents from his office and wrote to Sir Charles Trevelyan at the Treasury in London informing him of the circumstances, but received no reply. He then wrote to the Chief Justice and to the Chief Baron in Dublin, and when, after more than three weeks, he had received no answer, decided that it was his duty to go to Meersburg and try to recover the records. He persuaded the Count to part with them for the sum of £30, which Ferguson paid out of his own pocket, but on examining them, discovered that they consisted for the most part of membranes of plea rolls. He returned with them to Dublin, and on his death in 1857, the records were purchased by the authorities and ultimately transferred to the Public Record Office. Most of the membranes were later identified as having been part of a roll for 4 Edward III (1330) which the Record Commission had listed as being in the Bermingham Tower office (no. 162). Two more rolls from the same source (nos. 11 and 161) were purchased by the British Museum from Lassberg's widow in 1857 and a further two rolls (one unnumbered, but possibly part of no. 116, and no. 362) had also made their way to Germany and were bought by the Public Record Office of Ireland at Sotheby's in July 1968. Unfortunately, we have no way of telling where Guggenheimer acquired them or who removed them from Dublin Castle. Between the compilation of the inventory and the transfer of the records from the Record Tower to the Public Record Office in the Four Courts in 1869, a total of 14 rolls, in addition to those recovered in Germany, had gone missing, and are still unlocated.

The Public Record Office of Ireland [PROI] was established in 1867 and over the next few years records were transferred there from the Record Tower in Dublin Castle, the Record Commission collection in 1868 and the plea rolls in the following year. After their transfer it was discovered that the physical condition of the plea rolls had deteriorated further *...the centre of almost every membrane exhibiting more or less indication of a dry rot. The parchment also had become so brittle and friable that the rolls could not be opened without risk of injury*. A systematic programme of repair began in December 1870; the rolls were thoroughly cleaned, the parchment restored to suppleness and all

tears and decaying margins repaired with transparent tissue. The Record Commission calendars were made available to the public in the Search Room as finding aids.

In 1893, a search among the plea rolls and other records in PROI for material relating to parliamentary petitions revealed that the rolls had been very perfunctorily arranged and catalogued by the Record Commissioners, who failed to distinguish between the different kinds of plea roll, and as a result, it was decided to have the rolls examined one by one and their precise nature established. This work was entrusted to James Mills, and his revised listing of the plea rolls appears as appendixes to the 26th and 28th Reports of the Deputy Keeper. In addition to examining the plea rolls listed by the Record Commission, he located other plea rolls which had been mixed up with the exchequer memoranda rolls and calendared as such by the Commission. His list divides the rolls into the following classes: (1) Justiciary rolls, subdivided into civil and criminal; (2) Justices Itinerant rolls; (3) Common Bench rolls. Information for each item includes the term and regnal year, the period covered by the roll, the justiciar's name (where applicable), the number in the Record Commission list (or in the absence of one, the shelf reference in PROI), and details of any corresponding Record Commission calendar. He was extremely critical of the Commission's calendar. There was no consistency in treatment: some rolls were given in full, some covered by short abstracts, while others were represented by an arbitrary selection of entries. In the case of transcripts, he judged the work to be accurate, but where the text had been condensed, it was carelessly done. *In many instances the condensed work is almost worthless, the really important part of the entry being frequently entirely omitted, and the fact of an omission being obscured by the apparently verbatim nature of what is given, the omitted part being only indicated by an "&c".* He was even more scathing about the volumes which had been revised and prepared for the press by the Record Commission: *This preparation consists of striking out about three fourths of the articles and shortening often into unintelligibility some of the few that are left. This work of revision has been done generally with an utter want of appreciation of the historical value of the materials.*

