

THE BACKGROUND TO THE ARREST OF
THE FIFTH EARL OF KILDARE AND
SIR CHRISTOPHER PRESTON IN 1418:
A MISSING MEMBRANE

Presented by

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INTRODUCTION

The manuscript

The document presented here is a stray fragment of a report dated 12 January 1419 concerning the arrest on 26 June 1418 of Gerald fitz Maurice (+1432), fifth earl of Kildare, and Sir Christopher Preston (+1422) of Gormanston.¹ It was prepared by the then lieutenant of Ireland, Sir John Talbot of Halomshire (+1453), lord Furnival,² in response to a command issued under the English seal ordering the lieutenant to send Kildare and Preston before the king's council in England, together 'with the cause of their arrest and imprisonment'.³ Six membranes from Talbot's report are preserved among the Miscellanea of the English Exchequer.⁴ In 1980, Professor Jocelyn Otway-Ruthven published an edition of this manuscript in this journal under the title, 'The background to the arrest of Sir Christopher Preston in 1418'.⁵

1. For Kildare, see G.E. Cokayne, *The complete peerage* (12 vols, London, 1910-59) (hereafter G.E.C., *Peerage*), vii, 225-8. For Preston, see G.E.C., *Peerage*, vi, 20; James Mills (ed.), *Calendar of the Gormanston register* (Dublin, 1916), pp x-xi; James Moynes, 'The Prestons of Gormanston, c. 1300-1532: an Anglo-Irish gentry family', *Ríocht na Midhe*, 14 (2003), pp 39-41, 44-5, 48-9. The date of their arrest is provided by the chronicler, Henry Marlborough: *Bibliothèque Municipale de Troyes*, MS 1316, ff 52v-53 (translated in Ware, *Anc. Ir. hist.*, ii, p. 27). I have followed the system of abbreviations set out in 'Rules for contributors to Irish Historical Studies', *I.H.S.*, 33 (2003), pp 351-68. All references to MSS are from the National Archives of the United Kingdom, Kew [hereafter TNA], unless otherwise specified.

2. Sir John became sixth Baron Talbot in 1421, and was later created earl of Shrewsbury (1442) and earl of Waterford (1446). See G.E.C., *Peerage*, v, 591-2; xi, 698-703; xii/1, 620; xii/2, 419. The Talbot family claimed the liberty of Wexford by descent from John Hastings, earl of Pembroke (+1389), while Sir John Talbot himself, as lord Furnival, inherited lands at Loughsewdy, county Westmeath. See R. Ian Jack, 'Entail and descent: the Hastings inheritance, 1370 to 1436', *Bulletin of the Institute of Historical Research* 38 (1965), pp 1-19; A. J. Otway-Ruthven, 'The partition of the de Verdon lands in Ireland in 1332', *R.I.A.Proc.*, 66C (1968), p. 417; A. J. Pollard, 'The family of Talbot, lords Talbot and earls of Shrewsbury in the fifteenth century' (Ph.D., University of Bristol, 1968), pp 103-06.

3. *Cal. close rolls*, 1413-19, p. 472; the original is C 54/268, membrane 16. The warrant for this writ is C 81/1542/63; a draft version of the writ survives as C 81/1542/43.

4. E 163/7/12.

5. Jocelyn Otway-Ruthven (ed.), 'The background to the arrest of Sir Christopher Preston in 1418', *Analecta Hibernica*, 29 (1980), pp 71-94 (hereafter Otway-Ruthven, 'Arrest').

The manuscript edited by Otway-Ruthven (E 163/7/12) provides a detailed account in Anglo-Norman French of events in Ireland between c. September 1417 and early June 1418.⁶ The text is punctuated by exemplifications of writs issued in Latin by the Irish chancery. These instruments are of particular interest since 1418 is a year for which administrative sources are otherwise extremely sparse. For students of high politics, the report is indispensable for reconstructing the earliest phases of the notorious antagonism between the Talbot and Butler families that was to dominate colonial affairs until the late 1440s.⁷ Sadly, the manuscript is rubbed and damaged in several places, nowhere more grievously than at membrane 3. This membrane opens with a statement to the effect that what follows is the 'cause of the arrest' of the fifth earl of Kildare and Sir Christopher Preston.⁸ The ensuing narrative is dominated by the vain attempts of Sir John Talbot to bring Prior Thomas Butler of Kilmainham (†1419),⁹ half-brother of James, the fourth or 'white' earl of Ormond (†1452),¹⁰ before the Irish parliament to answer for breaches of the king's peace.¹¹ It becomes clear that the Talbot administration met considerable resistance within parliament. The ring-leaders of the opposition are identified as Gerald fitz Maurice, fifth earl of Kildare, and

6. Much of E 163/7/12 is synthesised in A. J. Otway-Ruthven, *A history of medieval Ireland* (2nd ed., London, 1980), pp 353–4.

