

# Reconstructing the past: the case of the medieval Irish chancery rolls

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As we stood near the gate there was a loud shattering explosion ... The munitions block and a portion of Headquarters block went up in flames and smoke ... The yard was littered with chunks of masonry and smouldering records; pieces of white paper were gyrating in the upper air like seagulls. The explosion seemed to give an extra push to roaring orange flames which formed patterns across the sky. Fire was fascinating to watch; it had a spell like running water. Flame sang and conducted its own orchestra simultaneously. It can't be long now, I thought, until the real noise comes.

Ernie O'Malley, *The Singing Flame*<sup>1</sup>

It is regrettable that so articulate an eyewitness as Ernie O'Malley (1897–1959), sometime Irish revolutionary and self-styled aesthete, should have been utterly insensible to the iniquity of the event he describes: the cataclysmic fire at the Four Courts, Dublin, in 1922.<sup>2</sup> O'Malley's 'munitions block' was in reality the record treasury of the Public Record Office of Ireland (PROI), part of the Four Courts complex occupied by IRA 'Irregulars' during the Easter vacation of 1922. After temporising for over two months, Free State forces began to shell the Four Courts on 28 June, and Ireland slipped into

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<sup>1</sup> E. O'Malley, *The singing flame* (Dublin, [posth.] 1978), pp 114–15.

<sup>2</sup> On O'Malley, see R. English, *Ernie O'Malley: IRA intellectual* (Oxford, 1998), esp. ch. 3, 'The intellectual'.

civil war.<sup>3</sup> Contemporaries, even those far from the scene of the action, well understood that this military action raised a dreadful prospect.<sup>4</sup> Goddard Henry Orpen (1852–1932) – the scholar and occasional spokesman of the ‘Normans’ in Ireland – was in the fastness of his library at his wife’s estate of Monksgrange, Co. Wexford, when he learned of the bombardment from the *Irish Times*: ‘I trembled for the security of the Record Office!’, he wrote in his private journal.<sup>5</sup> As well he might. On the afternoon of 30 June 1922 the ‘munitions block’ went up. The precise sequence of events remains unclear. The record treasury was under fire from the National Army and a shell could have caused the massive explosion; but, according to one account, the ‘Irregulars’ trapped in the Four Courts detonated two lorry-loads of gelignite as a final act of defiance.<sup>6</sup> What is not in dispute is that the blast destroyed most of the records of English government in Ireland stretching back to the thirteenth century. Had Orpen received an *Irish Times* on 3 July 1922, he would have found his worst fears realised:

[T]hose precious records, which would have been so useful to the future historian, have been devoured by the flames or scattered in fragments by the four winds of heaven. [The record treasury], with its glass roof and its tall side windows, is now a sorry-looking wreck.<sup>7</sup>

The explosion and fire at the PROI in 1922 has been described as ‘the Irish historian’s great national tragedy’.<sup>8</sup> In fact it was the Irish nation’s great

- 3 R. Keane, ‘A mass of crumbling ruins: the destruction of the Four Courts in June 1922’ in C. Costello (ed.), *The Four Courts: 200 years. Essays to commemorate the bicentenary of the Four Courts* (Dublin, 1996), pp 159–68. See also B. Kissane, *The politics of the Irish civil war* (Oxford, 2005), pp 69–76.
- 4 The Royal Society of Antiquaries wrote to Rory O’Connor, commander of the Four Courts garrison, to impress upon him the ‘historical importance and irreplaceable character’ of the documents in the treasury (G. O’Brien, *Irish governments and the guardianship of historical records, 1922–72* (Dublin, 2004), p. 21).
- 5 ‘Diary of G.H. Orpen, Monksgrange, Co. Wexford. Saturday July 1st [to] July 22nd 1922’: manuscript in private possession of Mr Jim Deen. I am grateful to Mr Deen to showing me his transcript and allowing me to cite it. Orpen refers to his diary entries in his family history, *The Orpen family* [...] (London, 1930). The destruction of the PROI is mentioned in Orpen, *Orpen family*, p. 191.
- 6 See N. Whitfield, ‘My grandfather, Dr Séamus Ó Ceallaigh (1879–1954)’ in S. Ó Ceallaigh, *Gleanings from Ulster History* (Ballinascreen Historical Society, 1994 [1951]), p. xix. See also D. Edwards, ‘Salvaging Irish history: Hogan and the Irish Manuscripts Commission’ in D. Ó Corráin (ed.), *James Hogan: revolutionary, historian and political scientist* (Dublin, 2001), pp 117–18.
- 7 *Irish Times*, 3 July 1922. For details of what was lost, see ‘Memorandum on the destruction and reconstruction of the records’, 55th rep. DKPRI, appendix 1, p. 17. Among the salvaged records were the chancery pleadings, for which see J.H. Ohlmeyer, ‘Records of the Irish court of chancery: a preliminary report, 1627–1634’ in D. Greer and N. Dawson (eds), *Mysteries and solutions in Irish Legal History* (Dublin, 2000), pp 15–49.
- 8 P. Connolly, ‘The destruction of the Public Record Office of Ireland in 1922: disaster and

archival tragedy, the hubris in which becomes apparent when we set 1922 against a wider experience of archival disaster.

## I

Records perish. In the long term this is as certain as taxes and death. But how and why they perish varies considerably, both in quantitative terms and on a scale of moral outrage. Most casualties occur piecemeal as records fall victim to nibbling vermin, acidic ink, pollution, damp, and the systematic ‘weeding’ of ephemera by archivists hungry for space. Rather more traumatic is the loss of a whole archive through natural or man-made calamities, such as the fire that consumed the *Chambre des comptes* in Paris in October 1737,<sup>9</sup> or the reckless decision made in December 1660 to send Scottish records back to Scotland (they had been removed to London by Cromwell in 1651) in an overloaded frigate, which went down in a winter gale on the homeward journey with the loss of 85 hogsheads of registers.<sup>10</sup> The worst culprit by far is armed conflict. It is ironic, though not entirely incidental, that the modern discipline of ‘archivy’ was formed during the most barbaric era in human history.<sup>11</sup> Indiscriminate bombing and the civil disorder unleashed by war have together conspired to bring about untold archival losses in the past century, most recently and scandalously in April 2003, when the fall of Baghdad was accompanied by the looting of Iraq’s national museum, archives and library, with appalling consequences for our knowledge of the earliest human civilisation – all this while ‘liberating’ forces looked on.<sup>12</sup> As disturbing

recovery’, *Archivum*, 42 (1996), 135, where the comment is attributed to Margaret Griffith (1911–2001), deputy keeper of the public records, 1956–71.

- 9 M. Nortier, ‘Le sort des archives dispersées de la Chambre des comptes de Paris’, *Bibliothèque de l’École des chartes*, 123 (1965), 460–537. As recently as 3 March 2009 the Historisches Archiv der Stadt Köln collapsed probably because of the nearby construction of an underground railway: up to 80 per cent of its holdings were damaged and 5 per cent totally destroyed.
- 10 M. Livingstone, *A guide to the public records of Scotland deposited in H.M. General Register House, Edinburgh* (Edinburgh, 1906), pp xiv–xv; D. Stevenson, ‘The English and the public records of Scotland, 1650–1660’ in Stevenson, *Union, revolution and religion in seventeenth-century Scotland* (Aldershot, 1997). For discussion of the medieval documents, including charter rolls, that may have been lost, see A.L. Murray, ‘The Scottish chancery in the fourteenth and fifteenth centuries’ in K. Fianu and D.J. Guth (eds), *Écrit et pouvoir dans les chancelleries médiévales: espace français, espace anglais* (Louvain-la-Neuve, 1997), pp 136–7.
- 11 ‘[A]fter about 150 years of secular decline, barbarism has been on the increase for most of the twentieth century, and there is no sign that this increase is at an end’ (E. Hobsbawm, ‘Barbarism: a user’s guide’ in Hobsbawm, *On history* (London, 1997), p. 335). Hobsbawm rightly gives priority to humanitarian issues, but his comment could be amplified to include cultural atrocities. Ethnic cleansing and ‘archival cleansing’ go hand-in-hand.
- 12 American troops were ordered to preserve the ministry of oil and international airport. See N. Al-Tikriti, ‘“Stuff happens”: a brief overview of the 2003 destruction of Iraqi manuscript collections, archives, and libraries’, *Library Trends*, 55:3 (2007), 730–45.

as ‘collateral damage’ can be, there is a point on the moral scale that is more sinister still. This is the deliberate vandalism of cultural property, such as the firing by German troops of the Great Hall of the University of Leuven (Louvain) on the night of 25 August 1914: within ten hours an incomparable collection of rare manuscripts and printed volumes had been destroyed.<sup>13</sup> A similar cultural atrocity was perpetrated in Italy in September 1943 when a German unit set incendiaries to destroy the Naples state archive, which included records of the Norman kingdom of Sicily dating back to 1239–40.<sup>14</sup> The cataclysm at the PROI in 1922, to my mind, falls near this last category of outrage, if not quite plumb into it. Both sides in the struggle for the Four Courts acted towards Ireland’s public records with depraved indifference. The destruction of those records was an assault on a nation’s collective memory.<sup>15</sup> What makes it unusual is that the wound was self-inflicted.

Unusual perhaps, but scarcely unique. Lest we be lulled into thinking that cultural atrocities are the stuff of a by-gone era, it is salutary to recall the bombing in 1992 of the National and University Library of Bosnia and Herzegovina in Sarajevo, which destroyed some 1.5 million books and rare manuscripts, as well as the national archive. The comments of Sanja Zgonjanin on that disaster are interesting since they can be transposed *mutatis mutandis* on to the Irish experience:

It is ironic that the [library] identified as an enemy target allegedly by Bosnian Serb forces, contained the history and cultural heritage of all the peoples who lived in Bosnia and Herzegovina ... This was an exemplary case showing that culture is not an isolated entity and that by destroying other people’s culture one destroys one’s own at the same time, for all cultures are interwoven and depend on each other.<sup>16</sup>

13 A. Kramer, *Dynamic of destruction: culture and mass killing in the First World War* (Oxford, 2008), ch. 1.

14 R. Filangieri, ‘Report on the destruction by the Germans, September 30, 1943, of the depository of priceless historical records of the Naples State Archives’, *American Archivist*, 7:4 (1944), 252–5. Filangieri was responsible for initiating a mammoth project to reconstruct and publish the registers and other records of the Angevin kings of Naples from 1265 to 1434 by assembling all documents published, photographed, transcribed, microfilmed or otherwise recorded by scholars prior to their destruction: R. Filangieri et al. (eds), *I registri della cancelleria angioina* (Testi e documenti di storia napoletana pubblicata dall’ Accademia Pontaniana: Naples, 1950–). For earlier records of the medieval kingdom of Sicily, see G. A. Loud, ‘The chancery and charters of the kings of Sicily (1130–1212)’, *English Historical Review*, 124:509 (2009), 779–810.

15 Those records were, of course, not simply of ‘local’ Irish significance; they were also an important source for England’s history and, to some extent, that of other countries too.

16 S. Zgonjanin, ‘The prosecution of war crimes for the destruction of libraries and archives during times of armed conflict’, *Libraries and Culture*, 40:2 (2005), 136–7.

Ireland's history is likewise made up of a plurality of intertwined cultures. The destruction of any element in our documentary heritage works to the impoverishment of the whole. There is consolation, however, in the fact that a great deal can be recovered. This essay offers a case study in the destruction and reconstruction of one class of record that perished in 1922: the medieval Irish chancery rolls.

II

Chancery rolls have been a staple in the diet of English medievalists ever since the great series of enrolments began to be calendared under the auspices the Royal Commission on Public Records, better known as the 'Record Commission' – the collective name given to a series of six Royal Commissions appointed between 1800 and 1831.<sup>17</sup> For reasons that will become obvious, the rolls produced by the chancery of Ireland never attained so central a place in Irish medievalism. It is, however, hardly impertinent to suggest that the Irish patent and close rolls occupied, in their humble way, a more prominent place in the record-keeping of the Irish administration than did their counterparts in the more elaborate, not to mention cumbersome, royal bureaucracy of England.

