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G. J. Hand
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ENGLISH LAW IN IRELAND 1290-1324

BY

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PREFACE

MUCH of this book represents work done in the preparation of a thesis for the degree of Doctor of Philosophy of the University of Oxford. The years 1290 and 1324 were initially adopted as limits in the light of what was then thought concerning the evolution of the principal Irish court, that of the justiciar. In fact, 1290 proved to be less appropriate in this particular context than had been anticipated, though there is no question that 1324 marks an important step in the development of the justiciar's personal court towards an independent Irish king's bench. But other justifications for these limits soon appeared, even apart from the familiar division of the reign of Edward I at about 1290. Almost all the justiciary rolls to survive to modern times came from between these years, while the earliest original roll of the Dublin bench now surviving and the first eyre rolls of Edward I for which we have substantial texts come from 1290. 1290 witnessed, in the appointment of William de Vescy as justiciar, and 1324, in that of John Darcy, important occasions in the history of the chief governorship of Ireland. The years between deserve to be called, more fittingly than any other period, 'the climax of medieval Ireland'.

In its earliest stages, my work was supervised by Professor V. H. Galbraith, and one of my chief debts is to him, for characteristically critical, stimulating—and entertaining—encouragement. Mr G. D. G. Hall, to whom the task of supervision was transferred, provided patient and painstaking guidance into unfamiliar areas of medieval English law. Miss M. C. Griffith, Deputy-Keeper of the Public Records of Ireland, not only helped with her deep knowledge of the records under her care but also generously allowed me to make use of a transcript she had prepared of the sole surviving justiciary roll.

Dr A. G. Donaldson, Dr R. A. Griffiths, and Dr J. F. Lydon facilitated my consultation of their unpublished theses. A like kindness was done by one who unfortunately has not lived to read this expression of thanks. To some it may be surprising to learn that the late Professor Arthur Redford, whose later distinction was in so different a field of historical study, was the author

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PREFACE

of a remarkable Manchester B.A. thesis (1915), 'The Climax of Medieval Ireland'. The value, as an introduction, of this able survey from the major printed sources, which Professor Redford went to considerable inconvenience to make available to me, proved to be great, but of its nature such assistance cannot be made sufficiently apparent in the text and foot-notes of the present book, and it is therefore particularly acknowledged here. In passing, one must lament that, though Professor Redford's thesis was lent to Edmund Curtis when he was preparing the first edition of *Medieval Ireland* (1923), he made astonishingly little use of it. Had Curtis done otherwise, some criticisms of his work by later scholars would have been less necessary.

There are other acknowledgments that can no longer be made as I should wish. The late H. E. Bell prolonged his duties as moral tutor into a most helpful concern for the revision of the work for publication. My late father, J. A. Hand, read early drafts, which often profited by his critical insistence on clarity and legal precision.

One expression of gratitude is imperative above all others upon a student of the medieval lordship of Ireland. Mr H. G. Richardson and Professor G. O. Sayles have taught us nearly all we know of the institutions and administration of the lordship. Much of what I have written is barely more than an exploration of territory which they have already mapped in outline. But, in addition to this common indebtedness, I have incurred personal obligations, for their assistance and advice has been courteous and unfailing.

I must thank the President and Council of the Royal Irish Academy for permission to incorporate in chapter III material published in the Academy's *Proceedings*, vol. LXII (1962); and my colleagues on the Board of *The Irish Jurist*, for a similar permission in the case of the greater part of chapter x. My thanks are also due to Mr Douglas Grainger, who drew the maps.

May 1967

G. J. H.

LIST OF ABBREVIATIONS

I. REFERENCES TO RECORDS IN THE PUBLIC RECORD OFFICE
OF IRELAND (P.R.O.I.)

Transcripts and translations of copyright records in the Public Record Office of Ireland appear by permission of the Deputy-Keeper.

It should be noted that, with the exception of the references RC. 7 and RC. 8, the abbreviations which follow are not office class references.