7. For the Talbot–Ormond conflict, see E. A. E. Matthew, 'The governing of the Lancastrian lordship of Ireland in the time of James Butler, fourth earl of Ormond, c. 1420–52' (Ph.D., University of Durham, 1994), part II, *passim*. An older work by Margaret Griffith remains useful primarily for the editions of documents appended to the text (Griffith, 'The Talbot–Ormond struggle for control of the Anglo-Irish government, 1414–1447', *I.H.S.*, 2 (1940–1), pp 376–97). For the growth of the antagonism during Sir John Talbot's lieutenancy of 1414–20, see Peter Crooks, 'Factionalism and noble power in English Ireland, c. 1361–1423' (Ph.D., University of Dublin, 2007), pp 319–70.

8. Otway-Ruthven, 'Arrest', p. 74.

9. For whose colourful career, see T. Blake Butler, 'Thomas le Botiller, prior of Kilmainham, 1403–1419', *Irish Genealogist*, 1 (1937–42), pp 362–72. T. Blake Butler mistakenly dates his priorship from 1403 (p. 363, n. 3). For the correct date of c. 1407, see Charles L. Tipton, 'The Irish hospitallers during the Great Schism', *R.I.A. Proc.*, 69C (1970), p. 41; idem, 'Peter Holt, turcopolier of Rhodes and prior of Ireland', *Annales de l'Ordre Souverain Militaire de Malte*, 22 (1964), p. 84.

10. For whom, see E. A. E. Matthew, 'Butler, James, fourth earl of Ormond [called the White Earl] (1390–1452)', *Oxford D.N.B.*, ix, pp 147–9.

11. For convenience, I refer to all the assemblies summoned in 1417–18 as 'parliaments', although some were great councils (see list in *N.H.I.*, ix, 599). Both types of assembly were attended by elected representatives. The distinction may lie in the technical issue of the period of summons: see H.G. Richardson and G.O. Sayles (eds), *Parliaments and councils of mediaeval Ireland* (Dublin, 1947), pp xv–xx; idem, *The Irish parliament in the middle ages* (Philadelphia, 1964), pp 104–10.

Sir Christopher Preston, who were allegedly conspiring with Prior Thomas against the royal government. Just as this tale is approaching its dramatic dénouement—namely the arrest of Kildare and Preston—the narrative tantalisingly breaks off. The third membrane of E 163/7/12 is made up of two pieces of parchment stitched together. The lower portion is torn after the eighteenth line of text and only fragments of lines 19–24 are legible.¹² This literal hole in our knowledge is not plugged by the later membranes of E 163/7/12, which merely repeat or supplement the facts already set out in membrane 3.

Fortunately, the remainder of membrane 3 has survived independently. It is catalogued in the class of Exchequer Accounts Various, where for the most part it has escaped the notice of historians.¹³ This manuscript (E 101/698/34) is undoubtedly the tail of E 163/7/12, membrane 3. This is clear both from internal evidence and from the physical compatibility of the manuscripts, which are in the same hand and of the same dimensions. Where the two membranes meet at lines 19–20, their width is c. 320 millimetres. Both manuscripts have a margin on the left-hand side of c. 45 millimetres. The jagged upward arc at the top of E 101/698/34 fits neatly into the indentation at the torn end of the third membrane of E 163/7/12. As a result, almost miraculously, no text has been lost.

Commentary

This ‘missing membrane’ provides crucial information concerning the final days before the arrest of Kildare and Preston, including details of their alleged conspiracy with Prior Thomas Butler. It also records several incidental facts that enable us to trace the movements of the colony’s chief governors and the sessions of the king’s council in Ireland. We learn, for instance, that on 10 July 1418 the king’s lieutenant, Sir John Talbot, returned from a sojourn of nearly five months in England.¹⁴ The following week, on 19 July 1418, Sir John presided over a session of the king’s council at Trim, at which his brother, Sir Thomas (†1419)—who had

12. I have counted the lines starting from the lower portion of membrane 3, that is to say from after the stitching. The artificial and miscellaneous nature of both E 101 and E 163 makes it difficult to determine when the damage occurred, but it is likely that the two MSS. parted company before cataloguing got under way in the nineteenth century. I am grateful to Dr David Crook of TNA for his advice on this matter.

13. It is noted in Matthew, ‘Governing Lancastrian Ireland’, pp 109, n. 17, 484, n. 13. The online catalogue of TNA has now been updated to include cross-references between the two MSS.