To give some substance to that boast, let us begin with a sketch of the institution that generated the records in question. The English chancery was the royal secretariat or writing office,<sup>18</sup> whose origins can be traced back to the household of the Anglo-Saxon kings.<sup>19</sup> The prestige of the chancery was

17 The last Record Commission, appointed in 1831, lapsed upon the death of William IV in 1837. For the context, see J. Kenyon, *The history men: the historical profession in England since the Renaissance* (2nd ed., London, 1993), ch. 4; P.J.A. Levine, *The amateur and the professional: antiquarians, historians and archaeologists in Victorian England, 1838–1886* (Cambridge, 1986), pp 101–2. For the publications of the Record Commission, see below note 33. This series of Record Commissions is to be distinguished from the Irish Record Commission first appointed in 1810, for which see below, note 50.

18 The function of a royal writing-office long predates the first occurrence of the word 'chancery' (Lat. *cancellaria*), which may be as late as 1189: identified in N. Vincent, 'Why 1199? Bureaucracy and enrolment under John and his contemporaries' in A. Jobson (ed.), *English government in the thirteenth century* (Woodbridge, Suffolk, 2004), p. 39.

19 S.B. Chrimes, *An introduction to the administrative history of mediaeval England* (Oxford, 1952), pp 11–17; P. Chaplais, 'The Anglo-Saxon chancery: from the diploma to the writ', *Journal of the Society of Archivists* (1966). For the 'protean' nature of the chancery in the twelfth and early thirteenth centuries, see Vincent, 'Why 1199?', pp 31–2. See also the remarks of Stephen Church who cautions against a teleological view of the development of royal administration from the early household (an interpretation associated especially with the name of T.F. Tout): S.D. Church, 'Introduction to *Constitutio domus regis*' in E. Amt and S.D. Church (eds), *Dialogus de scaccario, and Constitutio domus regis/The dialogue of the exchequer, and the disposition of the royal household* (Oxford, 2007), pp xliv–xlv, xlviii–xlix.

grounded in the fact that it was the office of the great seal of England – the most solemn of the royal seals used to authenticate instruments in the medieval kingdom.<sup>20</sup> The Irish chancery was the office of the ‘great seal of the king used in Ireland’.<sup>21</sup> It was a younger institution, being an outgrowth of the Anglo-Norman invasion of Ireland that began in the late 1160s. Just as that invasion involved the mobilisation and transplantation of ‘human capital’ to Ireland, so there was also an institutional plantation of English law and governing structures.<sup>22</sup> The formal existence of a royal chancery in Ireland can be dated to 1232, when the chancellor of England, Bishop Ralph Neville of Chichester – famous as the man whose palace in London gave Chancery Lane its name – was granted the chancery of Ireland for life.<sup>23</sup> Neville performed his duties in Ireland by proxy through one Robert Luttrell, who was appointed chancellor of Ireland on Neville’s death in 1244. Thenceforth, the Irish chancery existed as a discrete institution.<sup>24</sup>

Thus the Irish chancery was born at the moment when the English chancery had reached the height of its powers. ‘The English Royal Chancery was the greatest of all the medieval chanceries’, David Carpenter has averred (though not without a hint of *parti pris*),<sup>25</sup> ‘and the thirteenth century its

20 For an overview of the English chancery in this period, see A.L. Brown, *The governance of late medieval England, 1272–1461* (London, 1989), ch. 3. For more detailed studies, see B. Wilkinson, *The chancery under Edward III* (Manchester, 1929); M. Richardson, *The medieval chancery under Henry V*, List and Index Society, Special Series, vol. 30 (Kew, 1999).

21 On the Irish seal, see H. Jenkinson, ‘The great seal of England: deputed or departmental seals’, *Archaeologia*, 85 (1936), 314–25. Jenkinson was aided in his research on the great seal of Ireland by Edmund Curtis (1881–1943), who delivered a lecture on the same subject to the Royal Dublin Society on 20 Jan. 1939, and to the History Society, Trinity College Dublin, on 19 May 1941. The text of his lecture survives in TCD MS 2459/1. The subject of the great seal of Ireland is worthy of fresh examination.

22 The best short introduction remains R. Frame, *Colonial Ireland, 1169–1369* (Dublin, 1981; 2nd ed., Dublin, 2012), ch. 5, ‘English institutions’. For a survey of recent works on this theme, see P. Crooks, ‘Government, war and society in English Ireland, 1171–1541: a guide to recent work’ in Crooks (ed.), *Government, war and society: essays by Edmund Curtis, A.J. Otway-Ruthven and James Lydon* (Dublin, 2008), esp. pp 354–61.

23 On whom see C.R. Young, *The making of the Neville family in England, 1166–1400* (Woodbridge, 1996), ch. 4 (‘Ralph de Neville, chancellor’); F.A. Casel Jr, ‘Neville, Ralph de (d.1244), administrator and bishop of Chichester’, *ODNB*; and N. Vincent, ‘The origins of the chancellorship of the exchequer’, *English Historical Review*, 108:426 (1993), 105–21.

24 The old standard on the medieval Irish chancery is A.J. Otway-Ruthven, ‘The medieval Irish chancery’, *Album Helen Maud Cam*, 2 vols (Paris and Louvain, 1961), ii, pp 119–38, reprinted in Crooks (ed.), *Government, war and society*, ch. 3. See also H.G. Richardson and G.O. Sayles, *The administration of Ireland, 1172–1377* (Dublin, 1963), pp 14–21.

25 The title might, just as plausibly, be claimed by the papal chancery. See, e.g., R.L. Poole, *Lectures on the history of the papal chancery down to the time of Innocent III* (Cambridge, 1915); P.N.R. Zutshi, *Original papal letters in England, 1305–1415* (Biblioteca apostolica vaticana, 1990). Papal bureaucracy at the close of the Middle Ages is examined in P. Partner, *The pope’s men: the papal civil service in the Renaissance* (Oxford, 1990).



20 Exterior of the Public Record Office of Ireland (c.1914). The record house appears in the foreground (left), with the record treasury behind; between the two structures is the 'isolation space' that saved the record house from fire in 1922. The strong room, which was adjacent to the search room, is the fourth window from the left on the ground floor of the record house, identifiable from the iron bars covering the window. Photograph © NAI, 'Mills Album', presented to James Mills by his colleagues in the PROI on his retirement as deputy keeper in Aug. 1914; returned to the PROI in Feb. 1951 by his sister, Miss Mills.



21 Interior of the search room, Public Record Office of Ireland (c.1914). The room is intact; it now serves as court no. 23. Herbert Wood, who succeeded M.J. McEnery as deputy keeper of the PROI in 1921, appears in the foreground (far right). Wood retired in March 1923. The younger man to his left is D.A. Chart, who became first deputy keeper of the Public Record Office of Northern Ireland in 1924. Photograph © NAI, 'Mills Album'.

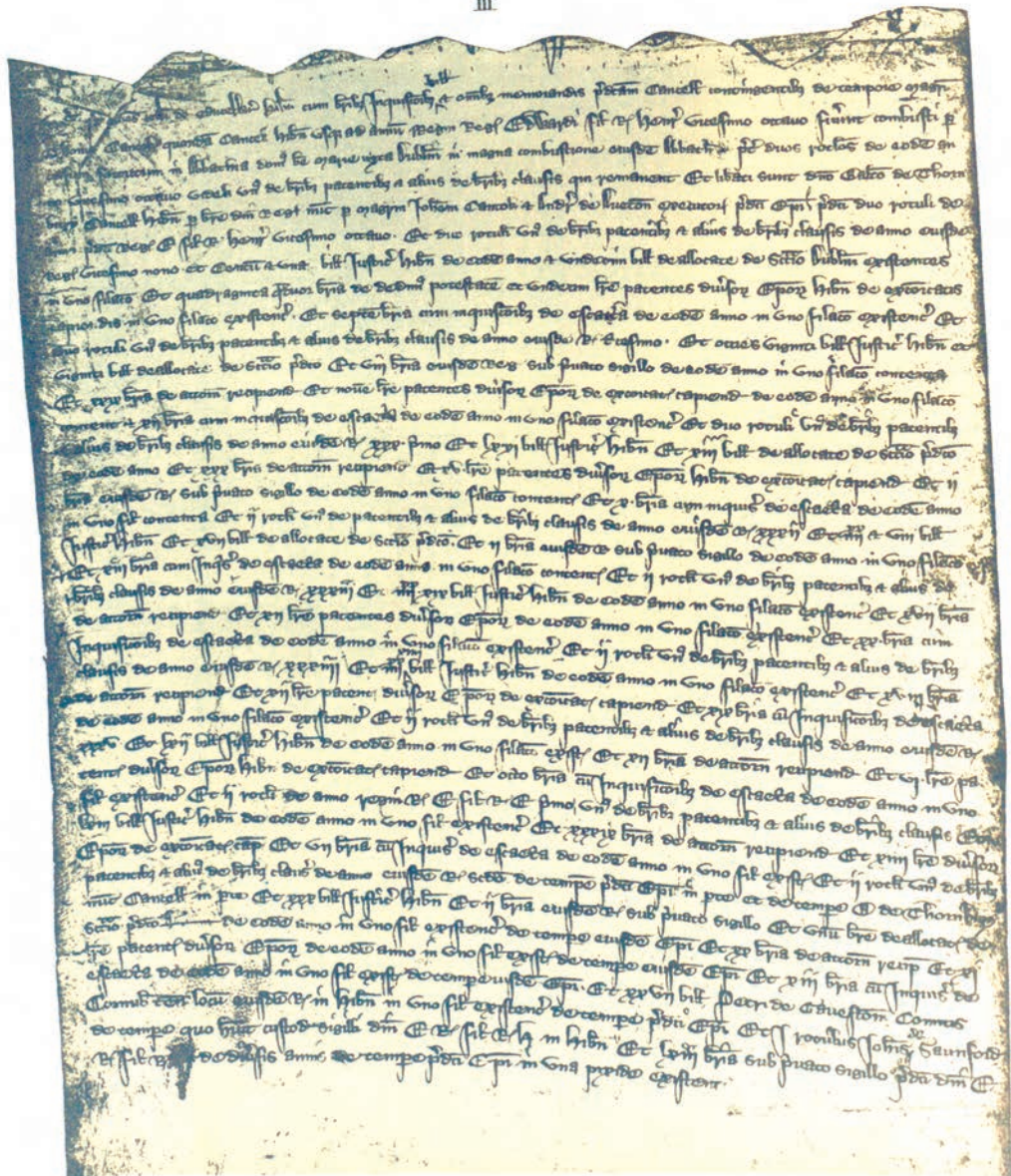


22 Interior of the record treasury, Public Record Office of Ireland (c.1914). The upper portions of the building were utterly destroyed in 1922. Now rebuilt, it houses the land registry. Photograph © NAI, 'Mills Album'.

