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Anglo-Irish and Gaelic Women in Ireland c. 1277-1534: A study of the conditions and rights of single women, wives, widows and nuns in late medieval Ireland.

Thesis submitted for the degree of Ph.D.
by
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Trinity College Dublin
Department of Medieval History
2005

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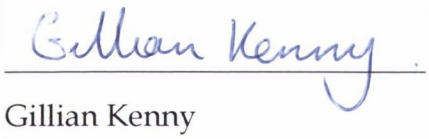

Gillian Kenny

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Summary

This thesis is a study of how women's legal, economic, social and political rights were profoundly affected by their marital state. The aim is firstly to provide a coherent picture of the lives of women in medieval Ireland through an examination of their marital circumstances. By comparing and contrasting the differing lives of Anglo-Irish and Gaelic singlewomen, wives, widows and nuns of late medieval Ireland from 1277 to c. 1534, the objective is also to consider how their functions and roles in society were affected by the differing rights enjoyed and restrictions imposed by their societies as well as the effect that the influence of the Church had on them. The emphasis will be on women living under the common law, but reference will also be made to women subject to the Gaelic law codes in an attempt to highlight the diverse situations concerning women in Ireland and how these differing codes impacted on them.

This dissertation is constructed to reflect thematically the standard marital progression of women in medieval Ireland, from singlewomen to wives to widows. Some women also became nuns and these are treated in a separate section. This dissertation seeks to examine how women's legal, economic, social and political conditions were profoundly affected not only by their marital status but also whether they were living under common or Gaelic law and whether they were living in an area ruled by the church *inter Hibernicos* or *inter Anglicos*. The machinery of church and state whether it was that of the administration in Dublin or the dictates of Gaelic customary law ostensibly dominated and controlled how women conducted their lives. Within these strictures, however, women were able, to differing extents, to transmit and receive land and movables, to work for a living as tradeswomen, craftswomen or merchants, or to devote themselves to the religious life.

Acknowledgements

I would like to express my thanks to all of the people who have helped in the completion of this thesis. Firstly I would like to sincerely thank Professor C. E. Meek for her support, guidance and good humour throughout the production of this thesis. I would also especially like to thank Dr. Katharine Simms for her kindness in advising on the sections dealing with Gaelic women in particular and for allowing me access to her unpublished database of bardic poetry, all of which proved extremely useful. In general I would like to thank all the members of staff of the department of Medieval History for providing a good humoured and supportive environment in which to conduct my research.

I also owe a debt of gratitude to the staff of various libraries and archives. Firstly I would like to express my thanks to the staff of the Berkeley Library who were a source of endless patience and good will towards me. In particular I also offer thanks to the library staff in the Early Printed Books and Manuscripts departments in Trinity College who were unfailingly courteous and helpful in my searches. I also owe a tremendous debt of gratitude to the staff of the National Library of Ireland as well as those of the Royal Irish Academy and the National Archives, whose help was often very welcome. I also thank the library staff of University College Dublin who were, as usual, both accommodating and efficient.

I must also offer my gratitude to my fellow postgraduate students whose companionship, friendliness and like-mindedness (particularly on Thursday evenings) are much appreciated. In particular I salute Niav Gallagher, 'the good twin', whose encouragement in the dark days is also remembered and appreciated!

I offer thanks also for the constant love and support of Michael who has been a source of unending patience, relaxation and good humour for the entire duration of this thesis. Finally, I would like to sincerely thank my parents without whose limitless love, encouragement and patience, none of this would have been possible.

Abbreviations

A. Conn.	*Annala Connacht: the annals of Connacht 1224-1544, ed., A. M. Freeman (Dublin, 1844, rpt. 1970).*
A.F.M.	*Annala rioghachta Eireann: Annals of the kingdom of Ireland from the earliest period to the year 1616 by the Four Masters, ed. and trans., J. O' Donovan, 7 vols (Dublin, 1854).*
Anal. Hib.	*Analecta Hibernica*
A.I.	*The annals of Inisfallen (MS Rawlinson B 503), ed., Seán Mac Airt (Dublin, 1951).*
A.L.C.	*The annals of Loch Cé: a chronicle of Irish affairs 1014-1590, ed., W. M. Hennessy (London, 1871).*
A.U.	*Annála Uladh: Annals of Ulster 431-1541, ed., W. M. Hennessy and Bartholomew MacCarthy, 4 vols (Dublin, 1877-1901).*
C.C.R.	*Calendar of the Close Rolls preserved in the Public Record Office 1272-1509 (London, 1892-1963)*
Cal. Inq. P.M.	*Calendar of inquisitions post mortem and other analogous documents …Henry III to 5 Henry V (London, 1904-95).* *Calendar of inquisitions post mortem and other analogous documents …Henry VII, series 2, 3 vols (London, 1898-1955).*
C.D.I.	*Calendar of documents relating to Ireland, ed., H. S. Sweetman and G. F. Hancock, 5 vols, 1171-1307 (London, 1875-86).*
Chart. St. Mary's	*Chartularies of St. Mary's abbey, Dublin with the register of its house at Dunbrody and annals of Ireland, ed., J. T. Gilbert (London, 1884).*

C.J.R.I.	*Calendar of justiciary rolls of Ireland 1295-1307, ed., J. Mills (Dublin, 1905-14).*
	Calendar of justiciary rolls of Ireland 1308-14, ed., Margaret C. Griffith (Dublin, 1956).
C. P. L.	*Calendar of entries in the papal registers relating to Great Britain and Ireland: Papal Letters, ed., W. H. Bliss, et al (London and Dublin, 1893 -).*
C.P.R.	*Calendar of Patent Rolls, 1232-1509 preserved in the Public Record Office, London (London 1891-1971).*
I.E.R.	*Irish Ecclesiastical Record*
I.H.S.	*Irish Historical Studies*
Ir. Gen.	*Irish Genealogist*
J.C.L.A.S.	*Journal of the County Louth Archaeological and Historical Society Journal*
J.R.S.A.I.	*Journal of the Royal Society of Antiquaries of Ireland*
P.R.I.A.	*Proceedings of the Royal Irish Academy*
P.R.I. rep. D.K.,	*Report of the Deputy Keeper of the Public Records Ireland*

INTRODUCTION

This dissertation aims to outline, compare and contrast the differing lives of single women, wives, widows and nuns of late medieval Ireland from c. 1277 to 1534 and consider how their functions and roles in society were affected by the differing rights enjoyed and restrictions imposed by their separate societies as well as the universal influence of the Church. The emphasis will be on women living under the common law, but reference will also be made to women subject to the Gaelic law codes in an attempt to highlight the diverse situations concerning women in Ireland and how these impacted on them. This dissertation is constructed to reflect thematically the standard marital progression of women in medieval Ireland, from single women to wives to widows. Some women also became nuns and these are treated in a separate section. The changes brought about in women's lives by the social, economic, legal and sometimes-political transitions they went through as their marital careers progressed are traced, as are the effects that women had on their societies. Their marital status profoundly affected those other roles that women played in their communities, from landholders, tradeswomen and patrons of the church through to alewives and criminals. Each society, Anglo-Irish or Gaelic, both set limitations and granted freedoms to women depending on what their marital status was and these different rights and restrictions are traced through the dissertation as is the impact they made on the lives of the women concerned.