14. Noted in Matthew, ‘Governing Lancastrian Ireland’, appendix 1, list 2, p. 484, updating *New History of Ireland*, ix, p. 476.

acted as deputy lieutenant during his absence—was called to account for his arrest and detention of Kildare and Preston. (Predictably the council found Sir Thomas's actions 'good and reasonable'.) The fragment also verifies that the arrest of Kildare and Preston took place in the house of the friars minor, Clane, county Kildare, and not at Slane, county Meath, as has sometimes been reported in error.¹⁵ Finally, the document sheds light on relations—both cooperative and combative—between the colonists and Gaelic lords. A parley in county Carlow between Sir Thomas Talbot and MacMurchadha is described, interestingly, as *un jour de marche appellee parlement*. Such parleys were by no means a new phenomenon,¹⁶ but the use of these words in an Irish context may reflect the fact that the Talbot family held lands in the March of Wales,¹⁷ where 'days of the March' were a familiar mechanism for composing disputes.¹⁸ Sir John Talbot himself cut his teeth fighting against the resurgent Welsh leader, Owain Glyn Dŵr.¹⁹ Clearly, the similarities between these two theatres of war was something that impressed contemporaries as much as it has recent historians.²⁰

The 'missing membrane', therefore, provides much in the way of fresh evidence. Not all of its testimony can, however, be accepted at face value. In the preface to her edition, Otway-Ruthven noted with some excitement

15. G.E.C., *Peerage*, vii, p. 225; H. G. Richardson, 'The Preston exemplification of the *Modus tenendi parliamentum*', *I.H.S.*, 3 (1942–3), p. 188. The slip may have originated with infelicities in the published editions of Henry Marlborough's chronicle, where 'Clane' is misprinted as 'Slane' (William Camden, *Britannia* [...] (6th ed., London, 1607), p. 835; Ware, *Anc. Ir. hist.*, ii, p. 27). The Manuscript of Marlborough's chronicle, however, reads 'Clane' (*Bibliothèque Municipale de Troyes*, Manuscript 1316, ff 52v–53). This is corroborated by the so-called 'Preston exemplification' of the *Modus tenendi parliamentum* (for which, see below n. 32), which also states that the arrest occurred 'apud villam de Clane' (Nicholas Pronay and John Taylor, *Parliamentary texts of the later middle ages* (Oxford, 1980), p. 128).

16. For a parley in 1384 with MacMurchadha that went awry, see E 101/246/6, nos. 28, 56. The 'growth of royal diplomacy' with Gaelic Ireland is analysed in Robin Frame, 'English officials and Irish chiefs in the fourteenth century' in idem, *Ireland and Britain 1170–1450* (London and Rio Grande, 1998), pp 249–77, quotation at p. 267.

17. Pollard, 'Family of Talbot', pp 6–8. For the Talbots's caput at Castle Goodrich, Herefordshire, see *An Inventory of the Historical Monuments in Herefordshire* (3 vols, London, 1931–4), i, 74–8.

18 R. R. Davies, *Lordship and society in the March of Wales 1282–1400* (Oxford, 1978), pp 245–6.

19. A. J. Pollard, *Sir John Talbot and the war in France, 1427–1453* (London, 1983), pp 8–9; idem, 'Talbot, John, first earl of Shrewsbury and first earl of Waterford (c.1387–1453)', *Oxford D.N.B.*, liii, p. 701. For the revolt, see R. R. Davies, *The revolt of Owain Glyn Dwr* (Oxford, 1995).

20. The comparison is brought out to great effect in R. R. Davies, 'Frontier arrangements in fragmented societies: Ireland and Wales' in Robert Bartlett and Angus MacKay (eds), *Medieval Frontier Societies* (Oxford, 1989), pp 84–7.

the 'flood of new information' provided by E 163/7/12. She then added the sombre reflection that '[t]he light thrown on the disorders of fifteenth-century Anglo-Irish society is new in detail, and sadly instructive'.²¹ Her lament is typical of a bygone generation of administrative historians who decried the 'deficiencies' of late medieval government and the disruption wrought by 'over-mighty' magnates.²² Not that her emphasis on disorder is altogether unwarranted. It can scarcely be doubted that physical coercion in a variety of guises was a commonplace of the time. What is required is a sense of proportion. Sir John Talbot's report was no impartial government memorandum. Rather it was an apologia, crafted to discredit Talbot's political enemies. Many of its wilder allegations must be read with a sceptical eye, just as their 'stifling formality' indicates that they were written with one eye on the statute books.²³ Richard Kaeuper has rightly noted, in a similar context, how 'the language of disorder quickly becomes formulaic and may exaggerate the disorder as a means of emphasizing the virtue of whatever royal action is proposed'.²⁴ One such formula that recurs in Talbot's report is the claim that military forces were arrayed 'in warlike manner' (*a feer de guerre*).²⁵ In itself, the phrase reveals precious little about the reality of frontier warfare, which normally had very limited objectives. It served, however, as a technical trope to tarnish the accused in the eyes of the law.²⁶ A similar strategy explains the trouble that Sir John Talbot took to demonstrate that Sir Christopher Preston and the earl of Kildare were guilty of certain key offences. Preston and Kildare are depicted firstly as accroaching royal power to themselves (*accrochantz a eux roiall poair*),²⁷ and then, during their covert meetings and conventicles with Prior Thomas Butler of Kilmainham, of conspiring to take Sir Thomas Talbot captive, kill his soldiers, and seize the governance of the land.²⁸ Accroaching royal