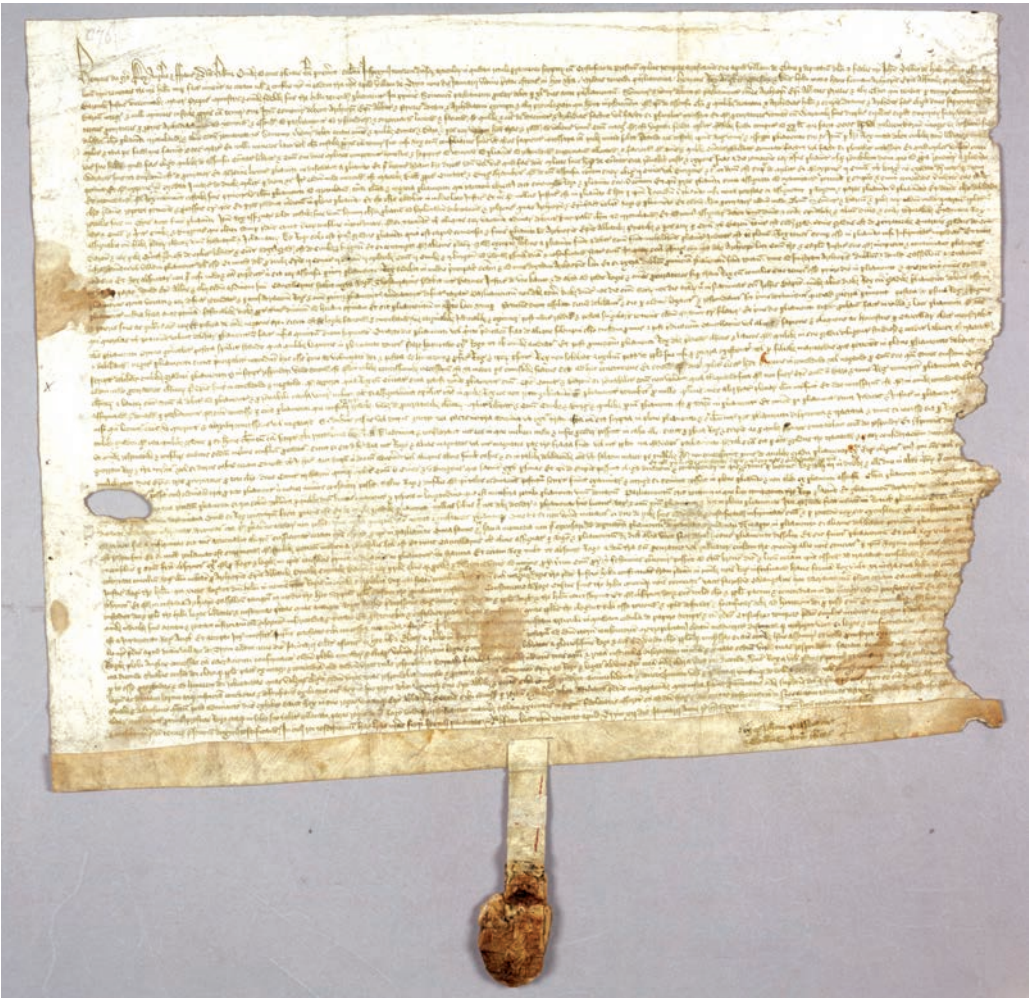




23 The Four Courts under bombardment, June 1922. Photograph © RTÉ Cashman Collection.



24 Facsimile of the verso of Irish close roll, 2 Edward II (1308–9). Original destroyed in 1922. Image from *Facsimiles*, iii, plate 3 (*Tresham*, p. 12, no. 416): ‘Memorandum on records destroyed by fire at St Mary’s abbey, Dublin, A.D. 1304; and enumeration of official documents delivered to Walter Thornbury, chancellor of Ireland, by the executors of Thomas Cantok, bishop of Ely, his predecessor in office, who died A.D. 1308–9’.



25 Huntingdon Library, California, MS E.L. 1699. Irish letters patent dated 9 Jan. 1419 with impression of the great seal of Henry V used in Ireland. This document contains a certified copy of the Irish version of the treatise known as *Modus tenendi parliamentum* (the so-called 'Preston exemplification'), which has been the subject of modern historiographical controversy (see P. Crooks, 'The background to the arrest of the 5th earl of Kildare and Sir Christopher Preston in 1418: a missing membrane', *Analecta Hibernica*, 40 (2007), 8–10). The best modern edition is N. Pronay and J. Taylor (eds), *Parliamentary texts of the later middle ages* (Oxford, 1980), pp 128–47.

greatest age'.<sup>26</sup> His conclusion is significant because the influence, or rather the initiative, of the English chancery declined somewhat in the fourteenth century. In the first half of the thirteenth century, instruments issued under the great seal of England can still be interpreted as immediate expressions of the royal will; but in the later thirteenth and early fourteenth centuries, in the phrase beloved of administrative historians, the chancery went 'out of court'.<sup>27</sup> Its direct and personal connection to the king was broken. The great seal of England remained the most authoritative in the kingdom throughout the late Middle Ages; but increasingly it was becoming, to quote Carpenter again, 'a very grand rubber stamp'.<sup>28</sup> The initiative passed to the king's lesser seals, first the privy seal and later his secret seal or signet. These were used to seal warrants or bills, which, in turn, 'moved' the great seal.<sup>29</sup> Developments across the Irish Sea present an interesting contrast. There the chancery did not lose the initiative to quite the same extent. The reason, put baldly, is that the Irish chancery did not go 'out of court'. During the fourteenth and fifteenth centuries it remained closely attached to the king's representative, the chief governor of Ireland, who was peripatetic. The city of Dublin was normally a fixed point in his shifting itineraries, but it is only after c.1404 that the chancery seems to have taken up near-permanent residence in the capital – a change that has been linked to the development of the Irish chancery as a court with equitable jurisdiction.<sup>30</sup> We must be careful not to mislead. In Ireland, as in England, we find chancery warrants: that is to say, the chief governor would issue warrants, often sealed with his privy seal, addressed to

26 D.A. Carpenter, 'The English royal chancery in the thirteenth century' in Fianu and Guth (eds), *Écrit et pouvoir*, p. 25; reprinted in Jobson (ed.), *English government in the thirteenth century*, 49–69.

27 See, e.g., T.F. Tout, *Chapters in the administrative history of mediaeval England*, 6 vols (Manchester, 1920–33), i, p. 12; A. Harding, *England in the thirteenth century* (Cambridge, 1993), p. 47.

28 Carpenter, 'English royal chancery', p. 26.

29 On the lesser seals, see H.C. Maxwell-Lyte, *Historical notes on the use of the great seal of England* (London, 1926), ch. 2–5. An extraordinary amount of ink has been spilled in an effort to divine patterns in the use of warrants to authorise letters issued under the great seal. See, e.g., B. Wilkinson, 'The authorisation of chancery writs under Edward III', *Bulletin of the John Rylands Library*, 8 (1924), 107–39; J.L. Kirby, 'The authorization of letters under the great seal', *Bulletin of the Institute of Historical Research*, 37:96 (1964), 125–56.

30 S.G. Ellis, *Reform and revival: English government in Ireland, 1470–1534* (Woodbridge, 1986), p. 174. On the development of the equity side of the business of the English chancery in the fifteenth century, see T.S. Haskett, 'The medieval court of chancery', *American Society for Legal History*, 14:2 (1996), 245–313. Haskett's conclusions differ somewhat from the orthodoxy developed by M.E. Overy, 'The history of equitable jurisdiction of chancery before 1460', *Bulletin of the Institute of Historical Research*, 42:106 (1969), 129–44, and N. Pronay, 'The chancellor, the chancery, and the council at the end of the fifteenth century' in H. Hearder and H.R. Loyn, *British government and administration: studies presented to S.B. Chrimes* (Cardiff, 1974), pp 87–103. For fourteenth-century developments, the key essay is W.M. Ormrod, 'The origins of the *sub pena* writ', *Historical Research*, 61:144 (1988), 11–20.

the Irish chancellor instructing him to cause letters to be made under the great seal of Ireland.<sup>31</sup> Nevertheless, the fact that the Irish chancery remained itinerant is an indication of its close involvement in the day-to-day administration of English Ireland deep into the fifteenth century. This, in turn, is suggestive of the value of its records as raw materials of historical research.

A second point concerns the contents of the rolls themselves. The earliest surviving English chancery rolls date from the first years of the reign of King John (1199–1216), although the question of whether the practice of enrolment (that is ‘registering’ letters on a chancery roll) began earlier than the iconic date of 1199 is at present the subject of a great rumbustification between the leading experts on the English chancery.<sup>32</sup> The rolls were arranged by regnal year and contained transcripts of letters, mostly written in Latin, issued in the king’s name. The two best-known series of enrolments in England are the patent rolls (C 66) and close rolls (C 54), which contained transcripts of letters patent (Lat. *littere patentes*) and letters close (Lat. *littere clause*) respectively.<sup>33</sup> Letters patent were open or ‘patent’: a wax impression of the great seal pendant was attached to the letter with silk cords, a parchment tag or a tongue (in order of declining prestige) depending on the significance of the letter’s contents.<sup>34</sup> The address or *inscriptio* clause of the opening protocols was universal, most commonly taking the form ‘to all those to whom these letters may come’ (Lat. *Omnibus ad quos presentes littere pervenerint*).<sup>35</sup> Letters close

31 S.G. Ellis, ‘The privy seals of chief governors of Ireland, 1392–1560’, *Bulletin of the Institute of Historical Research*, 51 (1978), 187–94.

32 The key essay on this issue is Vincent, ‘Why 1199?’. The ensuing debate can be enjoyed through two essays published in N. Vincent (ed.), *Records, administration and aristocratic society in the Anglo-Norman realm: papers commemorating the 800th anniversary of King John’s loss of Normandy* (Woodbridge, 2009), viz. D. Carpenter, “‘In testimonium factorum brevis’: the beginnings of the English chancery rolls”, pp 1–28; and a vigorous riposte from Vincent, ‘Introduction: the record of 1204’, pp xvi–xviii.

33 The numbers in parentheses refer to the class numbers assigned to series of enrolments in NA, with ‘C’ indicating ‘chancery’. The Record Commission produced full texts in record type of the early rolls, under the editorship of T.D. Hardy: *Rotuli litterarum clausurarum in turri Londinensi asservati, 1204–24* (London, 1833–44); *Rotuli litterarum patentium in turri Londinensi asservati* (London, 1835). Some further close rolls from John’s reign also appeared under Hardy’s editorship, misidentified in *Rotuli de liberate ac de misis et praestitis* (London, 1844) and *Rotuli normanniae* (London, 1835). See also H.G. Richardson (ed.), *The memoranda roll for the Michaelmas term of the first year of the reign of King John* (London, 1943), pp 91–8.

34 P. Chaplais, *English royal documents: King John–Henry VI, 1199–1461* (Oxford, 1971), p. 19. See fig. 6 for an example of Irish letters patent in which the seal is attached by a parchment tag.

35 Rules are made to be broken and English letters patent do not always conform to these prescriptions (see, for example, B. Wilkinson, ‘The chancery’ in J.F. Willard and W.A. Morris (eds), *English government at work, 1327–1336, i: central and prerogative administration* (Cambridge [Mass.], 1940), p. 166). The same is true of Irish letters patent. Charters follow a different diplomatic form again, being addressed to ‘all archbishops, bishops [etc.]’. Charters issued under the Irish seal were enrolled in the Irish patent rolls.

were literally closed: the seal had to be broken for their contents to be read, and the letters were addressed to a single recipient or corporate body such as a monastic house. These are the two basic diplomatic forms of English chancery letters. But, already in the first years of the thirteenth century, a more elaborate series of chancery enrolments was evolving, organised according to the type of business transacted – for instance, the *liberate* (C 62), charter (C 53), fine (C 60), parliament (C 65) and statute rolls (C 74)<sup>36</sup> – or by geographical relevance in the case of the Gascon (C 61), Norman (C 64), Welsh (C 77) and ‘Scotch’ rolls (C 71).<sup>37</sup> These last four series of enrolments all contain letters concerning these dependencies issued under the great seal of England. They are, therefore, entirely different from ‘Irish chancery rolls’, which were compiled in Ireland and contain letters issued under the great seal used in Ireland. Before the turn of the fourteenth century there were ten major series of enrolments in England, and more would be added in time.<sup>38</sup> Here again record keeping in the Irish chancery offers a contrast. Bertie Wilkinson once remarked of the English chancery that it was the ‘bottle neck through which an infinite range of favours was squeezed out of the king’.<sup>39</sup> This is true of the Irish chancery too, with the important difference that the favours thus squeezed were recorded on just two series of enrolments: patent and close rolls.<sup>40</sup> The upshot is that Irish chancery rolls are notably eclectic in their contents, and many items that in England would have been hived off into other classes of record – charters, fines, writs of *liberate*, writs of parliamentary summons, even the occasional return from an inquisition *post mortem* – are found instead on patent rolls or close rolls. The Irish rolls should, then, have provided specialists in a range of historical sub-disciplines – political historians obviously, but also historians of society and economy, archaeologists and historical geographers, onomasticians and the rest – not simply with a dietary staple, but rather an aliment of great richness and variety.

36 For the earliest charter rolls, see *Rotuli chartarum in turri Londinensi asservati, 1199–1216* (London, 1837). It has been established that the series of fine rolls had been established by the mid-1190s, although the earliest extant examples are from John’s reign: T.D. Hardy (ed.), *Rotuli de oblatiis et finibus* (London, 1835).

37 Other series of this type include the French rolls (now part of C 76, ‘Treaty rolls’), which record treaties and diplomatic documents as well as documents concerning the administration of the possessions of the king of England in France except for Gascony and the Channel Islands; and the Roman rolls (C 70), which record correspondence sent by the king of England to the papal curia.

38 M.S. Giuseppe, *A guide to the manuscripts preserved in the Public Record Office* (London, 1923), i, pp 17–42; M. Prestwich, ‘English government records’ in R.H. Britnell (ed.), *Pragmatic literacy, east and west, 1200–1330* (Woodbridge, Suffolk, 1997), pp 98–9.