This period was chosen specifically because it begins and ends with two events, which serve to illustrate not only the complex and fractured structure of society in Ireland but also the troubled effects that the divided nature of the Irish colony, that allowed two very different systems of law to flourish, could have on its inhabitants. The dissertation begins examining the lives of women in the year 1277, as in that year the Gaelic Irish formally requested an extension of the common law to them, whilst complaining about the denial of dower rights to the Gaelic widows of Anglo-Irishmen. Their request was ultimately denied and paved the way for a further widening of the already substantial gulf between the two cultures. The mention of

Gaelic widows in the request and the denial of a right to a dower to them is emblematic and serves as the starting point in this study for a number of reasons. Firstly, the fact that this point is mentioned explicitly in a formal document indicates that this matter provoked a certain resentment amongst the Gaelic Irish leaders whose daughters, mothers and sisters were being denied their rights to which, under the common law, they should have been entitled but from which, as Gaelic Irishwomen, they were excluded. The request of 1277 also indicates a recurring them in the history of women, that of their silence; it is their male contemporaries who voice this grievance and demand it be rectified. The views of the women involved on this matter are unknown, as they are on most of the laws and traditions that affected them or ignored them.

The 1277 request for an extension of law also serves to illuminate the confusion concerning the rights of Gaelic women who intermarried with settlers within the Irish colony thanks to the unfinished conquest and the co-existent flourishing of two systems of law. The examination of women in Ireland is brought to a close in 1534 when members of the Kildare Geraldines led a rebellion in part as an attempt to maintain the chaotic complexity that characterised the societies on the island. The Silken Thomas rebellion was not of huge importance for women in particular in Ireland but it is significant as a marker that the way of life experienced by the two diverse societies on the island of Ireland was ending. After 1534 there were rapid changes in both the colony in Ireland and amongst the Gaelic Irish. The Tudor government turned its full attention to Ireland and things were never to be the same again. The upheavals of the rest of the sixteenth century culminated in the submission of the Gaelic world and vast changes in the social, legal, religious and political landscape of the island of Ireland that greatly affected the women of both societies.

General Sources

Historians have documented these vast changes brought about through the events in Ireland of the sixteenth century and their effects on the women of Ireland, but the late medieval period leading up to the cataclysms of the sixteenth century has not been as extensively researched and documented. Much Irish historiography of the last twenty years, whilst beginning to acknowledge the role women have played in the events and circumstances of late medieval life in Ireland, has nevertheless tended to concentrate on women of the early modern period and beyond. Certain scholars have investigated women in Ireland both during and before the early modern period, however. Professor Art Cosgrove in his essay 'Marriage in medieval Ireland', in the volume *Marriage in Ireland,* which he edited, focused on the evaluation of how marriages in medieval Ireland were made and broken with reference to the two co-existent Gaelic and Anglo-Irish marital systems on the island. In her article, 'The legal position of Irishwomen in the later middle ages', Dr. Katharine Simms explained certain of the complexities of law regarding Gaelic women in late medieval Ireland. Dr. Simms also allowed me to consult her database on Irish bardic poetry, a work in progress, which has proven exceptionally helpful in the composition of this dissertation, especially with regard to Gaelic wives' patronage of poetry in Ireland. Kenneth Nicholls' work in *Gaelic and Gaelicised Ireland* has also provided erudite explanations of the complexities of Gaelic Irish law and traditions regarding women. Bert Jaski, in his *Early Irish* kingship, has helped to refine and explain the position of women in earlier medieval Gaelic Irish society particularly with regard to their marriage rights and the rights of their children. The work of Fergus Kelly and Rudolf Thurneysen *et al* on early Irish law has also contributed greatly to an understanding of the role of women in medieval Irish society as defined by Gaelic law.

The work accomplished so far on Anglo-Irish and English women in Ireland (as well as Gaelic women living within the sphere of the common law) has been more extensive and wide-ranging than that concerning Gaelic women. In the collection of

essays edited by Dr. Katharine Simms and Professor C. E. Meek entitled *The Fragility of her sex* the investigation into medieval Irishwomen was expanded further with excellent work done by Elizabeth MacKenna in her article, 'Was there a political role for women in medieval Ireland? Lady Margaret Butler and Lady Eleanor MacCarthy'. This volume also included other scholars' work concerning women in medieval Ireland, of which I had particular reference to Bart Jaski's, 'Marriage Laws in Ireland and in the Continent in the Early Middle Ages'. Bernadette Williams' article on Alice Kyteler noting her difficulties as a wealthy and somewhat ruthless female merchant was also extremely useful in my own investigations, as was the work of Cormac O' Cléirigh in his article on Agnes de Valence and her career as a landholder in Ireland. More work has also been achieved under the editorship of Professor Meek, this time aided by Catherine Lawless, in *Pawns or Players?* The essay by Brendan Smith in this volume concerning women's role in the conquest of Ireland is very instructive as is the article by Dianne Hall on 'Women and violence in late medieval Ireland'. Dianne Hall's book, *Women and the Church in medieval Ireland c. 1140-1540,* is an excellent synthesis of available sources to provide an in-depth investigation into the hitherto neglected area of the important role the Church played in the lives of Gaelic and Anglo-Irishwomen. As a companion to that volume the work of Susan Leigh Fry in her *Burial in medieval Ireland,* is also highly instructive on women's relationship with the Church in Ireland.

Much work has also been achieved under the guidance of Dr. Margaret MacCurtain whose editorship of two books in particular, namely *Women in Irish society: a historical dimension* (with Donncha O' Corráin) and *Women in Early Modern Ireland* (with Mary O' Dowd) has also paved the way for further investigations into the lives of women in late medieval Ireland, particularly in the hidden area of female education in medieval Ireland. The role of women in urban Ireland is also a subject that has recently been investigated, most notably by Lynda Conlon in her article, 'Women in medieval Dublin', in *Medieval Dublin II* a topic that Jessica McMorrow has also contributed to in her article of the same title, in *Medieval Dublin IV,* both edited by Dr.

Seán Duffy. Within the universities certain theses have reflected a growing trend towards a closer investigation of the role of women in medieval Irish history. The work in particular of Róisin McCauley in 'Female Patrons of Bardic Poetry', Katherine Mary O' Meara in 'Under the Heel of Church and State? Women in Late Medieval Ireland', as well as Katherine O' Neill in 'Women and Warfare in the Middle Ages' have all proven to be extremely valuable in my own research.