21 Otway-Ruthven, 'Arrest', p. 73.

22. For a recent overview of the English historiography, see Rosemary Horrox, 'England: kingship and the political community, 1377–c. 1500' in S.H. Rigby (ed.), *A companion to Britain in the later middle ages* (Oxford, 2003), pp 224–41. For a similar trend in Irish historiography, see Peter Crooks, 'Factions, feuds and noble power in the lordship of Ireland, c. 1356–1496', *I.H.S.*, 35 (forthcoming, Nov. 2007).

23. The phrase is that of Geoffrey Elton with reference to the legal records of early modern England, but his comments are illuminating for an earlier period: G. R. Elton, 'Introduction: crime and the historian' in J. S. Cockburn (ed.), *Crime in England, 1550–1800* (London, 1977), p. 11.

24. Richard W. Kaeuper, 'Law and order in fourteenth-century England: the evidence of special commissions of oyer and terminer', *Speculum*, 54 (1979), p. 736.

25. Otway-Ruthven, 'Arrest', pp 76, 87.

26. For the legal context, see J. G. Bellamy, *The law of treason in England in the later middle ages* (Cambridge, 1970), p. 107.

27. Otway-Ruthven, 'Arrest', p. 80.

28. E 101/698/34.

power was a stock political offence of the first order that was employed repeatedly in the crises that engulfed late medieval England.²⁹ Likewise, to 'compass or imagine' the king's death was deemed to be treason under the great statute of 1352.³⁰ The significance of this lies in the fact that at the time of the arrest of Preston and Kildare, Sir Thomas Talbot - the intended victim of the alleged conspiracy - was the king's representative in Ireland.³¹ Given the legal machinations that were at work, we are quite entitled to question whether Preston and Kildare had anything so drastic in mind.

One last episode that has proved controversial cannot pass without comment. The final passage of the 'missing membrane' confirms the celebrated fact that, when Sir Christopher Preston was arrested, a roll of parchment and certain *scrowettes* were discovered on his person. An exemplification of these articles has survived, so historians have long known that Preston was carrying an Irish version of the treatise known as the *Modus tenendi parliamentum*, as well as a copy of the king's coronation oath.³² The date, purpose, provenance and textual transmission of the Irish *Modus* have all been debated, at times with unpardonable vitriol.³³

29. Bellamy, *Law of treason*, pp 64–74; M. V. Clarke, 'Forfeitures and treason in 1388', *Fourteenth Century Studies*, ed., L. S. Sutherland and M. McKisack (Oxford, 1937), pp 136–7.

30. *Statutes of the realm*, i, 319–20 (25 Edw. III [Eng.], st. 5, c. 2). In 1342, in response to petitions made to Edward III, it was ordained that persons indicted for felonies in Ireland should not have to come to answer before the king in England, except in the case of 'treasons and anything that touches the King's person': *Stat. Ire., John-Hen. V*, pp 350–51 (16 Edw. III [Ire.], c. 16). This ordinance was cited by petitioners in the 1370s: National Archives of Ireland, RC 8/30, pp 396–403; RC 8/31, pp 197–9.

31. Bellamy, *Law of treason*, pp 122–3.

32. Huntington Library, California, E.L. 1699. The most recent edition is Pronay and Taylor, *Parliamentary texts*, pp 128–37, which supersedes M. V. Clarke, *Medieval representation and consent: a study of early parliaments in England and Ireland, with special reference to the Modus tenendi parliamentum* (New York, 1964), pp 384–92. The edition produced by Robert Steele is of the seventeenth-century transcript of the exemplification owned by William Hakewill, rather than of the original document (R. Steele (ed.), *Bibliotheca Lindesiana, v: Bibliography of royal proclamations of the Tudor and Stuart sovereigns and of others published under authority, 1485–1714* (Oxford, 1910), i, pp clxxxviii–cxcii; cf. Otway-Ruthven, 'Arrest', p. 73, n. 1). For a list of the other transcripts of the Irish *Modus*, see Pronay and Taylor, *Parliamentary texts*, appendix 2, p. 210.