39 Wilkinson, ‘The chancery’ in Willard and Morris (eds), *English government at work*, p. 205.

40 See P. Connolly, *Medieval record sources* (Dublin, 2002), pp 14–18. A memorandum of 1309 lists all the chancery rolls between 30 Edward I (1301–2) and 2 Edward II (1308–9); for each regnal year, the record follows the same formula, listing ‘two rolls, one patent and one close’: Facsimiles, iii, plate 3 [=fig. 5].

As we know, those records are no more. The Four Courts blaze of 1922 was, however, only the last in a succession of disasters – fiery or otherwise – to befall the chancery rolls. It is something of an irony that the survival rate of records documenting these disasters is healthy. Among the few facsimiles we have of an Irish chancery roll is an image of the dorse of Close Roll 2 Edward II [see plate 25]. It contains a memorandum of a great fire in 1304 which destroyed most of the thirteenth-century chancery records then lodged in St Mary’s abbey, Dublin, a Cistercian foundation on the north bank of the Liffey:

Memorandum that all the rolls of the Irish chancery with writs, inquisitions, bills and all memoranda touching the said chancery from the time of master Thomas Cantok, formerly chancellor of Ireland [appointed chancellor on 28 October 1291], up to the twenty-eighth year of the reign of Edward I [1299–1300] were burned by accident in the abbey of St Mary near Dublin in the great fire in that abbey, except two rolls of the twenty-eighth year, one of writs patent and the other of writs close.<sup>41</sup>

After 1309, although the chancery remained ever on the move, the chancery rolls found a home in the south-west tower of Dublin castle, which became known as Bermingham tower.<sup>42</sup> An administrative upheaval occurred in 1361 when the two sedentary departments of English government in Ireland – the exchequer and common bench – together with their records, were transferred to Carlow by order of Edward III’s son and lieutenant of Ireland, Lionel of Antwerp (1338–68), there to remain until returned to Dublin during the first Irish expedition of Richard II in 1394–5.<sup>43</sup> Throughout these decades, however, the records of the itinerant chancery remained at Dublin. Thus, in 1380 we hear that ‘Dublin castle is ruined and devastated and in many places greatly undermined because of the negligence of the king’s ministers who ought to attend to repairs, so that the king’s cousin, Edmund Mortimer, earl

41 *Facsimiles*, iii, plate 3 [fig. 5]. See also J.T. Gilbert (ed.), *Chartulary of St Mary’s abbey, Dublin: with the register of its house at Dunbrody, and annals of Ireland*, 2 vols (London, 1884), ii, p. 332.

42 Bermingham tower receives some attention in C. Manning, ‘The record tower, Dublin castle’ in J.R. Kenyon and K. O’Conor (eds), *The medieval castle in Ireland and Wales: essays in honour of Jeremy Knight* (Dublin, 2003), pp 72–95, at p. 90.

43 P. Connolly, ‘“The head and comfort of Leinster”: Carlow as the administrative capital of Ireland, 1361–1394’ in T. McGrath (ed.), *Carlow: history and society* (Dublin, 2008), ch. 12. Compare the movements of the English exchequer described in W.M. Ormrod, ‘Competing capitals? York and London in the fourteenth century’ in S. Rees Jones, R.M. and A.J. Minnis (eds), *Courts and regions in medieval Europe* (Woodbridge, 2000), pp 75–98.

of March and Ulster, lieutenant, cannot hold a great council ... in that castle ... nor can the rolls and records be safely kept there for their protection, as is customary, to the king's great disgrace and detriment'.<sup>44</sup> This is an early statement of what was to become a familiar refrain. On 22 November 1430 the chief governor and council of Ireland agreed that £13 6s. 8d. should be spent on the repair of Dublin castle because 'the king's castle of Dublin and the great hall and other buildings and towers within the castle in which the books and records of the chancery, both benches and the exchequer are kept are ruinous and greatly in need of repair, and for lack of repair of the hall, towers and buildings the books and records are greatly damaged by rain and storms, and greater damage may easily occur for lack of repair'.<sup>45</sup>

Even after adjusting for the embellishments that accompany all attempts to crank administrative machinery into action, we may well believe that the medieval rolls had suffered much by the dawn of the Tudor era. Accommodation remained inadequate (the archbishop of Dublin sneered c.1531 that the chancery in Dublin castle was 'more like a swine-sty than a stable');<sup>46</sup> and records wandered from their rightful keepers (in May 1537, when the king's serjeant-at-law was searching the records in the treasury house, 'he found by chance a piece of a roll of the Chancery of Richard the second's time').<sup>47</sup> Matters had scarcely improved by the eighteenth century. In 1758 the Lancashire-born antiquary, John Lodge (1692–1774) – deputy keeper of the records in Bermingham tower c.1751 and deputy clerk and keeper of the rolls before 1758<sup>48</sup> – reported to parliament that the rolls office in Dublin castle was 'in a very ruinous state, being supported by props from top to Bottom'. His protest continues: 'The Roof is shored up from end to end, and in danger of falling in by every high wind. The slates and the

44 *CIRCLE*, Close Roll 4 Richard II, no. 9 (*Tresham*, p. 107, no. 9; NA, E 101/246/2, §161; NAI, Lodge MS 21, p. 65).

45 P. Connolly (ed.), *Irish exchequer payments, 1270–1446* (Dublin, 1998), p. 568. John Coryngham, keeper of the king's palace within Dublin castle and clerk of the king's works, was paid £21 1s. 8½d., authorized by writ of privy seal dated 29 Feb. 1440 (*ibid.*, p. 581). A related memorandum dated 23 Oct. 1430 is printed in J.T. Gilbert, *History of the viceroys of Ireland with notices of the castle of Dublin and its chief occupants in former times* (Dublin, 1865), p. 578–9 (*CIRCLE*, Patent Roll 9 Hen. VI, no. 44).

46 *Letters and papers, foreign and domestic, of the reign of Henry VIII, preserved in the Public Record Office, the British Museum, and elsewhere in England*, ed. J. S. Brewer et al. (21 vols in 28, London, 1862–1932), v (1531–2), p. 198. In 1552, when the records were transferred *en masse* to the library of St Patrick's cathedral, the 'Tower within his Majesty's Castle of Dublin' is described as ruinous (*CPR Ire., Hen. VIII–Eliz.*, i, p. 287).

47 *Calendar of Ormond deeds, 1172–1603*, ed. E. Curtis, 6 vols (Dublin, 1932–43), iii, no. 355. We know that this was a close roll, because it contained writs of *liberate* and *allocate*; but unfortunately the precise regnal year is not given.

48 On Lodge, see A. de Valera, 'Antiquarian and historical investigations in Ireland in the eighteenth century' (MA thesis, University College Dublin, 1978), esp. p. 271; E. O'Byrne, 'Betham and Lodge' in M.D. Evans, *Aspects of Irish Genealogy II* (Dublin, 1997), pp 169–72.



windows cannot be kept in repair, so that the Records daily suffer by Dust and Moisture. The whole building is so shook by Tempests that the Clerks have quitted their Desks through fear and locked up the Office.<sup>49</sup>

The first concerted effort to establish order from chaos was undertaken by the short-lived Record Commission of Ireland, established in 1810.<sup>50</sup> It is fashionable to pillory the Irish record commissioners, but it is difficult at a remove of precisely two centuries to comprehend fully the desperate condition of the records they were tasked with bringing into order. A first obstacle to be negotiated was the fact that the records were scattered among several different repositories. In 1812 two sub-commissioners, William Nash and James Hardiman (1782–1855), reported in detail on their findings in the rolls office, and they further returned that around fifty chancery rolls were deposited in Bermingham tower, citing the opinion of Lodge that they had been ‘left there by mistake’.<sup>51</sup> The keeper of Bermingham tower was William Betham (1779–1853), the famed genealogist and later Ulster king of arms. He had been appointed as a sub-commissioner in 1810, but resigned in 1812, after which his dealings with the secretary of the Record Commission, William Charles Monck Mason (1775–1859), were marked by acrimony.<sup>52</sup> When asked to surrender the patent rolls in his care, Betham proved recalcitrant. So began a tussle for their custody. The commissioners used their annual reports as a means of commanding the moral high ground. In March 1813 they presented their case in strenuous terms. Of the rolls in Bermingham tower, they argued that:

there are some that clearly belong to the Rolls Office, as, for instance, the Patent Roll of 29th Edward III and 22nd Edward IV, which have the common heading of the Chancery Rolls, viz. “Rotulus Patens Cancellariae”. Such rolls as the last mentioned should doubtless be removed to the Repository, to which they so evidently belong.<sup>53</sup>

At length the transfers were authorised and an inventory of all the chancery rolls was prepared and published in 1819.<sup>54</sup> This inventory unveils the

49 Quoted in H. Wood, ‘The public records of Ireland before and after 1922’, *Transactions of the Royal Historical Society*, 4th series, 13 (1930), 25–6.

50 For which, see M. Griffith, ‘The Irish Record Commission, 1810–30’, *Irish Historical Studies*, 7:25 (1950), 17–38.

51 *Rep. RCI 1811–15*, 2nd rep., p. 72.

52 W.C. Monck Mason is to be distinguished from his younger brother Henry Joseph Monck Mason (1778–1858), who also worked for the commission and is author of *Essay on the antiquity and constitution of parliaments in Ireland* (Dublin, 1820). According to one authority, the government intended to appoint Henry Joseph as secretary to the commission, but the appointment was made in error to William Charles (Griffith, ‘Irish Record Commission’, pp 18–19).

53 *Rep. RCI 1811–15*, 3rd rep., p. 492.

54 *Rep. RCI 1816–20*, 8th rep., pp 383–9. The 1819 inventory numbers the medieval chancery

alarming state of the chancery rolls by the early nineteenth century. For the period before the accession of Edward II in 1307, there survived only three membranes from the patent roll of 31 Edward II (RCI roll §2). From 1307 until the death of Henry VII in 1509 there were 208 regnal years, giving a putative total of 416 original medieval rolls, one patent and one close for each regnal year.<sup>55</sup> Only ninety-seven rolls (or just over 23 per cent) were extant in 1828,<sup>56</sup> and in only eleven regnal years do we find both a patent and close roll.<sup>57</sup> To put the picture in the negative, there were 116 regnal years for which no chancery roll had survived to modern times. Stark as these figures are, they only begin to hint at the true scale of the losses. We gain a more realistic impression of the damage by remembering that each roll was made up of membranes of parchment stitched head to foot. A smattering of chancery rolls appear to have been complete or near-complete in the nineteenth century, and these varied between 18 and 26 membranes in length. It would be foolhardy to pretend that we can say with any precision how many membranes would have constituted an ‘average’ Irish chancery roll in the Middle Ages, not least because their length fluctuated over time;<sup>58</sup> but a roll of c.20 membranes would not have been exceptionally large in the later fourteenth century. If this estimate is low, then the next point has still greater force. Of the ninety-seven rolls extant in 1828, only thirty had more than 10 membranes.<sup>59</sup> Sixteen were fragments, consisting of only one or two membranes.<sup>60</sup> Three were utterly illegible.<sup>61</sup> Most

rolls from 1 to 130. Throughout this essay I use this ‘running number’ as a shorthand reference to individual rolls in the following form: RCI roll §1, §2 etc.

55 I have not included in this calculation the ‘readoption’ of Henry VI or the ‘reign’ of Lambert Simnel (‘Edward VI’).

56 There are 125 separate rolls calendared in *Tresham*, but 29 of these are really detached membranes, or ‘parts’, of a single patent roll. My total of 97 extant chancery rolls is based on gathering the ‘parts’ for each regnal year together and counting the aggregates as a single roll. I have also excluded the ‘Antiquissime’ roll (RCI roll §1 + §8) and the eleven exchequer ‘controlment’ rolls.

57 Those regnal years are: 20 Edward II (RCI rolls §§13–14), 29 Edward III (§§25–6), 32 Edward III (§§29–30), 5 Richard II (§§41–2), 9 Richard II (§§46–7), 18 Richard II (§§54–5), 4 Henry IV (§§62–4), 12 Henry IV (§§77–8), 1 Henry VI (§§91–2) and 2 Henry VI (§§93–4). This list does not include regnal years for which both a patent roll and an exchequer ‘controlment roll’ were extant, although the latter are misidentified as close rolls in *Tresham*.