When considering primary source material in Ireland, however, there is a surprising amount that has yielded positive results in terms of women's history. Because of the nature of the divisions between Gaelic and Anglo-Irish societies in late medieval Ireland, the sources concerning women's roles and activities within their societies can differ substantially. The main official sources consulted such as *Patent rolls, Close rolls, Pipe rolls* and *Inquisitions post mortem* are generally reflective of the lives of those women living under the common law and mostly those of an Anglo-Irish or English background. Other main primary source materials referred to include the *Calendar of documents relating to Ireland,* the *Register of wills and inventories of the diocese of Dublin in the time of Archbishops Tregury and Walton 1457-1483,* edited by H. F. Berry, collections including the *calendar of Ormond Deeds, Dowdall Deeds* and the *Gormanston register.* The work accomplished by Margaret Griffith in her *Calendar of Inquisitions formerly in the office of the Chief Remembrancer of the Exchequer prepared from the manuscripts of the Irish Record Commissioners* was also very valuable as was the work of Margaret Murphy and Elizabeth Dowse in their article, 'Rotulus Clausus de anno 48 Edward III' in *Analecta Hibernica,* no. 35 (1992). The collection of *Christ Church deeds* co-edited by M. J. McEnery and Raymond Refaussé proved especially useful for references to the lives of urban women, as did the calendar and translations of 'Old Dublin deeds in Trinity College' by J. Gilbart Smyly in various numbers of *Hermathena.* J. T. Gilbert's work on the *Calendar of ancient records of Dublin* was also of great value as was the work completed by Henry F. Berry regarding the *Statutes of Ireland.*

The women of Dublin are also well represented in Henry Twiss' work on the records of the parishes of St. Werburgh, St. Catherine and St. James of that city, in various numbers of the *Proceedings of the Royal Irish Academy*. Working, urban women have also been discerned and noted thanks to the work of Dr. Philomena Connolly and Geoffrey Martin in their publication of the *Dublin Guild Merchant Roll*, a volume which is supported by Colm Lennon and James Murray's *The Dublin city franchise roll*. Dr. Connolly's excellent work in *Irish Exchequer Payments 1270-1446*, was also extremely useful in discovering the economic activities of particular women. Her work also on Irish material in the Public Record Office in London in *Analecta Hibernica* nos. 34 and 36 has also proven useful when investigating the economic traces left by women in the records. The role of women as victims and perpetrators of criminal behaviour in Ireland was also based on consulting the various *Calendars of Justiciary Rolls*. The work of H. J. Lawlor on the *Liber Niger* and *Liber Albus* as well as the *Liber Ruber* of Ossory and his work on the register of archbishop Fleming all proved of enormous help in discovering references to women, particularly in regard to their relationship to the Church. The registers of the archbishops of Armagh were also extremely valuable when examining marriage practices with particular regard to the obtaining of marital separations. Also very useful in this regard were the extensive *Calendars of entries in the Papal Registers concerning Britain and Ireland*.

Section-specific sources:

Single women

This dissertation begins with a section examining the role of single women in the social, economic, religious and legal life of Ireland. The role of single women in Gaelic society, in particular, is difficult to discern and assess and it appears that Gaelic society did not have an equivalent of the *femme sole* of Anglo-Irish society, whose rights were protected under law. The emphasis in the dissertation is, therefore, on single women living in areas of Anglo-Irish influence, subject to the common law. The lives of those single women living in areas subject to the common

law can be somewhat difficult to assess due to the scarce nature of available records and also due to the fact that they made up a minority of a population at any given time. Judging by European studies, many of these women would appear to have been amongst the poorest of a given population and so most likely to leave almost no trace in the records. There are two types of single women examined, life-cycle and life-long single women, for both of whom the greatest evidence concerning their activities is derived from urban records, which is reflected in this section. Particular emphasis is, therefore, laid on single women who lived and worked in the great towns and cities of medieval Ireland, in particular Dublin. The most effective information regarding single women was derived from all published collections of deeds concerning Dublin both secular and religious. These included the *Christ Church Deeds* edited by McEnery and Refaussé, Raymond Refaussé's work with Mary Clark on the *Directory of Historic Dublin Guilds* and his collaboration with Colm Lennon on the *Registers of Christ Church* which were all extremely valuable in trying to trace the activities of single women in late medieval Dublin. The deeds concerning the parishes of SS James, Catherine and Werburgh edited by Henry Twiss, James Mills' edition of the *Account Roll of the priory of the Holy Trinity,* the *Liber Niger* and *Liber Albus* and H. F. Berry's work on the *Register of wills and inventories from the time of archbishops Tregury and Walton* were also of use. Other valuable Church records were the *Registers* of the archbishops of Armagh. The unpublished translation of the *Kilmainham Register* held in the Royal Irish Academy was also helpful concerning single women. The work of J. T. Gilbert, especially his *History of Dublin, Calendar of ancient records of Dublin* and the *Chartularies of St. Mary's abbey,* was also referenced. In addition to these the translation and publication of *old Dublin deeds* J. Gilbart Smyly in *Hermathena* were also utilised. Outside Dublin, the editions of the *Liber Primus Kilkenniensis* by both Charles McNeil and A. J. Otway-Ruthven were of great help in trying to investigate the role of single women in that town's economy. The *Calendars of Justiciary rolls* were also valuable in ascertaining the types of crimes committed against and by single women.

In terms of assessing the more general social and economic status of single women and the options available to them reference has also been made to some of the various studies concluded regarding single women of the European urban landscape. A large amount of material has been published regarding the role and lives of single women in the major medieval European urban centres and this study has made particular use of the following works: Judith M. Bennett and Amy M. Froide (ed), *Single women in the European past 1250-1800,* Christiane Klapisch-Zuber (ed.), *A History of Women II: Silences of the Middle Ages,* Noël James Menuge (ed.), *Medieval Women and the Law,* P. J. P. Goldberg (ed.), *Woman is a Worthy Wight: Women in English Society c. 1200-1500,* Robert R. Edwards and Vicki Ziegler (ed.), *Matrons and Marginal Women in Medieval Society* and Shulamith Shahar, *The fourth estate, a history of women in the Middle Ages.* Peter Fleming's *Family and Household in Medieval England* also proved particularly useful in this section of the dissertation.

Wives

The work in particular of Michael M. Sheehan on married women including the following articles; 'The Influence of Canon Law on the Property Rights of Married Women in England' in James K. Farge (ed.), *Marriage, Family and the Law in Medieval Europe,* 'Marriage Theory and Practice in the Conciliar Legislation and Diocesan Statutes of Medieval England' and his, 'The Formation and Stability of Marriage in Fourteenth-Century England: Evidence of an Ely Register', have all proven extremely useful in trying to understand the common and canon law traditions regarding wives, as has R. H. Helmholz's *Marriage Litigation in Medieval England* and George H. Haskins's article, 'The development of common law dower'. With particular regard to Ireland the main works cited have been Art Cosgrove's *Marriage in Ireland,* Dr. Katharine Simms and Professor C. E. Meek (ed.), *The Fragility of her sex,* Professor C. E. Meek and Catherine Lawless (ed.), *Pawns or Players?* Susan Leigh Fry' *Burial in medieval Ireland,* Margaret MacCurtain and Donncha O' Corráin (eds) *Women in Irish society: A historical dimension* and Margaret MacCurtain and Mary O'

Dowd (eds), *Women in Early Modern Ireland.* The recently published *Women and the church in medieval Ireland* by Dianne Hall has also been utilised in this section.