33. Works on the *Modus* are two numerous to list here. For a bibliography, see Pronay and Taylor, *Parliamentary texts*, pp 219–23, to which may be added: G. O. Sayles, 'Modus tenendi parliamentum: English or Irish?' in J. F. Lydon (ed.), *England and Ireland in the later middle ages: essays in honour of Jocelyn Otway-Ruthven* (Dublin, 1981), pp 122–52; Michael Prestwich, 'The *Modus tenendi parliamentum*', *Parliamentary History* (hereafter *Parl. Hist.*), 1 (1982), pp 221–5; W. C. Weber, 'The purpose of the English *Modus tenendi parliamentum*', *Parl. Hist.*, 17 (1998), pp 149–77.

Fortunately, there is no risk of being swept away in the torrent of historiographical cross-currents. Without controversy, it can be posited that the *Modus* was known in Ireland by the 1380s and that a version of the document had been tailored by the early-fifteenth century to fit the colony's political measurements. Moreover, irrespective of how the anonymous author of the *Modus* intended his tract to be used, in Ireland it came to have political significance.³⁴

How the *Modus* could be turned to political ends becomes clear when it is read in conjunction with Sir John Talbot's report. As the most recent interpreters have commented, 'the detailed concern [in E 163/7/12] with points of parliamentary procedure (everything from how the summonses are issued to the doorkeeping) make it quite likely that the copy of the *Modus* Preston had must have been dog-eared with overuse'.³⁵ We might add a more general explanation for the attraction of the *Modus* in a colonial environment. The Irish *Modus* spuriously claims to be a 'formula for the holding of parliament' sent to Ireland by King Henry II (1154–89), who is described as 'conquestor et dominus Hibernie'.³⁶ The king was a remote figure in the colony and relations between his representative and the political community were often less than cordial. In such circumstances, the *Modus* was a source of affirmation of the ancient dignity of the Irish parliament and served as a bulwark against any infringement of its power to express grievances and seek redress.

There is no need to rehabilitate Maude Clarke's heady acclamation of the *Modus* as the 'Magna Carta of Ireland, a declaration of the supremacy of parliament and the law',³⁷ but the savage, almost nihilistic, riposte of

34. Kathryn Kerby-Fulton and Ruth Horie (eds), 'The French version of the *Modus Tenendi Parliamentum* in the Courtenay cartulary: a transcription and introduction', *The Medieval Reader: Reception and Cultural History in the Late Medieval Manuscript*, ed. Kathryn Kerby-Fulton and Maidie Hilmo, Studies in Medieval and Renaissance History, 3rd ser., 1 (New York, 2001), pp 225–47; Kathryn Kerby-Fulton and Steven Justice, 'Reformist intellectual culture in the English and Irish civil service: the *Modus tenendi parliamentum* and its literary relations', *Traditio*, 53 (1998), pp 171–6, 190–202.

35. Kerby-Fulton and Justice, 'Reformist intellectual culture', p. 174. It should be noted, however, that some of the other conclusions of Kerby-Fulton and Justice relating to the English *Modus* are challenged in Gwilym Dodd, 'Changing perspectives: parliament, poetry and the "civil service" under Richard II and Henry IV', *Parl. Hist.*, 25 (2006), p. 313, n. 58.

36. Pronay and Taylor, *Parliamentary texts*, p. 128. The spurious claims of the Irish *Modus* mirror those of its English counterpart, which purports to describe the manner in which parliaments were held before the Norman conquest: *ibid.*, p. 67 (recension A); p. 103 (recension B). The myth of the antiquity of the Irish *Modus* was resilient and convinced the distinguished antiquarian researcher Henry Joseph Monck Mason (*Essay on the antiquity and constitution of parliaments in Ireland* (Dublin, 1891), appendix 3, pp xi–xv).

37. Clarke, *Medieval representation and consent*, p. 78.

H. G. Richardson is equally unsatisfactory. Richardson argued that the so-called 'Preston exemplification' of the Irish *Modus* was obtained by Preston himself so that he could protest his innocence, 'just as a modern suspect might insist that no more compromising documents were found upon him than a copy of Mill on *Representative government* and some leaves of a prayer book'.³⁸ *Modus* scholars have not found Richardson's contention 'entirely convincing'.³⁹ On the basis of the document printed below we may reject it out of hand. The 'missing membrane' of Sir John Talbot's report proves that the exemplification of the Irish *Modus* was not made at the behest of Preston, but by Sir John Talbot and the king's council in Ireland. Talbot himself clearly believed that the document had political import and deemed it prudent to append a certified copy to the report he sent to the king and council early in 1419.⁴⁰ His report exercises great care in demonstrating that his actions throughout were in conformity with the parliamentary procedures prescribed by the *Modus*. Moreover, such was the contemporary importance of the Irish *Modus* that Talbot was able to turn it against its colonial exponents. By emphasising that Preston and Kildare acted in violation of the *Modus* – for instance, by convening behind a closed chamber door and so 'accreaching royal power' – Talbot bolstered his case of treason against them.⁴¹ In short, when Sir John Talbot's report is read less literally, what is impressive is not so much the 'disorders of fifteenth-century Anglo-Irish society' – as Professor Otway-Ruthven despondently put it – but rather the vibrancy of the colony's political culture.