Mills obviously felt that the Record Commission calendar was not worth further consideration, and when the decision was taken to publish an English calendar of the justiciary rolls for the reign of Edward I, the work was begun from scratch. By the end of 1899, a full abstract in English of two rolls had been prepared, in spite of the fact that Mills had become Deputy Keeper in June of that year and work continued on the first volume, covering the years 1295–1303 which was published in June 1906. The Treasury, at the instance of the Irish Government, and ultimately on the recommendation of Mills, had authorised the continuation of the calendar to the reign of Richard II, and work proceeded on a second volume for the years 1305–7. The introduction of Old Age Pensions meant that much of the resources of PROI had to be diverted to dealing with searches in the census records to provide proof of age for pensions applicants, work that was carried out under Mills' personal direction and supervision, and the publication of the second volume was delayed until 1914. Mills, who had been responsible for both volumes, retired as Deputy Keeper in May 1914 and died in the following September. The work of calendaring was continued by Herbert Wood, James F. Morrissey and Albert E. Langman, though the project was held up by staff shortages due to the Great War, and by 1922 the calendar of justiciary rolls had reached 11 Edward II (1318) and D.A. Chart had compiled a calendar of the justices itinerant roll for 1305.

The Four Courts fire in 1922 resulted in the destruction of all but a handful of medieval records. Of the 488 plea rolls there dating before 1485, three, the justiciary roll for 6–7 Edward II (KB 1/1) and the Common Bench rolls for 6 Edward IV and 19 Edward IV (CB 1/9 and 10) survived virtually intact. Another four rolls are damaged and unusable without extensive conservation, and a further five rolls are no more than fragments. In 1968 two rolls were purchased at Sotheby's of London, a justiciary roll for 11 Edward II (KB 1/2) and a Common Bench roll for 1 Henry V (CB 1/5). All of these rolls are now held in the National Archives. To the list of surviving rolls should be added those in the British Library, a Common Bench roll for 18 Edward I (Add. Charter 13598), a justiciary roll for 4 Edward III (Add. Charter 13599) and some detached fragments for 1330, 1385 and 1407 (Add. Charter 13600). These are available on microfilm in the National Library (film p. 575). There is a remote possibility of others turning up; the 14 rolls which went missing between 1819 and 1869 have never been accounted for, while the list of records in existence in 1819 contains several gaps, most notably 1356–62 and 1369–72 for justiciary rolls, 1415–60 and 1474–85 for King's Bench and 1342–61 and 1466–79 for Common Bench rolls. We have no way of knowing whether these losses were the result of fire or embezzlement.

In addition to the original rolls mentioned above, and draft transcripts of some of them, the National Archives also has the unpublished calendars of justiciary rolls made in PROI before 1922, which cover the period 1313–18 (KB 2/1–12) and a calendar of the justices itinerant roll for 1305 (JI 1/1). Of the Record Commission's calendar of plea rolls which originally comprised 20 volumes, 13 have survived [RC 7] and some plea rolls are also included in the Commission's calendar of memoranda rolls [RC 8]. A detailed list of these classes is available in the reading room of the National Archives and the work of the Irish Record Commission is described by Margaret Griffith in *Irish Historical Studies* vii (1950). Geoffrey Hand has published a list of all the surviving material, both original and calendar, for the reigns of Edward I and Edward II in his *English Law in Ireland, 1290–1324* (compiled before the purchase of the rolls in 1968) and a continuation for the reign of Edward III in *Northern Ireland Legal Quarterly* xxiii (1972).

Three volumes of the PROI calendar have been published: *Calendar of Justiciary Rolls, 1295–1303* (1905) and *Calendar of Justiciary Rolls, 1305–7* (1914), both edited by James Mills, and *Calendar of Justiciary Rolls, 1308–14* (1956), prepared by Herbert Wood and Albert Langman and revised by Margaret C. Griffith. The National Archives intends to publish the remainder of the manuscript calendars and the surviving original rolls. The list of headings of justiciary rolls, compiled by Mills, giving the place and dates of the sessions, formed the basis of a list of sessions for the period 1308–1376 which I published in *The Irish Jurist* xviii (1983). The Common Bench roll for 19 Edward IV (1479–80) has been published in full with an introduction by Steven G. Ellis in *Analecta Hibernica* 31 (1984).