Most women were life-cycle single women who would eventually marry and their next phase of life is reflected in the following section of the dissertation, that concerning married women in Ireland in terms of their status in society, their legal capacity, their role in the family economy, any political power they may have wielded and their relationship with the Church. These roles will be seen to be very different from how their lives were as single women. The fact that most women did marry or enjoy a marital-type relationship is reflected in the fact that this section is the most extensive in the dissertation, as many records exist concerning married women and their husbands' social, economic, political and religious activities. More extensive references are made in this section to the contrast between the lives of Gaelic Irish married women and their English and Anglo-Irish counterparts. The customs and traditions regarding marriage in both societies are discussed, as is the gulf between actual practice and church doctrine in these matters, in particular amongst the Gaelic Irish whose nobility especially tended to adhere more to secular teaching rather than church teaching on marriage. The role of wives in the two communities, from wealthy women to ordinary workers, and the opportunities and restrictions each society imposed on its women are also examined.

The primary sources used in relation to the married lives of Anglo-Irish wives include, the *Calendar of documents relating to Ireland,* the *Calendar of ancient deeds and muniments preserved in the Pembroke Estate Office, Dublin,* and the collections of *Old Dublin deeds* edited by Smyly. Other collections such as the *Ormond Deeds, Dowdall Deeds* and the *Gormanston register* also make valuable mention of the transmissions of land by husbands and wives. The *Calendars of Papal registers* also proved useful in tracing the marriage plans of certain families and the difficulties some couples faced thanks to church laws concerning consanguinity and affinity. Marital difficulties can also be traced in the various extant Armagh *Registers* which were extensively drawn

on whilst examining the reasons given for separations and annulments in both Gaelic and Anglo-Irish cultures.

With regard to the activities of Gaelic wives the primary sources consulted are of two main types, annalistic and poetic. Annalistic entries concerning married women tend to be rather dry and are apt to mention only certain women after they had died, when the chroniclers wrote their obituaries. However, the annals can be useful in tracing the marriages of the deceased women as the women's previous husbands can be listed and this gives an indication of the political concerns of her family realised through her marriages. The poetic sources are more personalised and the ideas and concerns expressed thorough these poems may reflect the desires of the women who commissioned them or were described in them. Collections such as the *Leabhar Chlainne Suibhne, Aithdioghlum Dana,* Osborn Bergin's *Irish Bardic Poetry, The Book of Magauran,* edited by Lambert McKenna and *Scottish Verse from the Book of the Dean of Lismore,* edited by William J. Watson have all, to differing extents, proven fruitful sources of poems about and commissioned by women, specifically wives. However, in the case of the *Leabhar Chlainne Suibhne* in particular a woman commissioned the prose and there were also complimentary verses at the ends of poems concerning specific women while the poems commemorated their husbands. Consultation of these sources was greatly facilitated by access to Dr. Katharine Simms' unpublished database of bardic poetry. Mentions of Gaelic Irishwomen also occur in sources from the Anglo-Irish areas as well, most notably in the *registers* of the archbishops of Armagh where there are numerous entries concerning Gaelic Irish wives who brought matrimonial cases to church courts.

Commentaries consulted on the secular legal status and rights of Gaelic wives in Ireland included Fergus Kelly's *A guide to early Irish law,* Rudolf Thurneysen *et al* (eds), *Studies in early Irish law,* Dr. Katharine Simms', 'The legal position of Irishwomen in the later middle ages' and her article on 'Women in Gaelic society' in *Women in Early Modern Ireland* and Bert Jaski's 'Marriage Laws in Ireland and in the

Continent in the Early Middle Ages' in *The fragility of her sex* and his *Early Irish kingship and succession.* Kenneth Nicholls' *Gaelic and Gaelicised Ireland in the Middle Ages* was also referred to and was particularly useful when considering the importance of intermarriage between Gaelic and Anglo-Irish in relation to Gaelicisation and the role that Gaelic women played in that process as wives and mothers.

Widows

Because of the difficulties and dangers attendant on life during the later middle ages in Ireland many wives found themselves widowed (sometimes more than once) and, once again, their legal rights and position as well as their status in society was altered. The advent of widowhood could be either disastrous or liberating depending on the woman in question's social and economic status at that stage in her life. Once again the lives of women were altered by a change in status and these changes were also very different depending on whether the woman was a Gaelic Irishwoman or an Anglo-Irishwoman. In Anglo-Irish society, for example, a widow had the right to enjoyment of her dower, her dowry and possibly a jointure as well as her inheritance (if she possessed one). Some women were widowed whilst young and so remarriage was also a consideration for them. However, in Gaelic society life was very different for widows who did not possess the equivalent legally protected rights that their Anglo-Irish counterpart did. This could and did lead to difficulties for the Gaelic widows of Anglo-Irishmen. The denial of their dower rights to them by the administration was a complaint elucidated in the request for English law made on behalf of the Irish in 1277, the starting point of this dissertation. The use of primary source material corresponds closely to the types of documents cited for the previous sections but with particular emphasis here on the *Calendars of Inquisitions post-mortem, Close rolls,* and *Patent rolls.* Margaret Griffith's *Calendar of Inquisitions formerly in the office of the Chief Remembrancer of the Exchequer prepared from the manuscripts of the Irish Record Commissioners* also proved a valuable resource for the activities of widows regarding their landholdings in Ireland.

The economic activities of widows are also evident in the collections of *Pipe rolls* available and Connolly's *Irish Exchequer payments,* in particular. H. F. Berry's *Statutes of Ireland* was also drawn on as were the *Register of wills and inventories* by H. F. Berry and Smyly's editions of 'Old Dublin Deeds'. Widows' close affinity to and interaction with the Church as well as their activities as executrices after the deaths of their husbands means that collections such as the *Christ Church Deeds,* the Armagh *registers* and the *Kilmainham register* are also useful repositories for information. The major source for information on Gaelic Irish widows is, once again, the various collections of annals, but the entries regarding the activities of widows are vague unless they remarried in which case the new marriage would be referred to. With regard to secondary sources, Susan Leigh Fry's *Burial in medieval Ireland* was particularly illuminating as to the duties imposed upon widows as executrices. Dianne Hall's *Women and the Church in medieval Ireland* was also particularly valuable on the close relationship that many widows, both Gaelic and Anglo-Irish, cultivated with their local churches.