Editorial conventions

The present edition integrates the 'missing membrane' with the text previously published by Otway-Ruthven. It begins at the last full sentence before the narrative breaks off in E 163/7/12, membrane 3. Text from E 163/7/12 is underlined to show how the fragments from lines 19–24 interlock with E 101/698/34. Conjectural readings have been placed in italics and interlineations are given in superscript. For purposes of consistency, I have followed Otway-Ruthven's editorial practice of adding punctuation, capitalising proper nouns and standardising (where appropriate) the letters **i**, **u** and **X** as **j**, **v** and **Ch** respectively.

38. Richardson, 'Preston exemplification', p. 189.

39. Pronay and Taylor, *Parliamentary texts*, p. 123, n. 39.

40. This is borne out by the fact the exemplification of the Irish *Modus* and the rest of Talbot's report were drawn up within a matter of days of each other - on 9 and 12 January 1419 respectively - by the same two clerks: John Passavaunt and William Sutton (Otway-Ruthven, 'Arrest', p. 92; Pronay and Taylor, *Parliamentary texts*, p. 137).

41. Otway-Ruthven, 'Arrest', p. 80; Pronay and Taylor, *Parliamentary texts*, p. 132. See discussion in Kerby-Fulton and Justice, 'Reformist intellectual culture', pp 174–6.

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TNA, E 101/698/34

[...]42 Le quell depute^e43 envoia pur le conseil le roy du dite terre destre ovesqe luy a Trym la xvi jour de June adonqes proschein ensuant. Les quex depute^e et counsell furent enfourmez mesme le jour par certeyns creables persouns comment lentent des ditz count de Kildare44 et Christofre45 et daultres as eux confederez fuit quappres lour primer entreparlance ovesqe le dit priour46 mesme le depute^e serroit pris et touz ses souldeours tuez et les ditz chaunceller47 et le conseil le roy sils ne voudroient eslier et faire un justice al denomination des ditz count de Kildare, \priour et/ Christofre et lour adheredantz pur aver la governance de la dite terre serront mys a mort, par qoy le dit depute^e, par advys du dit counsell le roy, ordeigna severals briefs nostre seignur le roy destre directz sibien as viscontz del countee de Dyvelyn, Kildare et Loueth, come al seneschall del libertee de Mid' et al viscont del cros illeoqes et as maire et bailiffs del citee de Dyvelyn solonqe la tenur qe cy ensuyt: Henricus Dei gratia Rex Anglie et Francie et Dominus Hibernie maiori et ballivis civitatis sue Dublinie salutem. Ex testimonio fidedigno eruditi sumus quod quedem malivole gentes sinistra doctrina replete ligeancias suas quas erga nos fideliter gererent minime recolentes diversa conventicula adinvicem congregantes et secreta consilia sua illicita in secretis locis clam et palam tenentes ad fidelem populum nostrum discordandium et subvertendum de die in diem confederate existunt et ne aliquis error vel aliqua insurrectio inter dictum populum nostrum contra eorum fidem seu ligeanceam per discordiarum cultores seminaretur per quod dictus populus noster in premissis leviter poterit perturbari aut gravari. Volentes proinde pro quiete et felici gubernacione eiusdem populi nostri in premissis remedium exhibere oportunum prout nobis convenit in hac parte, vobis sub periculo quod incumbit districcius quo poterimus precipimus et mandamus quod in singulis locis infra civitatem predictam

42. The present edition commences with the last full sentence from E163/7/12, membrane 3 (here underlined). For the earlier portion of this membrane, see Otway-Ruthven, 'Arrest', pp 74–80.