As to other substitutes for the lost rolls, the Royal Irish Academy has a Latin calendar of the Common Bench roll for 10 Edward I (12.D.12) and extracts from plea rolls are to be found in various collections made before 1922. Two of the most important are the Betham extracts in the Genealogical Office (Mss 189–192), covering the 13th to the 16th centuries, and a volume in Cambridge University Library (Additional Ms 3104), probably compiled by Henry Andrewe, clerk of the crown in the King's Bench in the early 17th century, which covers the reigns of Edward I, Edward II, Edward III and

Richard II. The Public Record Office in London holds copies of proceedings in Irish courts which were sent to England for various legal and administrative reasons and a list of those in the class Chancery Files (Recorda) (C 260) appeared in *Analecta Hibernica* 31 (1983). Irish material on the English King's Bench rolls in the Public Record Office, London (KB 27) for the reigns of Edward I and Edward II is available on microfilm (film p. 3948) in the National Library which also has a list of these entries compiled by Geoffrey Hand (Special List no. 57). A similar list of cases in the reign of Edward III by G.O. Sayles is printed as an appendix to his *Documents of the Affairs of Ireland before the King's Council* (1979).

This article gives a brief introduction to the plea roll sources available to researchers today. The administration of justice in medieval Ireland is dealt with in detail in Hand's *English Law in Ireland, 1290–1324*, and the personnel of the courts in H.G. Richardson and G.O. Sayles, *The Administration of Medieval Ireland, c. 1172–1377* (1963). Because of the wide variety of cases dealt with and the fact that most of them involved ordinary people who do not otherwise feature in official records, the *Calendars of Justiciary Rolls* provide fascinating reading for anyone interested in the history of Ireland in the Middle Ages; it is hoped that the extracts printed below will whet the reader's appetite.

June 1300

Cork: Maurice son of Laurence de India, clerk, against Adam Sott. The jury finds that when Adam was eating oysters in a tavern, he threw an oyster shell over his shoulder, which struck a wall, and the shell rebounded and struck Maurice, then being in the tavern, in the left eye, by which he lost the sight of it. It is adjudged that he recover 100s. for damages, and Adam is in mercy.

March 1305

Wexford: Thomas Knythsweyn of Balygaueran against John le Nelder son of Ralph le Nelder of Ross. It is found by the jury that when Thomas came to the town of Ross on his journey to the Roman court, and chose his port at the Crok, John assaulted him in the town of Ross at the Cornere, and tried to slay him, but that he was rescued by force by his companions from the premeditated attacks of John. And after the rescue, John threatened him that as soon as Thomas was at sea he would be thrown overboard by the sailors of the ship at John's procurement. Therefore it is adjudged that Thomas recover his damages taxed by the jury at 6s. 8d. And let John be committed to gaol. And because John threatened Thomas of life and limb, he is delivered to Robert Russel, superior of Ross, to keep until he find pledges to keep the peace to Thomas. At the instance of Robert, prison is remitted, the more readily because Robert undertook that John would bear himself well. And let John remain in the custody of Robert until he find pledges of the peace.

July 1308

Dublin: William Bernard against John McCorcan, of a plea of trespass. It is found by the jury that, whereas William, on the Sunday after the Nativity of St John Baptist last, in the town of New Castle of Lyons, was playing at ball with men of that town, and the ball was struck in the direction of John, who was standing near to watch the game. John ran towards the ball, which William was following in pursuit, and met him so swiftly that he wounded William in the upper part of his right leg with a knife which he, John, had upon him, which knife unfortunately without John's knowledge pierced its sheath and so injured William, to his damage of five shillings. And the jurors, being asked if John did this from ill-timed zeal or ran against William from malice aforethought, say that it was not so, but that it was for the purpose of playing that he ran towards him to hit the ball. Therefore it is considered that William recover against him his said damages. And John is in mercy, which is pardoned him afterwards by the justiciar, because the jurors testify that William and John at the said time and before that were fast friends, and that John did not wound William knowingly.