Nuns

That close relationship with the Church was sometimes taken further by women who joined convents and became nuns. It cannot be claimed that all nuns were widows but it was a preferred path for certain widows unwilling or unable to marry again and it was surely a role freely chosen by few young single women brought up to believe that marriage and childbirth was the normative state for women. In this section of the dissertation the primary source materials are more limited than in other sections as not all sources reflect the lives and activities of nuns. Although there are differences in the conduct of nuns from Gaelic and Anglo-Ireland, the available sources are not so divided between the two societies as in previous sections. The information concerning nuns of both societies is generally to be found in certain key church sources, which treat the nuns uniformly. Of fundamental use, for example, are certain sections of the *Registers* of the archbishops of Armagh

dealing with the visitations of convents, the types of rule transgressions found there and attempts to rectify them. The documents associated with these provide insights into the types of problems faced by nuns as administrators of lands and workers who also had to deal with increasing attempts to enforce claustration. Another fundamental source of information regarding nuns is Aubrey Gwynn and R. Neville Hadcock's, *Medieval Religious Houses of Ireland. Monasticon Hibernicum,* compiled by Mervyn Archdall also provides information on the foundation of convents especially and this is augmented by Archdall's *Collections for Monasticon Hibernicum.* Again the work of Dianne Hall in *Women and the Church* was drawn upon, as was her article, 'The nuns of the medieval convent of Lismullen co. Meath and their secular connections'. From both these primary and secondary sources evidence emerges that, as members of the Church, the rules governing the conduct of nuns were universal yet the nuns of each society reacted differently to them and duly amended them to their own tastes and habits.

The different sections of this work are intended to fuse together to illustrate how women's marital status affected their legal rights, their economic power and their social standing as well as any political power they might possess, in later medieval Ireland. The various limitations and freedoms dependant on women's marital standing can be traced not only in the Anglo-Irish community but also amongst the Gaelic Irish, even with their looser legal definition of what constituted a marital bond. Life altered for women as they progressed through their lives and these alterations were fundamentally affected by the nature of women's marital status. Whether a woman was a single woman, a married woman, a widow or a nun altered and affected not only her view of herself but also those of her contemporaries and this is reflected in the secular and ecclesiastical law codes governing the approved behaviour, rights and limitations applied to women. The fractured nature of society in Ireland led to the co-existence of two separate and very diverse codes of secular law governing women. Church law was uniform and universally applied but the attempts of women from the different societies to adapt and sometimes subvert those

strictures concerning them added to the fractured nature of the Church in Ireland, split between the church *inter Hibernicos* and *inter Anglicos*. Thus the women of both societies are discussed in this dissertation in an attempt to compare and, by default, contrast the roles, function and status of women as single women, wives, widows and nuns in late medieval Ireland.

SINGLE WOMEN

Introduction

In Ireland, as in the rest of Europe, marriage was the normative state for most women, but not for all. The term 'single women' encompasses both those women who would one day marry and those who never would. They can be differentiated as life-cycle single women i.e. those who were single only for a period but would eventually marry and life-long single woman who, for whatever reason, would never marry. For them the single state was a permanent one. The term 'never-married' in relation to single women can be problematic, however, when used in relation to Ireland. The sources are so fractured and disparate that it would be very difficult to (accurately) describe a woman as 'never-married' in Ireland where with rare exceptions; the long-term marriage patterns of women's lives are unknown. It can be difficult to ascertain from the sources (unless it is explicitly stated) whether a woman is single due to her being a widow or single because she has not yet married or has never married.

In medieval documents a woman was generally defined by her marital status i.e. either as 'the wife of' or 'the widow of'. For a woman's marital status to be left undefined in a document is unusual and may indicate that in fact the woman in question was unmarried and may not have been married previously. Because unmarried women who participated in deals involving charters must have been fairly uncommon they were sometimes explicitly distinguished as single women in documents or they were simply noted in relation to a particular man as 'daughter of' rather than 'wife of' or 'widow of'. In Ireland, society was also fractured between areas of differing influence. On the one hand there were the single women living and working in areas of English influence, which yield the higher number of records. At the same time there were Gaelic single women whose lives sometimes intruded on the records when they lived and worked in colonised areas. For single women, in particular, in Ireland the greater information comes from the colonised areas, there

appears to be very little information on single women living in Gaelic areas. It should also be noted in relation to Gaelic areas that sources tend to identify women by their father's names even after marriage, especially if the father was of a higher social status than a husband.

Across Europe single women could constitute, at varying times, 10-20% of the general population. Their numbers were always temporarily swelled by life-cycle single women who would eventually marry but had not yet done so.[1] During the period covered by this study, the population of Europe between 1250 and 1500 decreased by about one-third. One of the consequences of this was that marriage patterns were affected, as more women remained unmarried and the average age of women who married went up.[2] Despite these changes for most women the single life was rarely, if ever, a matter of choice. Very often, to be a single woman meant being badly off. Life-long single women were usually poorer than their married counterparts and often lived a very marginal existence. In cities across Europe single women seem to have been most predominant in the poorest parishes.[3] If single women did not live alone, it was common for such women to live with members of their family[4]. It would be safer for them to live, for example, with a male relative, such as a brother, who could act as a protector. If she had no immediate family then a single woman could often gather a surrogate family of close friends around her to give support and aid. If Anglo-Irish society followed the general trend in England and elsewhere in Europe then the majority of both life cycle and never-married single women lived and worked in towns and cities. These were the great magnets for young women, especially in the decades following the Black Death. Young single

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[1] Judith M. Bennett and Amy M. Froide, 'A Singular Past' in Judith M. Bennett and Amy M. Froide (eds), *Single women in the European past 1250-1800* (Philadelphia, 1999), p. 2.
[2] Claudia Opitz, 'Life in the Late Middle Ages' in Christiane Klapisch-Zuber (ed.), *A History of Women II: Silences of the Middle Ages* (London, 1995), pp 270-1.
[3] Raymond Gillespie, 'Women and Crime in Seventeenth Century Ireland' in Margaret MacCurtain and Mary O' Dowd (eds), *Women in Early Modern Ireland* (Edinburgh, 1991), p. 50.
[4] Cordelia Beattie, 'A Room of One's Own? The Legal Evidence for the Residential Arrangements of Women Without Husbands in Late Fourteenth and Early Fifteenth-Century York' in Noël James Menuge (ed.), *Medieval Women and the Law* (Woodbridge, 2000), p. 46.

women especially could find that migration to a town as an adolescent or young adult could mean a great increase in autonomy. They often found jobs as maidservants and were able to save enough for a dowry, if they planned to eventually marry.[5]

For these women the greater economic opportunity and autonomy for them in towns could translate into a greater control exercised by them over their eventual marriages.[6] However the obverse side of the freedom and anonymity of town life was a dark one and many young women found themselves entering into a life of petty crime as they found it hard to survive in the towns. Young women could also encounter sexual harassment or pressure in the houses they worked in as servants.[7] There is no doubt but that the large cities of medieval Ireland, such as Dublin and Drogheda housed prostitutes, many of whom slipped into this way of life in a bid to survive. In the towns, prostitution was a profession and this was recognised by municipal authorities that sought to set them apart in their own neighbourhoods within towns and cities.[8] Single women became gradually associated in the popular consciousness with sexual licence and by the sixteenth century in England, for example, the term 'single woman' had become synonymous with 'prostitute'.[9] In Ireland as in the rest of Europe single women could be driven to become involved in an underworld of prostitution and crime in the larger towns where competition for resources was keen. Women on their own could be the subject of attack and robbery as well as being the instigators. Amongst the better-off parents sending one's daughter to serve an apprenticeship may have been one way of ensuring that a girl who was unable or perhaps unwilling to marry could take care of herself without