58 English chancery rolls are at their bulkiest in the mid- to late fourteenth century, and go into decline in the later fifteenth century as business was taken over by other government departments.

59 The following Irish chancery rolls consisted of more than ten membranes in 1828: RCI rolls §§3, 5, 9, (20 + 21), 26, 33, 34, 35, 41, 42, (43 + 45), 46, 48, 49, 50, (56 + 57 + 58), 60, (63 + 64), 69A, 70, 74, 79, 83, (84 + 85), 91, 92, 96, 97, 99 and 107. I have placed those rolls that are recorded as surviving in more than one ‘part’ in round brackets.

60 RCI rolls §§6, 13, 23, 32, 38, 62, 68, 77, 78, 80, 86, 95, 113, 119, 122 and 128. This list does not include detached fragments of rolls for which other membranes were extant in 1828.

61 RCI rolls §§116, 118 and 121. Had they survived to the next century an ultraviolet lamp might well have revealed their contents.

of the rest had suffered extensive damage, being especially prone to rubbing or tearing at the beginning and ending of the rolls. In sum, the vast majority of the Irish chancery rolls had already been lost by the early nineteenth century. Those that remained were in an appalling state of disrepair. And every one of these survivors perished in 1922.

How fortunate, then, that in 1828 the Record Commission published a Latin calendar of the surviving medieval chancery rolls, a volume planned by James Hardiman and brought through the press under the principal editorship of Edward Tresham.<sup>62</sup> In 1830, within two years of the publication of *Tresham*, George IV expired, and with him the patent of the Irish Record Commission. For the next three decades archival policy in England and Ireland proceeded on divergent paths. The foundation of the Public Record Office at London in 1838 heralded a period of major archival reform. The same period across the Irish Sea was one of archival stagnation. The American-born archivist, James F. Ferguson (1807–55), advertised the need for a remedy in an open letter of 1853 to the *Gentleman's Magazine*, in which he disclosed that Irish records 'are suffered for the present to sleep in perpetual darkness, damp, and dust, and are undoubtedly from this neglect sustaining a considerable amount of injury'.<sup>63</sup> Ferguson spoke with some authority. He had recently stubbed his toe (so to speak) on a previously-unknown patent roll of 16 Edward II (1322–3), discovered 'by chance ... amongst a heap of dirty parchments which had been thrown upon the floor of one of the public offices in Dublin'.<sup>64</sup> Moved by Ferguson's discovery, the editors of the organ that would become known as the *Journal of the Royal Society of Antiquaries of Ireland* intoned that:

The records of a country are its noblest inheritance. Few countries possess a more ample store of records than our own, but they have been, and are, sadly neglected. Much has been irretrievably lost by damp, by fire, and by pecculation. The vaults of a custom house, the *oubliettes* of a state prison, are thought good enough to be the depositories of much that remains. How long will it be 'ere their value is understood aright, and even common care taken to preserve them from defacement and decay?<sup>65</sup>

62 E. Tresham (ed.), *Rotulorum patentium et clausorum cancellariae Hiberniae calendarium, Hen. II–Hen. VII* (Dublin, 1828) [= *Tresham*]. Hardiman was later described by J.T. Gilbert as 'the founder of the modern accurate school of Anglo-Irish documentary learning': Gilbert, *On the history, position and treatment of the public records of Ireland* (London, 1864), p. 80.

63 [J.F. Ferguson] 'The ancient records of Ireland: the forfeited property of the earl of Tyrone', *The Gentleman's Magazine and Historical Review*, 39 (March, 1853), p. 267. With regard to the dissolution in 1830 of the Irish Record Commission, Ferguson commented that 'an inefficient management and a wasteful expenditure [supplied] urgent reasons, in those days of economic reform, for its non-revival'.

64 J.F. Ferguson, 'The "mere English" and the "mere Irish"', *Transactions of the Kilkenny Archaeological Society*, 1 (1849–51), 508.

65 *Ibid.*, p. 512.

An answer of sorts was given by the Four Courts (Dublin) Extension Act of 1858,<sup>66</sup> which conceded the principle of collocation. The records were soon to be under one roof; but under whose custody?<sup>67</sup> A divide now emerged between ‘professional’ Irish archivists and the courts of law, whose control over the chancery rolls was to become a matter of scandal. Among the ‘professionals’, the young historian of Dublin, J.T. Gilbert (1829–98), proved himself to be a firebrand.<sup>68</sup> Thinly disguising himself as ‘an Irish archivist’, he spewed forth a series of pamphlets on the public records of Ireland between 1863 and 1865.<sup>69</sup> His target was the Rolls Office of chancery, under whose auspices a two-volume calendar of the chancery rolls of the Tudor monarchs was published in 1861–2. The editor was one James Morrin, a clerk of enrolments in chancery.<sup>70</sup> Deriding the volumes as ‘the miserable results of audacious charlatanism’,<sup>71</sup> Gilbert branded Morrin as a plagiarist and set out in merciless detail the wholesale ‘appropriations’ the editor had made from the labours of ‘professional’ archivists. By way of self-absolution, Morrin had prefaced his calendar with the comment that, of necessity, he had worked on the calendar ‘at intervals snatched from the labours of official duties’.<sup>72</sup> Gilbert seized on this confession as proof that the task of editing records was best left to ‘professionals’.<sup>73</sup> The allegations were not without substance, but neither was Gilbert a disinterested critic: he was jockeying (in vain as it turned out) for an appointment as head of the new record office in Ireland. Little wonder, then, that he was so venomous about the ‘clerks of the Dublin Four Courts’, whose credentials as suitable custodians of the public records he sought to undermine once and for all:

The entire affair resolves itself practically into the narrow question – whether the Public Records of Ireland shall be still subjected to be garbled and capriciously manipulated by law clerks, and pedigree agents, with results prejudicial to the Community, costly to the Revenue, and discreditable to the Country, or whether they shall – as in all other

66 21 & 22 Vict., c. 84.

67 See G.J. Doyle, ‘The foundation and first twenty years of the Public Record Office of Ireland’ (MA thesis, University College Dublin, 1975).

68 J.T. Gilbert’s scholarly reputation had been secured by the recent publication of *A history of the city of Dublin* (3 vols, Dublin, 1854–9).

69 ‘An Irish Archivist’ [J. T. Gilbert], *Record revelations: a letter on the public records of Ireland* (London, 1863) and *Records revelations resumed: a letter on the public records of Ireland* (London, 1864): both reprinted in *On the history, position and treatment of the public records of Ireland* (London, 1864); also *English commissioners and Irish records* (London, 1865).

70 *CPR Ire., Hen. VIII–Eliz.*, vols. 1 and 2.

71 ‘An Irish Archivist’ [J. T. Gilbert], *On the history, position and treatment of the public records of Ireland*, p. 80.

72 *CPR Ire., Hen. VIII–Eliz.*, i, p. xlv.

73 *On the history, position and treatment of the public records of Ireland*, p. 98; *English commissioners and Irish records*, p. 1.

*civilized* nations – be committed to the management of Archivists of recognised capacity, whose labours would be advantageous at home, and redound abroad to the honour of the Empire.<sup>74</sup>

The squall that Gilbert stirred up escaped its tea-cup. Questions were asked in the House of Commons. A public inquiry was held. The credibility of the rolls office collapsed. And the whole scandal paved the way for the passage of the Public Records (Ireland) Act of 1867.<sup>75</sup>

The establishment of the PROI brought an end to the petty turf wars that had characterised the past several decades. Responsibility for the preservation and publication of Ireland's records was now vested in a single body; and, for the first time, proper facilities were provided both for the records and those members of the general public who wished to consult them [figs. 2 & 3]. Work proceeded apace. Before the end of 1870 the chancery rolls had been transferred to their new home in the east side of the record treasury, where they occupied the first eight shelves in bay 3D.<sup>76</sup> The safety of the chancery rolls at this time became a matter of concern. Previous to their transfer to the PROI they had been stored 'in pigeon-holes in closed presses', with unfortunate results for the parchment, which had become 'dry and brittle for want of air', and the rolls were not made available for consultation until repairs had been carried out.<sup>77</sup>

By the early twentieth century Ireland's public records had been brought into an ordered and manageable state for the first time in their history. So much is clear from the appearance in 1919 of Herbert Wood's *Guide to the contents of the Public Record Office of Ireland*,<sup>78</sup> aptly described by David Edwards as 'one of the most depressing books in Irish history' because of its

74 *On the history, position and treatment of the public records of Ireland*, p. 184 (the emphasis is Gilbert's).

75 30 & 31 Vict., c. 70. The whole episode is explored in detail in G. Ó Dúill [G.J. Doyle], 'Gilbert and the Public Record Office of Ireland' in M. Clark, Y. Desmond and N.P. Hardiman (eds), *Sir John T. Gilbert, 1829–1898: historian archivist and librarian* (Dublin, 1999), pp 25–44. See also G. Ó Dúill, 'Sir John Gilbert and archival reform', *Dublin Historical Record*, 30:4 (1977), 136–42.

76 'State of bays on East and West sides of record treasury, 31st December, 1870' in *3rd rep. DKPRI*, facing p. 28; *4th rep. DKPRI*, p. 7.

77 'Their condition ... is such that it has been considered unsafe to allow them to be handled by any but officers or servants of the department, until the necessary repairs shall be executed' (*3rd rep. DKPRI*, p. 8).

78 H. Wood, *A guide the records deposited in the Public Record Office of Ireland* (Dublin, 1919). In retrospect the opening lines of the book are especially poignant: 'The Public Records of Ireland, like those of most countries, have undergone great vicissitudes, but have perhaps suffered more in the way of loss of valuable material for history. When the history of Ireland in the past is taken into account, it is more to be wondered at that so much has survived from the chaotic conditions which prevailed in this country' (p. vii). For Wood's career, see O'Brien, *Irish governments and the guardianship of historical records*, appendix 1, p. 193.

painstaking description of the contents of the new Record Treasury on the eve of its destruction.<sup>79</sup> In hindsight, there was one distinct advantage to the havoc that reigned before the establishment of the PROI. Housing records in multiple locations increased the likelihood of small-scale attrition, but the risk to the archive *as a whole* was widely dispersed. Wood himself remarked on this irony in an address to the Royal Historical Society delivered eight years after the final disaster. ‘The tragedy of 1922’, he commented wistfully, ‘lies in the fact that the method of assembling the public records under one roof was the very means of making such a destruction possible.’<sup>80</sup> Indeed the irony was thicker still. The first deputy keeper of the PROI – poet and archivist Sir Samuel Ferguson (1810–86)<sup>81</sup> – was fastidious in the matter of taking precautions against fire. In his eleventh annual report (1879), he set out his achievements with evident pride:

These newly fitted bays, as all others at the north end of the Record Treasury, which have been fitted up since the building was placed at the disposal of this Office, are *perfectly fire proof* . . . I hope hereafter, from time to time, to eliminate the existing wooden shelving from the central and southern sections, as well as the wooden flooring from the galleries of communication, so that *there shall be nothing inflammable within the building* (which is brick-arched underneath, roofed with slate on iron, and has, during the past year, been counter-sealed with zinc), except the records themselves; and these, I may observe, would be extremely difficult of combustion.<sup>82</sup>

Nor did the safeguards end with the fittings in the record treasury. To make assurance doubly sure, the record treasury and record house had been designed as two distinct structures separated by an ‘isolation’ space that was spanned by a covered bridge with iron doors at each end.<sup>83</sup> The record house (which contained the search room) did not burn down in 1922. To this extent the firebreak between the two buildings proved effective, albeit ‘rather in the opposite way from what was intended, as the design was to prevent a fire starting in the Record House and spreading to the Treasury’.<sup>84</sup> No one had foreseen that one day insanity would prevail and the record treasury might be used to house live ammunition. Ernie O’Malley’s description of the interior

79 Edwards, ‘Salvaging Irish history’, p. 118.

80 Wood, ‘The public records of Ireland before and after 1922’, p. 49.

81 Ferguson’s literary endeavours are placed in the wider context of his career in G. Ó Dúill ‘Samuel Ferguson: an introduction to his life and work’, *Fortnight*, no. 322, supplement (Nov. 1993), 1–16.

82 *11th rep. DKPRI*, p. 10 [emphasis added].

83 Plans for the PROI, dating from 1863–4, are extant in NAI, Office of Public Works 5HCC/1/106. The ‘isolation space’ is visible in fig. 1.