43. Sir Thomas Talbot (†1419), brother and deputy of the king's lieutenant, Sir John Talbot (†1453), lord Furnival.

44. Gerald fitz Maurice (†1432), fifth earl of Kildare.

45. Sir Christopher Preston (†1422).

46. Thomas Butler (†1419), prior of Kilmainham.

47. Sir Laurence Merbury.

ubi melius⁴⁸ et conveniencius vobis videbitur magis expediens ex parte nostra publice proclamari faciatis quod huiusmodi gentes sinistra doctrina replete, ut predicatur, sub fide et ligeancia suis, si quas erga nos habeant, ac sub pena forisfacture vite et membrorum ac omnium aliorum que erga nos forisfacere poterunt decetero aliqua huiusmodi conventicula adinvicem minime aggregent vel huiusmodi secreta consilia illicita clam vel palam teneant per quod discordie vel discensiones aut subversiones alique dicti fidelis populi nostri inter se aliqualiter poterint generari. Et hoc sub pena predicta nullatenus omittatis. Teste \dilecto et fideli/ nostro Thoma Talbot, milite, deputato \dilecti et fidelis/ nostri Johannis Talbot de Halomshire, chivaler, locum nostrum tenentis terre nostre Hibernie apud Trym xvj die Junii anno regni nostri sexto.⁴⁹ Par force des quels briefs, proclamacioun fuit fait solonqe la purport dicels la xvij jour de June adonques proscheine ensuant deyns la dite citee de Dyvelyn et aillours, et sur ceo le dit priour, enlessant derier luy plusours des ses gentz pur le dit bastile⁵⁰ garder, repaire a les Oconghours Doffaly susditz,⁵¹ enemys nostre dit seignur le roy, adonques overtment a guerre esteantz, et dilleoques envoia un message as ditz count de Kildare et Christofre eux encertifiant de soun estre illeoques et envoiant qils la lundy la xxvij jour de June adonques proschein ensuant a ville de Clane luy dussent enconter et qil serroit present illeoques au dit jour ovesqe eux a perfourmer lour purpos, et auxi qils dussent faire fyn de ceo qils avoient commencez et sils mesme le fyn ne purroient faire nacomplire bonement donques il mesmes ceo vorroit perfourmer et accomplire. Durant quell temps qe mesme le priour

48. There follows a small erasure.

49. This writ of 16 June 1418 is also exemplified at E 163/7/12, membrane 6 (Otway-Ruthven, 'Arrest', pp 93-4).

50. Roscommon Castle, for which see Margaret Murphy, 'Roscommon Castle: underestimated in terms of location?', *Galway Arch. Soc. Jn.*, 55 (2003), pp 38-49; Denis Murphy, 'The castle of Roscommon', *Journal of the Royal Society of Antiquaries of Ireland*, 21 (1890-91), pp 546-56; H.G. Leask, *Irish castles and castellated houses* (Dundalk, 1941), pp 67-9. In 1418, Roscommon Castle was in the hands of Cathal Ó Conchobhair Donn (+1439), whose uncle, Toirdhealbhach (+1406), had been appointed constable by King Richard II in 1395 (Otway-Ruthven, 'Arrest', pp 78, 93). Talbot's report contains a detailed account of the siege of Roscommon castle by Uilliam Ó Ceallaigh of Uí Mhaine, who received military aid from Prior Thomas Butler (Otway-Ruthven, 'Arrest', pp 78-9). The description is corroborated by an independent report of the siege in the Gaelic annals, where, however, the involvement of Prior Thomas is not mentioned (*Ann.Conn.*, pp 438-9, s.a. 1418.13; *A.U.*, iii, 76-7; *A.F.M.*, iv, 836-7).

51. The Uí Chonchobhair Failghe, for whom see Cormac Ó Cléirigh, 'The O'Conor Faly lordship of Offaly, 1395-1513', *R.I.A.Proc.*, 96C (1996), pp 87-102; for their later history, see Fiona Fitzsimons, 'The lordship of O'Connor Faly, 1520-1570' in William Nolan and Timothy P. O'Neill (eds), *Offaly history and society: interdisciplinary essays on the history of an Irish county* (Dublin, 1998), pp 207-42.

fuit ensy ovesqe les ditz Oconghours Doffaly, mesmes les Oconghours ove certeyns gentz du dit priour firent un grande journey sur les foialx lieges nostre dit seignur le roy en le countee de Kildare et pristrent des ditz lieges un grande prey des prisoners, vaches et aultres biens, plusours des ditz lieges entuantz, de quell prey le dit priour et ses ditz gentz avoient lour part. Avant quell lundy, le dit deputeé avoit un jour de marche appellee parlement en la dite terre ovesqe M^cmurgh⁵² en le countee de Catherlagh pur la reformacioun de la pees, et en soun retourne vers les parties de Mid' luy fuit declarez et counseilez qil ne dust my aler parmy la dite ville de Clane a cause qe les ditz count de Kildare, priour et Christofre y furent assemblez au dite ville al entent pur luy prendre a lour male entent et purpose devant prepensez perfaire et accomplire. Et ceo nient obstant le dit deputeé ala a dite vile⁵³ de Clane et, en la maisoun des les Frers Menoires illeoges,⁵⁴ trova les avantditz count de Kildare et Christofre et demanda \de/ le dit count qe fuit la cause de sa venewe illeoges a cell temps, qy disoit pur aver entreparlance ove le dit priour pur luy entretier destre bone amy a vous mon seignur, et appres ceo, mesme le deputeé demanda del dit Christofre qe fuit la cause de sa venewe illeoge, qy disoit qe la cause fuit par ceo qe le dit priour luy envoiast un lettre de luy encountrer la a cest temps. As quex le dit deputeé disoit qil lour savoit null gree pur cela quare il eux dona null tiel charge ou congee de ceo faire, et sur ceo mesme le deputeé, considerant les maters devant declarez ove les circonstances dicels, les ditz count de Kildare et