- C.P. Common pleas (Dublin Bench).
 J.I. Justices Itinerant.
 J.R. Justiciary Roll. Followed by a membrane reference, this may variously refer to an original or to English calendars in manuscript: see Appendix III.
 Mem. Memoranda Roll.
 RC. 7 Irish Record Commission papers, Calendar of Plea Rolls. For details of the method followed in citing this class, and RC. 8, see p. 90, n. 3, below.
 RC. 8 Irish Record Commission papers, Calendar of Memoranda Rolls.

II. REFERENCES TO RECORDS IN THE PUBLIC RECORD OFFICE,
LONDON (P.R.O.)

Transcripts and translations of Crown copyright records in the following classes in the Public Record Office, London, appear by permission of the Controller of H.M. Stationery Office.

- C. 47 Miscellanea of the Chancery
 C. 49 Parliamentary and Council Proceedings (Chancery)
 C. 54 Close rolls
 C. 62 *Liberate* rolls (Chancery)
 C. 66 Patent rolls
 C. 81 Warrants for the Great Seal, series I
 E. 13 Exchequer of Pleas, Plea rolls
 E. 101 Exchequer, K.R., Various accounts
 E. 163 Exchequer, K.R., Miscellanea of the Exchequer
 E. 372 Pipe rolls
 Just. Itin. 1 Eyre rolls, Assize rolls, etc.
 K.B. 26 *Curia regis* rolls
 K.B. 27 *Coram rege* rolls

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LIST OF ABBREVIATIONS

- S.C. 1 Ancient Correspondence
 S.C. 8 Ancient Petitions
 S.C. 9 Parliament rolls (Exchequer series)

III. OTHER ABBREVIATIONS

Abbreviated references to the modern series of record publications are not included in the following list, as it is thought that they are sufficiently self-explanatory.

- Anal. hib.* *Analecta hibernica* (Irish MSS. Comm.).
Arch. hib. *Archivium hibernicum*.
Cal. rot. *Rotulorum patentium et clausorum cancellariae*
pat. Hib. *Hiberniae calendarium*. Ir. rec. comm. 1828.
C. J. R. *Calendar of judiciary rolls*. In progress. Dublin, 1905–
 Cole, *Documents illustrative of English history in the thirteenth*
Documents and fourteenth centuries. Ed. H. Cole. Rec. comm. 1844.
 Curtis, E. Curtis, *Medieval Ireland*. References throughout,
Medieval Ireland unless otherwise stated, are to the second edition
 (London, 1938).
E.H.R. *English Historical review*.
Hist. & mun. doc. Ir. *Historical and municipal documents of Ireland*. Ed. J. T. Gilbert. Rolls ser. 1870.
 Holdsworth Sir William Holdsworth, *History of English law* (edition as specified in each case).
I.H.S. *Irish historical studies*.
 I.R. Irish Reports.
 Irish arch. Irish archaeological society.
 soc.
 Irish MSS Irish manuscripts commission.
 Comm.
Ir. rec. comm. rep. *Reports of the commissioners appointed to execute the measures recommended respecting the public records of Ireland*. 3 vols. London, 1815–25.
 M. Michaelmas (term).
N.I.L.Q. *Northern Ireland legal quarterly*.
 Orpen G. H. Orpen, *Ireland under the Normans*. 4 vols. Oxford, 1911–20.
 P. Easter (term).
 Pollock and Maitland F. Pollock and F. W. Maitland, *A history of English law*. 2nd ed.; Cambridge, 1898.
P.R.I. rep. *First [etc.] report of the deputy keeper of the public records*
D.K. 1 [etc.] of Ireland. In progress. Dublin, 1869–

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- R.I.A. Proc.* *Proceedings of the Royal Irish Academy.*
- Richardson and Sayles H. G. Richardson and G. O. Sayles, *The Irish parliament in the middle ages*. Philadelphia, 1952.
- The Irish Parliament*
- Richardson and Sayles H. G. Richardson and G. O. Sayles, *The administration of medieval Ireland*. Irish MSS. Comm. 1963.
- Administration*
- R.S.A.I. Jn.* *Journal of the Royal Society of Antiquaries of Ireland.*
- S.S. Selden Society.
- T. Trinity (term).
- Y.B. Year Book.

NOTE: All references to the *Calendar of documents relating to Ireland (Cal. doc. Ire.)* are by item number, except where page ('p.') is expressly indicated.