84 *55th rep. DKPRI*, p. 18.

of the record treasury on the eve of the blast of 1922 is chilling: ‘The inside was a jumble of lathes, moulds and mine cases; hand-grenade bodies lay in heaps; electric detonators, electric wires and explosives were piled between the racks which held the records ... In the lower rooms there were explosives, including a large amount of TNT.’<sup>85</sup> When all this was sent up, the destruction was near total: ‘The fire left little but tangled iron work, blocks of masonry, mason rubbish and the charred fragments and ashes of what had once been Public Records.’<sup>86</sup>

## IV

Even before the ashes had cooled, a desperate effort was underway to mitigate the effects of the disaster. In July 1922 notices appeared in the press seeking the recovery of records that had been dispersed by wind across the city and scavenged as far away as Howth.<sup>87</sup> Alas, the response was negligible.<sup>88</sup> A dejected PROI began to haemorrhage staff in 1920s, and the operations of the office were constrained for several decades by the meagre resources allocated to it.<sup>89</sup> Such as was accomplished under these adverse circumstances was impressive and of lasting value.<sup>90</sup> But, generally speaking, the attitude of the fledgling Irish state towards the remnants of its archival heritage was one of calculated indifference.<sup>91</sup> *Plus ça change, plus c’est la même chose.*<sup>92</sup>

The burden of reconstituting what had been lost, therefore, devolved in large part to individual scholars, whose private enterprises were encouraged by the Irish Manuscripts Commission, founded in 1928.<sup>93</sup> The reconstruction

85 O’Malley, *Singing flame*, p. 100.

86 *55th rep. DKPRI*, p. 17.

87 See, e.g., *Irish Times*, 3 July 1922; *ibid.*, 10 July 1922.

88 ‘[R]idiculously small’, in the estimation of Herbert Wood: ‘it is more than likely that such records as were picked up have been kept as mementoes of a remarkable occasion’ (Wood, ‘Public records of Ireland before and after 1922’, p. 36). More successful were appeals made by the Irish Manuscript Commission to the legal profession for original records and certified copies in their custody.

89 O’Brien, *Irish governments and the guardianship of historical records*, p. 15.

90 ‘The staff did what they could with limited resources, but it is not difficult to imagine what could have been done had the office received additional funding and official backing instead of being relegated to an administrative backwater for the best part of fifty years’ (Connolly, ‘Destruction of the Public Record Office of Ireland in 1922: disaster and recovery’, p. 144). The achievements of the PROI in the period 1922–52, especially in terms of accessions, can be appreciated from M. Griffith, ‘A short guide to the Public Record Office of Ireland’, *Irish Historical Studies*, 8:29 (1952), 45–58.

91 O’Brien, *Irish governments and the guardianship of historical records*.

92 For brief comments on recent archival policy in Ireland, see P. Crooks, ‘Archives in crisis’, *History Ireland*, 18:3 (2010), 10–11.

93 Edwards, ‘Salvaging Irish history’ in Ó Corráin (ed.), *James Hogan*, pp 117–18; M. Kennedy

of the Irish chancery rolls was the brainchild of one of the members of that commission, Annette Jocelyn Otway-Ruthven (1909–89), Lecky professor of history in Trinity College, Dublin, between 1951 and 1980.<sup>94</sup> Otway-Ruthven had earned her doctoral stripes with a dissertation on the king's secretary in the fifteenth century, an almost intractable subject owing to the destruction of the records of the signet office in 1619 by a fire in the old banqueting house at Whitehall.<sup>95</sup> As I have suggested elsewhere: 'No training could have better prepared Otway-Ruthven for a second career working on medieval Irish institutional history mostly using substitute source material.'<sup>96</sup> The Irish chancery project was to be the work of Otway-Ruthven's retirement. Preliminary work got underway with an award of £1,150 from the British Academy.<sup>97</sup> This was followed by a larger grant of £23,000 made by the Leverhulme Trust in 1978.<sup>98</sup> Otway-Ruthven was sadly overtaken by illness shortly after her retirement in 1980, and the directorship of the project passed to James Lydon in August 1981.<sup>99</sup> It was the achievement of this early phase of the project to create a 'paper database' comprising all known references to Irish chancery letters. After a good deal of 'positivist slogging',<sup>100</sup> over 20,000 record cards were gathered and sorted by regnal year. Some of these data were transferred to a computer in an early experiment in 'digital humanities', and a trial reconstruction of the close roll of a single regnal year (48 Edward III)

and D. McMahon, *Reconstructing Ireland's past: a history of the Irish Manuscripts Commission* (Dublin, 2009), esp. chapters 1–3.

- 94 The idea of reconstructing the chancery records had earlier been mooted by H.G. Richardson: 'Agenda for Irish history', *Irish Historical Studies*, 4:15 (1945), 254.
- 95 A.J. Otway-Ruthven, 'The king's secretary in the fifteenth century', *Transactions of the Royal Historical Society*, 4th ser., 19 (1936), 81–100; Otway-Ruthven, *The king's secretary and the signet office in the XVth century* (Cambridge, 1939).
- 96 P. Crooks, 'The Lecky Professors' in Crooks (ed.), *Government, war and society in medieval Ireland*, p. 42.
- 97 Draft of typed letter from A.J. Otway-Ruthven to P. Brown, deputy secretary, British Academy, Burlington House, Piccadilly, London, dated 17 Feb. 1978. See unsorted Otway-Ruthven correspondence, Manuscripts and Archives Research Library, TCD, for this piece of correspondence and others cited in the subsequent two notes.
- 98 The accounts are set out in a typed letter from the Leverhulme Trust, 15–19 New Fetter Lane, London, to J.F. Lydon, Lecky Professor of History, Department of Medieval History, TCD, dated 29 June 1983. In December 1975 Otway-Ruthven had travelled to London to discuss the project with the Leverhulme Trust, but this earlier funding bid proved unsuccessful: typed letter, C. Jolliffe, assistant director, the Leverhulme Trust Fund, to A. J. Otway-Ruthven, dated 27 Jan. 1976.
- 99 As recorded in a letter from D.A. Thompson, financial secretary of the Leverhulme Trust, to Professor F.S.[L.] Lyons, TCD, dated 21 March 1983. Lyons had retired as provost of TCD in 1981 and he died in Sept. 1983. He forwarded the letter to Lydon with the following note scribbled in blue biro: 'Jim – I expect you could deal with this? Wd. be grateful if you would. Leland.'
- 100 The phrase is employed by the late Timothy Reuter in 'The medieval nobility' in M. Bentley (ed.), *Companion to historiography* (London, 1997), p. 195.



were published in 1992.<sup>101</sup> The fact that the paper database has proved more robust than its first electronic counterpart serves as a reminder of the value of old records. Upon Lydon's retirement in 1993, the custodianship of the project passed to Dr Katharine Simms. Between c.1997 and 2002 Dr Philomena Connolly, a former student of Otway-Ruthven's and senior archivist at the National Archives of Ireland, worked privately on the project, bringing the existing record cards into good order and setting in train plans for the final stage, namely the creation of a new calendar of Irish chancery letters. Sadly the project seemed blighted. Dr Connolly died prematurely in June 2002, her work incomplete. The current phase of the project dates from July 2007, when the present author and Katharine Simms collaborated on a new proposal to bring the project to completion. Funding was granted by the Irish Research Council for the Humanities and Social Sciences, and a three-year project began in July 2008 to produce an internet-based resource entitled *A Calendar of Irish Chancery Letters, c.1244–1509* (hereafter *CIRCLE*), which is to be followed by a multi-volume print edition published by the Irish Manuscripts Commission.<sup>102</sup>

*CIRCLE* seeks to provide a calendared entry in English for every known text or notice of a letter enrolled in the Irish chancery from the reign of Henry III to that of Henry VII.<sup>103</sup> This is an ambitious undertaking. The question that arises immediately is this: given the loss of all the original chancery rolls, how has the new calendar been conjured up? The keystone of the project is the Latin calendar published by the Irish record commissioners in 1828. *Tresham* is a problematic volume. Although its editor claimed in his preface that '[n]o article legible on the rolls has been omitted nor a material part of the substance thereof',<sup>104</sup> it is immediately apparent from the fact that there are only 273 pages of text that the contents of letters were severely compressed. This attracted criticism upon publication,<sup>105</sup> but it is important

101 E. Dowse and M. Murphy (eds), 'Rotulus clausus de anno 48 Edward III – a reconstruction', *Analecta Hibernica*, 35 (1992), 87–154. See also Dowse and Murphy, 'The Chancery Project in the Medieval History Department, Trinity College, Dublin', *Humanities Communication Newsletter*, 11 (1989), 29–31. Mrs Sheelagh Harbison also served a research assistant to the project in the early 1980s.

102 *CIRCLE* is available at the following URL: [www.tcd.ie/chancery](http://www.tcd.ie/chancery). It was officially launched on 10 May 2012 by the provost of TCD, Dr Patrick Prendergast. Dr Áine Foley also served as a research assistant on the project during 2010–11.

103 Returnable writs are not normally calendared in *CIRCLE* since they were kept in files, rather than being enrolled; for an exception see, e.g., *Tresham*, p. 12, no. 417.

104 *Tresham*, p. xi.

105 William Lynch expressed relief that his research on Irish 'legal institutions' had been completed before publication of *Tresham*: 'otherwise, perhaps thinking it impossible that any persons could manifest inattention or indifference of this description when entrusted with so important a duty, he might have contented himself with the imperfect information thus afforded' (Lynch, *A view of the legal institutions, honorary hereditary offices, and feudal baronies established in Ireland in the reign of Henry the Second* (London, 1830), p. 101n.).

to recall that nineteenth-century calendars were intended to act as a guide to the contents of the original rolls, which could be consulted in case of doubt. Unfortunately, the list of indictments against *Tresham* does not stop at sins of omission. *Tresham* also made mischief by mislabelling a great many chancery rolls and (worse) attributing some rolls to the wrong regnal year.<sup>106</sup> The final objection is a practical one. *Tresham* is printed in ‘record type’, a Latin typeface used in the nineteenth century to replicate in print the abbreviations employed by medieval clerks. For the non-specialist, this is a major encumbrance.<sup>107</sup> For all this, *Tresham* was by no means the most defective enterprise undertaken by the Record Commission. In a report of 1822, that trenchant critic of the editorial procedures adopted by the commissioners, Sir William Betham, contented himself with the comment that ‘[t]he patent and close rolls have been I believe better done’.<sup>108</sup> Furthermore, in the absence of the original enrolments, *Tresham* is indispensable as a guide to the structure of the original chancery rolls. In recognition of these virtues, *Tresham* provides the spine of the reconstruction process.<sup>109</sup>

*CIRCLE* is not intended, however, merely as an English rendering of the existing Latin calendar. Ireland is richly endowed with ‘substitute’ materials. Broadly speaking, these survive in two pools.<sup>110</sup> One reservoir of parchment was formed by the leakage of records from the colonial government based at Dublin to its ‘mother’ administration at Westminster.<sup>111</sup> The second springs from the collections of those antiquarians who – in a manner reminiscent of the ‘Orientalists’ – displayed an insatiable curiosity about all things Irish and transcribed from original chancery enrolments between the late sixteenth and nineteenth centuries.<sup>112</sup> By sifting these reservoirs of source material, it is often possible to find superior texts of letters calendared in *Tresham*, and

106 These errors are noted and corrected in P. Crooks, ‘A revised inventory and concordance of the medieval Irish chancery rolls’ (forthcoming).

107 As early as 1861 Morrin remarked that *Tresham*, ‘being printed in the abbreviated, antiquated Latin of the period, has been to the public, for all practical purposes, almost useless’ (*CPR Ire., Hen. VIII–Elizabeth I.*, i., p. xxvii). His comment is all the more true today.

108 There is a handwritten transcript of Betham’s report of 1822 in NAI, State Paper Office, Official Papers 1833/50.

109 The online version of *CIRCLE* provides access to a digitised version of *Tresham*, and a researcher can move freely between the *CIRCLE* entry and its *Tresham* equivalent.

110 For an overview of ‘substitute’ material, see Connolly, *Medieval record sources*, ch. 4.

111 An invaluable guide to the Irish material in this repository has recently been published: P. Dryburgh and B. Smith (eds), *Handbook and select calendar of Irish material in the National Archives of the United Kingdom* (Dublin, 2005).