52. Donnchadh mac Airt Mhóir, who succeeded his famous father, Art MacMurchadha, in 1416/7 (*A.F.M.*, iv, 824–5, 830–31, 830 n. p; *Ann.Conn.*, pp 432–3, s.a. 1416.28; *A.L.C.*, ii, 146–7; *A.U.*, iii, 72–3). On 4 May 1419, Donnchadh was captured by Sir John Talbot and dispatched to England (*A.F.M.*, iv, 840–41, 841 n. x; *Ann.Conn.*, pp 442–3, s.a. 1419.10; *A.L.C.*, ii, 148–9; *A.U.*, iii, 78–9; ‘Thadei Dowling Cancellarii Leighlen Annales Hiberniae’ in Clyn, *Annals*, p. 28). For the relationship between the crown and the MicMhurchadha, see Robin Frame, ‘Two kings in Leinster: the crown and the MicMhurchadha in the fourteenth century’ in Terry Barry, Robin Frame & Katharine Simms (eds), *Colony and frontier in medieval Ireland: essays presented to J. F. Lydon* (London and Rio Grande, 1995), pp 156–75; Emmett O’Byrne, *War, politics and the Irish of Leinster, 1156–1616* (Dublin, 2002), pp 116–8.

53. *Sic* in MS.

54. For the Franciscan house at Clane, see George Stokes, ‘Clane Abbey’, *Kildare Arch. Soc. Jn.*, 3 (1899–1902), pp 101–06; E.B. Fitzmaurice and A.G. Little, *Materials for the history of the Franciscan Province of Ireland, 1230–1450* (Manchester, 1920), pp 58–9; Aubrey Gwynn and Neville Handcock, *Medieval religious houses: Ireland* (Harlow, 1970), p. 245.

Christofre arresta illeques et eux amesna al chastell de Trym,⁵⁵ pur y savement demurer tanqe il serroit aultrement ordeigne pur lour delyverance par nostre dit seignur le roi ou son lieutenant en la dite terre. Et trova le dit deputeé ovesqe le dit Christofre al temps de soun arrest un pelle et certeyns scrowettes, en les quex certeyns articles sount contenuz, les quex articles par advys du dit lieutenant et le counsell le roy sount exemplifiez dessouz le grande seall nostre seignur le roy de sa dite terre et a ycetz anexez.⁵⁶ Appres quell arrest ensy fait, le dit lieutenant⁵⁷ le disme jour de Jule adonques proschein ensuant repaira hors Dengleterre al dite terre et sur ceo mayntenant envoia pur soun dit deputeé et le counsell le roy destre ovesqe luy a Trym la xix jour de Jule adonques proschein ensuant. A quell temps, il demanda de soun dit deputeé en presence del avandit counsell illeques que fuit la cause del arrest des ditz count de Kildare et Christofre, le quell deputeé declara au dit lieutenant qils furent arrestuz pur les causes et maters susdites, et ensy sembla au dit lieutenant et lavantdit counsell le roy qe larrest des ditz persouns et lour detenewe en prisoun furent bones et resonables pur les causes et maters et lour circonstances desuis declarez.

55. Trim Castle, for which see Michael Potterton, *Medieval Trim: history and archaeology* (Dublin, 2005), pp 211–66. Potterton lists John Bellew as having been arrested along with Kildare and Preston (*ibid.*, appendix 15, p. 414). Sir John Talbot, however, was at pains to emphasise in the preamble to his report that Bellew was neither arrested nor detained in Trim castle (Otway-Ruthven, ‘Arrest’, p. 73). The point evidently aroused considerable confusion at the time. Bellew’s arrest is recorded in Henry Marlborough’s chronicle (*Bibliothèque Municipale de Troyes*, MS. 1316, ff 52v–53), and the same information was transmitted to the king. However, the phrase ‘ut dicitur’—which occurs both in the chancery warrant and subsequent English-seal writ directing Sir John Talbot to explain the arrests (see above n. 3)—suggests that there was a degree of official caution about the accuracy of the information emanating from Ireland (C 81/1542/63; C 54/268, membrane 16). I have benefited from the advice of Dr Elizabeth Matthew on this point.

56. Huntington Library, California, E.L. 1699; for editions of this MS., see above, n. 32.

57. Sir John Talbot (+1453).