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[5] Bennet and Froide, 'A Singular Past' in Bennett and Froide (ed.), *Single women*, p. 8.
[6] P. J. P. Goldberg, 'For Better, For Worse: Marriage and Economic Opportunity for Women in Town and Country' in P. J. P. Goldberg (ed.), *Woman is a Worthy Wight: Women in English Society c. 1200-1500* (Avon, 1992), pp 108-9.
[7] Ann J. Kettle, 'Ruined Maids: Prostitutes and Servant Girls in Later Medieval England' in Robert R. Edwards and Vicki Ziegler (ed.), *Matrons and Marginal Women in Medieval Society* (Woodbridge, 1995), p. 22.
[8] Shulamith Shahar, *The fourth estate, A history of women in the middle ages* (London and New York, 1983), p. 209.
[9] Ruth Mazzo Karras, 'Sex and the Single woman' in Bennett and Froide (ed.), *Single women*, p. 131.

having to resort to desperate measures. For most of these young single women working as an apprentice or as a servant was simply part of a pre-married life which would end when they were married. Older single woman did not have that option and many must have continued to work as servants or have carried out other work such as wage-labour and shop owning or hawking the goods of others on the streets.[10]

Like that other class of single woman, the widows, lifelong single woman could manage their own affairs. They were *femmes soles* who could buy and sell property and make a will without needing the consent of a man. The majority of female will makers were wives and widows but this may be because many single women were too poor to have anything to give away at death.[11] Widows and single women had elements in common; they both lived without husbands but their experiences were also very different in many ways. Widows were much more likely to be able to lead their own households, they enjoyed much greater economic security and widows benefited much more from civic assistance. It was considered a pious duty to aid poor widows but not poor unmarried women.[12] They did, however both share a somewhat marginal position in society (which was felt more strongly by not-married women). Legally single women did not require the assent of a man to carry on their business, but that is not to say that they did not have men in their lives.[13] However the lack of a male guiding influence officially sanctioned (through marriage) in single womens' lives was a matter of some concern to their contemporaries.[14] It may have been very difficult to stay a single woman by choice and it was probably very rare. Most women in the middle ages wanted to marry, to share the burden of survival if for no other reason. It was expected of all, men and women, to marry and for a

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[10] Bennett and Froide, 'A Singular Past' in *Single women*, pp 9-10.
[11] Katherine J. Lewis, 'Women, Testamentary Discourse and Life-Writing in Medieval England' in Menuge (ed.), *Medieval Women and the Law*, p. 58.
[12] Bennett and Froide, 'A Singular Past' in *Single women*, p. 15.
[13] Ruth Mazzo Karras, 'Sex and the Single woman' in Bennett and Froide (ed.), *Single women*, p. 127.
[14] Sharon Farmer, "'It Is Not Good That [Wo]man Should Be Alone' Elite Responses to Single women in High Medieval Paris"' in Bennett and Froide (ed.), *Single women*, pp 82-105.

woman to remain unmarried must have been extremely unusual, especially in the rural, settled areas. Such a choice could only have been accomplished with wealth; poorer girls (barring mental or physical drawbacks) would not have chosen the harsh realities of the single life.

1: ANGLO-IRISH SINGLE WOMEN

1a: Heiresses and their guardians

By the end of the thirteenth century a sophisticated system of property law had developed in Ireland, concerned with land ownership, inheritance and succession by women.[15] Figures for female to male ratios in late medieval Ireland are unobtainable, but in other areas of Europe (particularly England) women tended to outnumber men in cities and the reverse were true in the countryside. The same may hold true for Anglo-Ireland, if it follows the European pattern in this regard. Single women in the countryside were likely to have been quite rare as they were more dependant on their families and less likely (with reduced opportunities for economic autonomy) to have any say in their eventual marriage partner or to live life successfully as a single woman.[16] The single women of the countryside who are most notable in the records were heiresses who, in their persons, represented access to sometimes-large amounts of land. However, unless they had attained their majority and stayed unmarried (which was unlikely unless there was a physical or mental defect), they were subject to their guardian and his or her wishes, even with a legal framework that tried to protect them from some of the more unscrupulous of guardians. There were two types of wardship that occurred amongst guardians. There was the wardship that was imposed on heirs (for example by the King or an overlord) or there was wardship that was freely arranged by the child's family. This latter arrangement was more common amongst those whose possessions did not merit the imposition of a wardship.[17]

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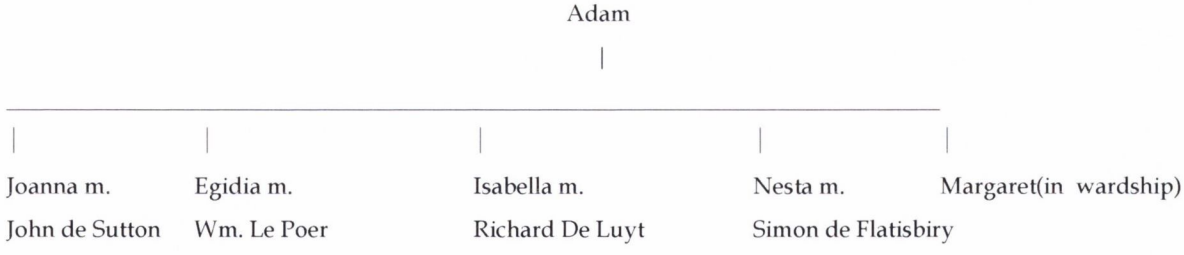
[15] Geoffrey J. Hand, *English Law in Ireland1290-1324* (Cambridge, 1967).
[16] P. J. P. Goldberg, 'For Better, For Worse' in Goldberg (ed.), *Woman is a Worthy Wight*, pp 109-10.
[17] Peter Fleming, *Family and Household in Medieval England* (Basingstoke, 2001), p. 107.

The issue of guardianship was often a controversial one. Guardianship of important heiresses was frequently given outside of the immediate family to favoured royal courtiers or servants, for example. The guardian frequently had no emotional attachment to or interest in the heiress, which could make for less than perfect circumstances for the young ward. It could mean leaving her home and family forever. In one case from Ireland in 1290 the King granted to Robert de Hanstede and Margery his wife the marriage of Roesia, the daughter and heir of Henry Pecche who held the manor of Lucan in chief of the King. The Escheator was commanded to send the girl to Chester to be delivered to the Justiciar of Chester or his consort.[18] She went on to marry John de Hanstede and they afterwards returned to Ireland and entered into possession of Lucan.[19] Single heiresses were bought, sold and transplanted to wherever their guardian wanted them to be. In 1302 the marriage of Margaret Staunton was sold for 60l.[20] She was one of five heiresses of Adam de Staunton. Two of her sisters, Egidia and Isabella, received lands in Connacht and Munster; the others gained lands in Leinster while Adam's lands in Wales were also equally divided amongst his heiresses.[21]

Fig 1. De Staunton Heiresses



Margaret could have some solace that, in theory, she could not be married to anyone of a lower rank or status. From the thirteenth century there were legal safeguards against wards being disparaged through marriage.[22] If a ward refused a marriage he

[18] *C.D.I. 1252-1284*, no. 834.
[19] Francis Elrington Ball, *A History of the County Dublin*, iv (Dublin, 1979), p. 37
[20] James Ferguson, Transcripts of the Remembrance Rolls of the Exchequer (N.A.I./2/446/1, p. 53).
[21] *C. J. R. I. 1295-1303*, p. 306.
[22] This was contained within the Statute of Westminster, see Harry Rothwell (ed.), *English Historical Documents II 1189-1327* (London, 1975), pp 397-410.

or she had to pay what the guardian would have received for the marriage; if a ward married on his or her own initiative without the guardian's consent then double the value of the marriage had to be paid.