112 On antiquarianism in Ireland, see e.g., R.W. Dudley Edwards and M. O’Dowd, *Sources for modern Irish history, 1534–1641* (Cambridge, 1985), esp. ch. 8; A. de Valera, ‘Antiquarian and historical investigations in Ireland in the eighteenth century’. See also E.W. Said, *Orientalism* (new ed., London, 2003), esp. pp. 149–66. The comparison is instructive even if, as one way has it, ‘there are some things that are better left un-Said’ (M. Sahlins, *Waiting for Foucault, still* (Chicago, 2002), p. 35). The development of Irish ‘orientalism’,

indeed letters that never appeared there because the rolls on which they were registered had been destroyed or defaced before the Record Commission was established in 1810. One of the principal aims of *CIRCLE* is to collate all such references,<sup>113</sup> setting them out in a classified concordance at the foot of each letter so as to create a sliding scale of ‘diplomatic authenticity’ from which the reliability of the source material used in the reconstruction of the letter can be discerned at a glance.<sup>114</sup> This concordance arranges the sources into the following classes in order of declining quality, as follows: originals, facsimiles, transcripts, calendars and notices. I propose now to take each of these in turn.

Although no original Irish chancery rolls are extant, substitute sources in a more broadly construed class of ‘originals’ are surprisingly plentiful. For convenience, they can be thought of as consisting in five sub-categories. The first comprises engrossed letters patent and letters close – the ‘outgoing post’ of the Irish chancery. Enrolments are, strictly speaking, the registered copies of these engrossed letters made by the chancery for its own reference.<sup>115</sup> The number of such engrossments that survive in seigniorial or municipal archives is significant – significant, that is, given the paucity of other evidence, although the number of extant engrossments is modest relative to the total number of letters issued by the medieval Irish chancery, and the sample is drastically skewed towards letters patent and charters, which were of lasting value to the beneficiaries, unlike writs close. The four most important collections are the archives of the Butler lordship in Ireland and the Dowdall family, both preserved in the National Library of Ireland;<sup>116</sup> the papers of the Pembroke estate, preserved in the National Archives of Ireland;<sup>117</sup> and the collection of royal charters granted to the city of Dublin, now preserved in the aptly named J. T. Gilbert Library, Dublin.<sup>118</sup> Original engrossments such as

i.e.; Irish representations of ‘the Orient’, is a discrete, though related, subject: it is explored in J. Lennon, *Irish Orientalism: a literary and intellectual history* (Syracuse NY, 2004).

113 Here and elsewhere, I use ‘all’ to mean ‘as many as possible, allowing for human error’. It is certain that some references have escaped the trawl, and it is always to be hoped that more will be found in the future. In that sense, the project should never be complete.

114 The phrase quoted occurs in L. Duranti, ‘Diplomatics: new uses for an old science’, *Archivaria*, 28 (1989), 17. Duranti points out that the ‘origin of diplomatics is strictly linked to the need to determine the authenticity of documents’ (ibid.).

115 The question of whether or not the enrolment was copied from the original engrossment or from a draft cannot readily be answered for the Irish rolls. In England, minor variations between the version of a letter on the chancery roll and the original instrument indicate that a draft was often used as the basis for the enrolment (Maxwell-Lyte, *Historical notes on the use of the great seal of England*, p. 359).

116 Both available in calendar form: *Calendar of Ormond deeds*, ed. Curtis; *Dowdall deeds*, ed. C. McNeill and A.J. Otway-Ruthven (Dublin, 1960).

117 NAI, MS 2011/1. Brief abstracts of the medieval deeds appear in *Calendar of the ancient deeds and muniments preserved in the Pembroke Estate Office, Dublin* (Dublin, 1891).

118 Some but not all of these are calendared in the first volume of *Calendar of ancient records of Dublin*, ed. J.T. Gilbert, 18 vols (Dublin, 1889–1922). I am informed by Dr Mary Clark

these are the most authoritative sources we have. Running a close second in terms of fullness and reliability are ‘certified copies’. Beneficiaries of Irish chancery letters often found it advantageous to have their patents inspected and confirmed under the great seal of England. The anxiety to seek confirmations of Irish-seal letters tended to become acute at moments of political crisis: a rash of letters of *inspeximus*<sup>119</sup> concerning Ireland breaks out on the English patent rolls in the years immediately after the Lancastrian revolution of 1399, as beneficiaries of grants and appointments made in the last years of the reign of Richard II scrambled to have their patents confirmed by the Lancastrian usurper, Henry IV. A third source of original material is derived from records sent to England as part of the audit of Irish exchequer accounts undertaken at Westminster. These accounts were often supported by particulars, including what H.G. Richardson termed ‘vouchers’ – that is, writs of *liberate* issued by the chancery to the treasurer and chamberlains of the exchequer authorising them to make payments from the treasury.<sup>120</sup> Such ‘vouchers’ survive in bursts between the late thirteenth and mid-fifteenth centuries in London, mostly in the class of Exchequer Accounts Various.<sup>121</sup> A fourth source of original material was generated at Westminster itself. There are no ‘Irish rolls’ in the English chancery equivalent to, say, the rolls dedicated to Gascony or other dominions within the Plantagenet empire.<sup>122</sup> Instead, the considerable amount of ‘Irish’ business that passed under the great seal of England was enrolled in the English patent, close, charter and fine rolls. Some of these documents were notified to the king’s ministers in Ireland and enrolled in the Irish chancery: consequently, the English enrolments can be used as the basis for a fuller text of the letter from the Irish

that Dublin City Archives is undertaking a new project to produce critical editions of the Dublin charters in collaboration with l’École nationale des chartes at the Sorbonne. See also M. Clark, ‘People, places and parchment: the medieval archives of Dublin city’ in S. Duffy (ed.), *Medieval Dublin III: proceedings of the Friends of Medieval Dublin symposium, 2001* (Dublin, 2002), pp 140–50.

119 So called from their opening words, ‘we have inspected’ (Lat. *Inspeximus*). See N. Vincent, ‘The charters of King Henry II: the royal *inspeximus* revisited’ in M. Gervers (ed.), *Dating undated medieval charters* (Woodbridge, 2000), pp 97–120.

120 Richardson, ‘Agenda for Irish history’, 255. The exchequer audit is described in Richardson and Sayles, *Administration of Ireland*, pp 57–64; Richardson and Sayles, ‘Irish revenue, 1278–1383’, *Proceedings of the Royal Irish Academy*, 62 (1962), C, no. 4, 87–100; for the later period, see S.G. Ellis, ‘Ioncam na hÉireann, 1384–1534’, *Studia Hibernica*, 22–3 (1982–3), 39–49.

121 NA, E 101.

122 The relationship between the English chancery and Gascony is explored in P. Chaplais, ‘The chancery of Guyenne, 1289–1453’ in J. Conway Davies (ed.), *Studies presented to Sir Hilary Jenkinson* (London, 1957), pp 61–96. The Gascon rolls are currently being calendared as part of the Gascon Rolls Project (1317–1468), a collaborative venture hosted by the universities of Oxford and Liverpool with the aim of producing an online calendar of the Gascon rolls.

chancery rolls. The fifth and final sub-category of original material might be classed as 'simple' copies.<sup>123</sup> These are contemporary transcripts of engrossed letters found, for instance, in the chartularies of monastic houses or the registers of the archbishops of Armagh.<sup>124</sup>

Our second class of substitute material is closely akin to originals. The nineteenth century was the golden age of the facsimile. The Irish record commissioners included a number of illustrative plates in their annual reports, and these are especially precious for they include some of our only images of the original Irish chancery enrolments. The most impressive collection is, without doubt, J.T. Gilbert's *Facsimiles of national manuscripts of Ireland* – a magnificent publication in five imperial-folio volumes that appeared in the decade from 1874 to 1884 [plate 24]. Gilbert was at the proverbial cutting-edge in his use of 'photozincography', a process developed mid-century by Colonel Sir Henry James (1803–77) of the ordnance survey.<sup>125</sup> As secretary (that is, third-in-command) of the PROI, Gilbert had ready access to the medieval enrolments there. In December 1871, shortly after the transfer of the rolls to the record treasury, an order was drafted by the master of the rolls for six chancery rolls, and a dozen or so other records, to be carried by Gilbert from Dublin to the PRO, London, and thence to the offices of the ordnance survey in Southampton, where the facsimiles were to be made. The order contained one important proviso: 'no Record included in the Schedule is to

123 As distinct from 'authentic' copies, which should have, among other things, authenticating seals. The taxonomy is that of Duranti, 'Diplomatics: new uses for an old science', p. 21.

124 Many of these registers have now been published. See (in chronological order by date of register, rather than date of publication): *The register of Milo Smeteman, archbishop of Armagh, 1361–1380*, ed. B. Smith (Dublin, 1996); *The register of Nicholas Fleming, archbishop of Armagh, 1404–1416*, ed. B. Smith (Dublin, 2003); *Registrum Iohannis Mey: The register of John Mey, archbishop of Armagh, 1443–1456*, ed. W.G.H. Quigley and E.F.D. Roberts (Belfast, 1972); *The register of Octavian de Palatio, archbishop of Armagh, 1478–1513*, ed. M. Sughi, 2 vols (Dublin, 1999). Primate Swayne's register is published in calendar form: *The register of John Swayne, archbishop of Armagh and primate of Ireland, 1418–39*, ed. D.A. Chart (Belfast, 1935). For an attempt to reconstruct the lost register of Primate Bole, see A. Lynch, 'A calendar of the reassembled register of John Bole, archbishop of Armagh, 1457–71', *Seanchas Ardmhacha*, 15:1 (1992), 113–85. A typescript calendar of Primate Prene's register can be consulted in the National Library of Ireland: NLI, MS 2689. For an overview describing the historical value of these registers, see A. Cosgrove, 'The Armagh registers: an under-explored source for late medieval Ireland', *Peritia*, 6–7 (1987–8), 307–20.

125 R.H. Vetch, rev. E. Baigent, 'Sir Henry James (1803–1877), surveyor', *ODNB*. James was also responsible for a facsimile reproduction of Domesday book: *Domesday book, or the great survey of England of William the Conqueror* (Southampton, 1860). The Ordnance Survey was proud of its photographic processes, which it boasted in 1863 had 'been brought to a very high degree of perfection': A.de C. Scott, *On photo-zincography and other photographic processes employed at the Ordnance Survey Office, Southampton* (London, 1863), p. iii. In reality, photozincography could lead to alarmingly inaccurate results.

leave the Public Record Office, Dublin, until a certified copy has been made and deposited in the said Record Office'.<sup>126</sup> We can only presume that these certified copies perished in 1922 together with the original rolls.

Third in order of priority are transcripts of Irish chancery letters in Latin, whether printed or in manuscript.<sup>127</sup> For these we are often obliged (schematically put) to Tudor administrators, Stuart apologists, eighteenth-century patriots and Victorian antiquaries. Among the earliest are Lord Chancellor Gerrard (d. 1581),<sup>128</sup> Sir George Carew (1555–1629),<sup>129</sup> and Sir James Ware (1594–1666).<sup>130</sup> Perhaps the most valuable collection of transcripts is that of Ware's continuator, Sir Walter Harris (1686–1761), known as *Collectanea de rebus Hibernicis*, preserved in the National Library of Ireland.<sup>131</sup> In the next century the PROI acquired the manuscripts of James F. Ferguson, whose exhaustive survey of the Irish memoranda rolls includes many transcripts of chancery letters transmitted to the Irish exchequer.<sup>132</sup>

Calendars – our fourth class of substitute material – are as various as they are many. The most familiar are the printed calendars of the English chancery enrolments.<sup>133</sup> These have been accepted as firm friends of the historian and require no introduction, except the caveat that summary translations can sometimes be false friends too.<sup>134</sup> Less familiar are those calendars that survive only in manuscript, including the genealogical collections of William Betham<sup>135</sup> and the Haliday collection in the Royal Irish Academy.<sup>136</sup> Of particular value are the manuscripts of John Lodge (now in the NAI), purchased by the crown from his heirs in 1783; a century later, in 1893, they

126 4th rep. DKPRI, p. 34 (appendix no. 7).

127 For instance, *Chartae, privilegia et immunitates: being transcripts of charters and privileges to cities, towns, and other bodies corporate, 18 Henry II to 18 Richard II (1171–1395)* (Dublin, 1829–30; published, 1889). The CIRCLE website includes a digitised version of this rare volume.