February 1311

Carlow: John Clement, charged with the death of Mabilla, daughter of John son of Robert, comes and defends etc. David le Rede [and others], jurors, say that John Clement and other shepherds shot arrows at a mark, near which Mabilla was seated, and the said shepherds instantly asked Mabilla to move away from the mark, which she refused to do. At length John Clement shot towards the mark with a blunt arrow, which was deflected by the wind to Mabilla and against the will of John Clement struck her on the head and wounded her so that she died. And because the jurors testify that John Clement slew Mabilla against his will and without malice, John is of grace admitted to make fine etc. for the said death for 13s. 4d., by pledge of David le Rus and Nicholas son of Robert.

February 1311

Waterford: Eva Giffard, mistress of Adam Crompe, charged that she is a common robber of sheep, calves and hens, and that she stole of the sheep of Ivor Obrodir all the wool which grew on twenty sheep, and tore the wool from the sheep in the fold with her hands, without shears, comes and defends etc. Richard Went [and others], jurors, say that Eva is guilty and is accustomed to perpetrate such thefts and robberies. Afterwards of grace Eva is admitted to make fine etc. for the said charges by 40s. by pledge of Adam Crompe and Michael de Carreu, so that she stand etc. The same pledges mainprised for Eva that she would always in the future bear herself well towards the king's peace, which if she shall not do, they will restore her body to the king's prison alive or dead within fifteen days from the time when they are warned of her repeated misdeeds, or drive her outside the county, and will make good to the injured the losses caused by the said Eva.

July 1312

Tipperary: William Okally, charged with the death of Richard Laudefey, whom he must have slain feloniously at Burgagemylagh, comes and defends etc. And Richard Blonchard [and others], jurors, say that when William Okally lay in the embrace of a certain woman, Richard came up and, moved by jealousy, took William by the feet and dragged him from the said woman, and as William returned, Richard again dragged him away, and each retiring a little way they dug up sods and threw them at each other, and when William had thrown a sod there came out thereof a small stone and hurt Richard, and feeling that he was hurt, with a rush he drew his sword and struck and severely wounded William. Feeling this, William immediately drew his sword and therewith struck and wounded him fatally so that he died. Asked if he could otherwise have avoided death if he had not done this, they say no, because assuredly if William had not thus struck Richard, Richard was prepared to strike him again and kill him. Asked further if before or after this deed he was charged with larceny or any other evil charge, they say no, and he is not of ill fame; wherefore let him be committed to gaol to await judgment.

July 1312

Tipperary: Adam son of John de Midia, charged that he feloniously slew William Drak, an Englishman, whom he basely struck in the breast with a knife and killed him, as alleged, comes and defends etc. David Rothan [and others], jurors, say that when William Drak went out of a certain tavern, strife and dissension arose between William Drak and the wife of Adam son of John de Midia, who called the own brother of William Drak an apostate, whereupon William, moved with wrath, beat her badly, and Adam, coming up to tear his wife from the hands of William, as the said apostate refused to permit Adam to approach his own wife, bent his bow and shot at the apostate with two arrows, and when he had no more, began to fly, and William Drak and the apostate pursued him, and when William had caught Adam he threw him on the ground under him and drawing his knife, gave Adam four wounds therewith, and Adam, feeling that he was grievously hurt and could not escape the murderous hands of William, drew his knife and struck William upwards in the breast. And William rose and, thinking he had truly killed Adam first, fled swiftly to the church of Thronoill, in which he afterwards died of the said wounds. Therefore let Adam be committed to gaol to await the king's grace. Free land of Adam, eight acres in fee worth 8¼d. an acre yearly, one messuage in fee worth 2d. yearly, two small houses with two yard from his wife's dowry worth 2s. yearly, five acres and a half from the said dowry worth 8d. an acre yearly. Chattels of Adam, the crop of four acres of beans worth four shillings an acre. Afterwards, Adam gave to the king for grace etc. and for having again his said lands, 100s. by the pledge of John de Midia [and others].

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