The nature of feudal guardianship meant that the guardianship of the person of the heiress could be granted separately from the guardianship of her lands. This could mean that mothers were not always granted the guardianship of their own children as fathers sometimes willed that their widows should have custody of underage children, but not always. It may have been felt that a widowed woman would not be able to protect her children's interests. A widow could remarry and the children could suffer if new babies arrived or even at the hands of a stepfather. Manorial custom sometimes provided that in default of the mother a fatherless child would go to the guardianship of the mother's nearest male relative (usually her brother).[23] If a mother wished to become her child's guardian and there was a valuable heiress involved she might have to contend with powerful lords or even the king for guardianship of her unmarried daughter or the right to dispose of her marriage.[24]

However, mothers could and did apply for guardianship of their children. In 1435 Joan Sport paid the Archbishop of Armagh a bond of 33l 16s 7d for the guardianship of her children. She was required to provide them with food, drink, linen and woollen clothing and to divide the residue of the bond amount between them when they reached their majority.[25] The custody of the two infant female heirs of Sir Richard Dardis, who died in 1348, was granted to both his wife Margaret and Elizabeth de Burgo from whom he held his manor of Girley. His daughters are not heard of again and the manor was vested in the crown for the next twenty-seven

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[23] Fleming, *Family and Household*, p. 107.
[24] Noël James Menuge, 'A Few Home Truths: The Medieval Mother as Guardian in Romance and Law'
in Menuge (ed.), *Medieval Women*, p. 79.
[25] D. A. Chart (ed.), *The Register of John Swayne Archbishop of Armagh and Primate of all Ireland 1418-1439* (Belfast, 1935), p. 153.

years, which would seem to imply that the girls had died.[26] Guardianships in prosperous areas could be lucrative for the king who could often choose to hold onto an heiress for his own profit. In 1328 Offath in Co. Waterford yielded 5l 9s 6d rent and issues of a messuage, land and tenement which was the share of Faith le Botiller. She was described as the sister of Richard, the son of John le Botiller, and one of the heirs of Richard. Her lands were in the king's hand due to her being under age.[27]

The dispersal of lands through heiresses and the committal of either their lands or persons to guardians they often did not know was a hazard of life especially at the upper levels of the nobility. Ambitious or influential men and women were often rewarded with the prize of an heiress. For instance, after Earl William de Burgh was murdered in 1333 he left three young heiresses whose lands fell under the king's control. These were Elizabeth, who survived to adulthood, Isabel and Margaret who both died young. John Gernon, a member of an influential family in Co. Louth, was appointed as guardian of Elizabeth (who was described as a minor living in England) and was appointed to defend and sue her pleas in Ireland in 1334.[28] In 1338 the King appointed John Daumartyn, a king's yeoman, to the custody of some of the lands of Isabella, during her minority.[29] In 1340 the marriage of Margaret the third daughter and heir was also granted away by the king.[30] Elizabeth was the only one of the three who survived, however, and she subsequently inherited all her father's lands. She continued to live with her mother in England while John Gernon looked after and, no doubt profited from, those estates of hers in Ireland. In Ireland the absence of a strong figurehead to lead the de Burgh interest and the vesting of all its interests in the person of a young girl was problematic for Elizabeth when it came to claiming her inheritance. The earldom began to disintegrate as the Irish and Anglo-Irish rivals to the de Burghs began to assert themselves and invade de Burgh-held lands. This was especially true in Ulster where the O' Neills re-established their power. In

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[26] Hubert Gallwey, 'The Family of Dardis', *Riocht na Mide*, 6, no. 2 (1976), pp 61-63.
[27] *P.R.I. rep.* D.K. 44 (1912), p. 29.
[28] *C.P.R. 1330-1334*, p. 486.
[29] *C.P.R. 1338-40*, p. 115.
[30] She is said to have married Reginald, Duke of Guedres, *ibid.*, p. 445.

Connacht, relations between the different de Burgh families soon led to war and the loss of Elizabeth's holdings in Connacht as they were taken by the Gaelicised members of her extended family in an area outside the English rule of law.[31]

Much bitter litigation could occur over the guardianship rights of an underage heiress. The principles of protecting the rights of the underage heiress were well established early on in the invasion as an important part of Anglo-Norman land law. The Statute of Merton of 1236, for example, warned against the forcible abduction or withholding of heirs by their parents or guardians. However, it also offered protection to the guardian who was entitled to hold the land of the heir as long as he or she liked to gain the value of the marriage if the heir married without their will.[32]

The marriage of an heiress could be very rewarding financially and tensions arose if proper procedures were not followed. In a case dating from 1300, Walter de Luythorn sued Leticia, the widow of Hugh Tyrel, and Robert de la Feelde for compensation of one hundred marks in the court in Dublin. Walter alleged that Hugh Tyrel of whom Walter held his land had granted him the marriage of Emma, daughter of Roger de Messyngton and sister and heir of Adam. Leticia and Robert married Emma off without Walter's knowledge or permission as she was under age and so he claimed compensation. Leticia Tyrel was here abusing her status as widow of Walter's lord by assuming rights over Walter's ward. As she was an heiress Walter may have wanted to marry her himself when she came of age. All that we know of the case is that Leticia did not appear when summoned and the Sheriff was ordered to distrain her.[33]

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[31] Lambert McKenna (ed.), *Aithdioghlum Dána*, i (Dublin, 1939), p. 144: A. J. Otway-Ruthven, *A History of Medieval Ireland* (3rd ed., New York, 1993).
[32] Rothwell (ed.), *Eng. Hist. Docs*, p. 353.
[33] *C. J. R. I. 1295-1303*, p. 355.

1b: Entails

Inheritance by a woman meant the transfer of lands and if inheritance was vested in a number of women, it meant the break up of the patrimony. This was a situation which would feature largely in the early history of the Irish lordships of Leinster and Meath, for example. This system meant a weakening of the agnatic family and towards the end of the thirteenth century landholders in Ireland began to take steps to remedy this perceived deficiency by using an entail in their land grants. Previously, the passage of land to a man's heirs could go through daughters if there were no sons but this was to change by 1285. In that year the statute *De Donis conditionalibus* enshrined the concept of the fee tail in English law and in that year both Statutes of Westminster along with the statute of Gloucester were transmitted to Ireland together with a writ ordering their observance there. [34] An entail could allow landowners to extend their reach down many generations because the grant of land was accompanied by restrictions on the categories of heirs to whom it could descend. An entail was often accomplished as part of a marriage settlement as the landowner granted land to his feoffees who granted it back to him under the new conditions limiting heritability. The fee tail was often used to ensure that lands went to male members of the family and not to heiresses even if this meant bypassing a more direct female heir in favour of a more distant male heir. However, women were not completely excluded. They could, for want of appropriate male heirs, inherit a grant in tail general.