128 C. McNeill (ed.), 'Lord Chancellor Gerrard's notes of his report on Ireland, 1577–8', *Analecta Hibernica*, 2 (1931), 93–291.

129 *Calendar of the Carew manuscripts preserved in the archiepiscopal library at Lambeth*, ed. J.S. Brewer and W. Bullen, vol. v (1871).

130 W. O'Sullivan, 'A finding list of Sir James Ware's manuscripts', *Proceedings of the Royal Irish Academy*, 97 (1997), 69–99.

131 National Library of Ireland, MSS 1–4. See C. McNeill (ed.), 'Harris: *Collectanea de rebus Hibernicis*', *Analecta Hibernica*, no. 6 (1934), 248–450.

132 3rd rep. DKPRI, p. 53 (appendix no. 6).

133 See, e.g., *Calendar of the patent rolls [...], 1232–[1509]*, 53 vols (London, 1891–1971); *Calendar of the close rolls [...], 1272–[1509]*, 47 vols (London, 1892–1963); *Calendar of the charter rolls [...], 1226–1516*, 6 vols (PRO, London, 1903–27).

134 Historians often forget this nostrum and rely too heavily on convenient English summary translations. The principles of calendaring are admirably set out in R.F. Hunnisett, *Editing records for publication* (London, 1977), ch. 4.

135 P.B. Phair, 'Sir William Betham's manuscripts', *Analecta Hibernica*, 27 (1972), 3–99. His abstracts of chancery material are NLI, Genealogical Office MS 193.

136 E.g. Royal Irish Academy, MS 24.D.5.

were transferred from the Record Tower, Dublin Castle, to the PROI.<sup>137</sup> Mercifully they survived the 1922 fire because they were housed adjacent to the search room in the strong room, which held the PROI indexes and served as an overnight store for records in use by readers [plates 20 and 21]. The Lodge manuscripts, which often provide fuller and more accurate texts of letters calendared in *Tresham*, remained the primary ‘index’ to the chancery material into the nineteenth century. Gilbert went so far as to remark that ‘the loss of any one [of them] would involve the department in an almost irredeemable confusion and stop the progress of legal and other business for an indefinable time’.<sup>138</sup> From the next century we have the inchoate productions of the Record Commission, the manuscript calendars of plea rolls (RC 7) and exchequer memoranda rolls (RC 8): both are rich in chancery material.<sup>139</sup> The latter were trawled in the late 1920s and 1930s by G.O. Sayles (1901–94) when researching the history of the Irish parliament. A letter from Sayles to Otway-Ruthven, dated 1966, is interesting for what he discloses of the precarious state the materials that survived 1922:

I paid my first visit to the Four Courts in 1929 and limited my attention to transcripts of plea rolls and memoranda rolls to the period before 1327. The later ones I left untouched, sometimes because shrapnel was still in the Record Commission volumes and I was afraid of tearing the pages on the sharp edges and destroying forever something important.<sup>140</sup>

The last class is a miscellaneous one, bringing together glancing references, or ‘notices’, to a dated chancery letter in another document or list. Many of these ‘notices’ are extremely terse and stubbornly uninformative; but one class of document is especially important. These are chancery warrants, also known as *fiant*s from their opening words: *Fiant littere patentes* (‘let letters patent be made’). Irish *fiant*s did not survive as a series until the Tudor period, but clusters of them appear sporadically in other records and they can be used, with caution, to infer the existence of an otherwise-unknown chancery letter.

<sup>137</sup> 26th rep. DKPRI, pp 7–8; 55th rep. DKPRI, pp 116–17.

<sup>138</sup> J.T. Gilbert to Secretary of the Office of Public Works, cited in Doyle, ‘Foundation and first twenty years of the Public Record Office of Ireland’, p. 312.

<sup>139</sup> A comprehensive survey of the surviving Irish memoranda roll material, including the Record Commission’s unpublished calendars, was undertaken by J.F. Lydon: ‘Survey of the memoranda rolls of the Irish Exchequer, 1294–1509’, *Analecta Hibernica*, no. 23 (1966), 51–134. For the contents of the memoranda rolls, see a description in P. Connolly, ‘The Irish memoranda rolls: some unexplored aspects’, *Irish Economic and Social History*, 3 (1976), 66–74.

<sup>140</sup> Typed letter dated 3 May 1966 from George Osborne Sayles, Warren Hill, Crowborough, Sussex, addressed to Professor A. J. Otway-Ruthven, 26 Brighton Road, Rathgar, Dublin, Ireland (unsorted Otway-Ruthven Correspondence, Manuscripts and Archives Research Library, TCD).

It is from these five classes of substitute material that the new calendar of Irish chancery letters is being created. The results are promising. Admittedly, the survival rate of substitute material is not even. The later fourteenth and early fifteenth centuries are served best; but since this is exactly the era of Irish history that has been least studied, the impact of the new calendar as a stimulus to fresh research will, hopefully, be all the greater. One point to be emphasised is that *CIRCLE* is emphatically not intended as a diplomatic edition of the Irish chancery letters indicating every variant reading from each of the multifarious sources. In the absence of the original enrolments to give a definitive reading, any such ambition would result in an editor chasing his tail. What the calendar seeks to provide is an accurate summary translation of each chancery letter for which a source is available in manuscript or printed form; and these sources are ranked for every letter in descending order of priority. Granted, no reconstruction process is perfect. A melancholy report prepared for UNESCO on archival destruction in the twentieth century runs: 'However laudably and successful these actions may be, no reconstructed set of data will ever equal original data, either in completeness, context, legal or cultural value, or for the purpose of the accountability of the record-creating bodies.'<sup>141</sup> That may be so, but the effort seems worthwhile.

V

Reconstructing records is, of course, only a preliminary step. My title adverts to a more fundamental problem: reconstructing the past. Historians given to expatiating on this question soon become tedious; but it may be worthwhile, by way of conclusion, to reflect on the contested place of administrative records in Irish historiography. I began by taking soundings from Ernie O'Malley and Goddard Henry Orpen, and I will close with a third voice from that turbulent period. In 1919 Eoin MacNeill exhorted a public audience in Dublin to recall that coercion had long underpinned English rule in Ireland:

The Plantagenets invoked Peter, the Tudors invoked saltpetre ... It may shock the proper sense of the 'Ireland under' historians that this villainous substance should be blown betwixt the wind and their civility, but just as the true keynote of 'Ireland under the Normans' is incastellation, so the true keynote of 'Ireland under the Tudors' is gunpowder. There is more mental profit in one fact of this kind than in the painful perusal of stacks of state papers, evidence mainly against those who write them.<sup>142</sup>

<sup>141</sup> *Lost memory: libraries and archives destroyed in the twentieth century*, UNESCO Memory of the World Programme (Paris, 1996), p. 31.

<sup>142</sup> E. MacNeill, *Phases of Irish history* (Dublin, 1920), p. 347. The context for the lectures is



Three years later stacks of Irish records were vented by explosives into the sky above the Four Courts, where Ernie O'Malley saw them gyrating like seagulls, held aloft by thermal currents from the inferno below. To ascribe a *Schadenfreude* at this event to MacNeill would be improper. He was one of those who appealed to the 'Irregulars' for the preservation of the PROI and it was in large part at his initiative that the Irish Manuscripts Commission came to be established.<sup>143</sup> Instead, MacNeill was perhaps recommending (from however partisan a position) a different historical mindset, one that departed from prevailing assumptions concerning the 'scientific' value of records sources and recognised instead that those sources need to be read with a critical eye.

Shorn of its emotive context, this is a strikingly modern, even post-modern, position. Historical fashion has long-since drifted away from those dry tomes of administrative history characteristic of the earlier twentieth century, with their deep reverence for record sources. Among many historians, what Richard Evans calls 'documentary fetishism' has fallen out of favour,<sup>144</sup> while archivists are reconfiguring their discipline so as to emphasise that archives are not impartial receptacles of historical facts but often serve as instruments of ideological hegemony that promote the interests of the elite and marginalise the voices of minorities.<sup>145</sup> As Willy Maley puts it, echoing the critique by Raymond Williams of the *Oxford English dictionary*: 'under an assumed air of authority and impersonality we find [in the archives] our old friends ideology and interest'.<sup>146</sup>

Where, then, to locate the Irish chancery project in these shifting historiographical sands? In its ambition to reconstruct a modest portion of the archive destroyed in 1922 – eight shelves of records from a single bay – it is, perhaps, an object lesson in 'documentary fetishism'. This is not, however, to presuppose any single approach to the documents themselves. Some scholars may find that the allure of records lies in their fictive qualities, not in hard facts.<sup>147</sup> Others may listen for 'marginalised' voices: chancery records can, for

outlined in R. Dudley Edwards, 'Professor Mac Neill' in F.X. Martin and F.J. Byrne (eds), *Eoin MacNeill, 1867–1945, and the making of the new Ireland* (Shannon, 1973), p. 290. On MacNeill, see also M. Tierney, *Eoin MacNeill: scholar and man of action, 1867–1945*, ed. F.X. Martin (Oxford, 1980).

143 'My grandfather, Dr Séamus Ó Ceallaigh (1879–1954)' in Ó Ceallaigh, *Gleanings from Ulster history*, p. xix; Edwards, 'Salvaging Irish history', p. 118. It may also be worth noting that Eoin's brother, Charles McNeill, was one of the most active antiquaries to work on medieval record sources in Ireland in the first half of the twentieth century.

144 R. Evans, *In defence of history* (London, 1997), p. 85.

145 T. Cook, 'What is past is prologue: a history of archival ideas since 1898, and the future paradigm shift', *Archivaria*, 43 (1997), 18; R.C. Jimerson, 'Archives and memory', *OCLC Systems and Services*, 19:3 (2003), 89–95.

146 W. Maley, 'Apology for Sidney: making a virtue of a viceroys', *Sydney Journal*, 20:1 (2002), 95.

147 See N.Z. Davis, *Fiction in the archives: pardon tales and their tellers in sixteenth-century*

instance, be used to explore the extent to which Gaelic Ireland was embraced or excluded by English government in the later Middle Ages. Still others may wish to heed Eoin MacNeill and regard chancery letters as ‘evidence mainly against those who wrote them’. That may jar on some historical sensibilities, but it is not so different from the opinion of a present-day eminence that ‘history is better if it has a bite to it, an uncomfortable edge, a critical edge’.<sup>148</sup> Irish chancery letters contain enough matter for more than one monograph on medieval government in Ireland: these might return to the institutional approach pioneered by the founder the Irish chancery project, Professor Otway-Ruthven; but they might also, and with equal validity, offer a more critical appraisal of the operations of the English state in medieval Ireland, perhaps in the manner of Perry Anderson’s ‘history from above’.<sup>149</sup> These suggestions are not intended as advertisements for the ‘research trajectory’ of the Irish chancery project. Far from it. I simply wish to indicate that Ireland’s documentary heritage – in which medieval chancery letters are but one strand – is exceedingly rich; and that the prospects for new and vital research on late medieval Ireland are correspondingly exciting.<sup>150</sup> The point is made another way by misquoting a line which, in the shadow of 1922, seems curiously apposite: ‘I tell you the past is *not* a bucket of ashes’.<sup>151</sup>

*France* (Stanford, 1987). For more recent variations on this theme, see M. Gaskill, ‘Reporting murder: fiction in the archives in early modern England’, *Social History*, 23:1 (1998), 1–30; S. McSheffrey, ‘Detective fiction in the archives: court records and the uses of law in late medieval England’, *History Workshop Journal*, 65 (2008), 65–78.

148 C. Wickham, ‘Memories of underdevelopment: what has Marxism done for medieval history, and what can it still do?’ in Wickham (ed.), *Marxist history-writing for the twenty-first century* (Oxford, 2007), p. 36.

149 P. Anderson, *Lineages of the absolutist state* (Bath, 1974), p. 11.

150 For an incitement to ‘use the records ... not just intensively, but imaginatively, with awareness of the frequent need to read between their lines’, see R. Frame, ‘Rediscovering medieval Ireland: Irish chancery rolls and the historian’, *Proceedings of the Royal Irish Academy*, 113C (2013), 1–25. This is the revised version of a public lecture given by Professor Frame at Trinity College Dublin on 10 May 2012 on the occasion of the public launch of *CIRCLE*.

151 With apologies to Carl Sandburg.