As the use of entails became widespread landholders found themselves possessed of more control over the devolution of their lands thus lessening the intrinsic value that women held as heiresses in the transmission of property. The following case shows that sometimes-female heirs were the last choice of all; after other avenues of guaranteeing male heirs had been exhausted. The barony of Ikeathy (Okethy) in Kildare was designed by the Rochford family to descend only through the male members of the family. Their efforts to do this, dating from 1299, illustrate the

[34] G. J. Hand, *English Law in Ireland 1290-1324* (Cambridge, 1967), p. 161.

collusion of family members in an effort to procure male succession from even the most obscure branches of the family.[35]

' Henry, son of Simon de Rupeforti, to all men. He is bound to Henry, son of Sir Henry de Rupeforti, in 100,000l, unless he render to Henry, son of Henry, as long as he shall live, and to his heirs male if he shall lawfully beget any, then to remain to the heirs of Henry, son of Simon. If Henry, son of Henry, die without heir male and have a daughter, Henry, son of Simon, shall give her in dowry to the extent of the value of one year of Okethy. If Henry, son of Simon, should refuse entry on the lands to Henry, son of Henry, after he shall recover health, the Chief Justiciar of Ireland and the Sheriff of Kildare may put him in seisin, to whom he gives 100 marks of his goods, that he may compel him to observe this covenant; and he waives all legal points which might be used to impeded the arrangement...so that the inheritance shall never pass to daughters'.[36]

It is ironic to consider that the de Rochfords only obtained the barony in the first place because of marriage to an heiress. The death in the early thirteenth century of Thomas de Hereford meant the division of his lands between his two daughters, Eleanora and Eva. The former married Milo de Rochford and the latter married his brother, Walter, who obtained the barony of Okethy and some other estates.

The use of tails male by landowners could lead to an increase in family tensions, as inheritance could now bypass principal female heirs at the will of the landowner.[37] In 1515 the inheritance rights of Margaret and Anne Talbot the two underage daughters of Robert Talbot were undermined by him to the benefit of his distant male heirs. Robert left some lands he had bought to several of his sons who were probably illegitimate, but he ensured that the family lands his daughters inherited would eventually be passed to his son William Talbot and his legitimate male heirs by using

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[35] Matthew Devitt, 'The Barony of Okethy', *K.A S.J.*, 8, no. 6 (1915-17), pp 276-301.
[36] *C. J. R. I. 1295-1303*, p. 326.
[37] Fleming, *Family and Household,* pp 119-120.

a tail male.[38] It seems that his daughters could hold lands granted to them for their lives, but they would then be passed to the principal legitimate male heirs of the Talbot family, bypassing any heirs his daughters might produce.[39]

The grant in tail male became popular in Ireland during the fourteenth century but it may have reduced in attractiveness after the Black Death, if the example of England is anything to go by. The large loss of life and recurrences of the plague in Ireland in the later fourteenth century and after may have contributed to families losing their desire to create tails male. The creation of a tail general may have been more appealing as a way of keeping the lands within the family through female inheritance in uncertain times. The century or so after the Black Death in England has been called 'the last great age of the heiress' and, while this may not apply wholly in Ireland, as landowners did certainly continue to use the tail male through the fourteenth century and after, there may be reason to assume that similar factors influenced the decisions of landowners regarding inheritance in the period after the Black Death in Ireland as happened in England.[40] The activities of Walter Noungy in later fourteenth century Ireland may attest to a possible change towards the making of tails general after the calamity of the Black Death. In 1364 Walter Noun[gy] granted to John the son of Stephen de Bath twenty acres of arable land lying in a tenement called Athbillir. The deed stipulated that the next heir after him was to be Nicholas, son of John, son of Stephen de Bath, and the male heirs of his body. If he died without male heirs, then the lands were to go to Walter son of John son of Stephen de Bath on the same terms and if he died without a male heir, then the inheritance was to descend to Isabella the daughter of John son of Stephen de Bath on the same terms.[41]

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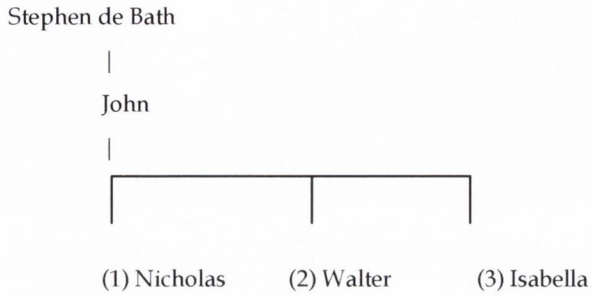
[38] Margaret C. Griffith, *Calendar of Inquisitions formerly in the office of the Chief Remembrancer of the Exchequer prepared from the manuscripts of the Irish Record Commissioners*, (Dublin, 1991), p. 13.

[39] This is similar in certain ways to the Gaelic Irish practice concerning inheritance by women, see section below.

[40] Fleming, *Family and Household*, p. 119.

[41] *Ormond Deeds ii*, no. 94.

Fig. 1.1. De Bath family pattern of inheritance



Here the idea of eventual female inheritance was less distressing than the loss of the patrimony completely from the family the lands were being granted to.

1c: Single women and work: farm based

Women who attained the age of majority and who did not marry (or had not yet married) and who owned land were able to dispose of their lands and many appear to have done so to members of their families. Not all of these women were the principal heiresses of their families but they may have received lands from outside the immediate family unit. Europe-wide it has been observed that single women tended to live either with family members or with other women and perhaps some of these documents are attempts by single women to pay their way with their families or to reward them in some way. For example there are a couple of deeds from the 1390s that may indicate a close family relationship on the part of the people involved. In 1391 Matilda de Valle, described as the daughter of Eva who was the daughter of John Mynour, quitclaimed to Christiana Maydewell all her rights in lands which were Adam Mynour's in Mynourestoun. Four years later Matilda, who was described as the cousin and heir of Adam Mynour, quitclaimed to Henry Mynour and Christiana Maydewell his wife all her right to lands etc which were Adam Mynour's in Mynourestoun.[42] Matilda appears to have re-confirmed her grant to Christiana upon her marriage to a member of the Mynour family. There is little doubt that many single women gave and granted land to relatives for whatever

[42] *Ormond Deeds ii*, nos 298, 314.

reason. In 1457 Ellen Burdon, who was noted as the daughter of Edmond Burdon, granted some lands in Waterford to Edmond Mandeville. The families were related, because in an inventory of the goods and chattels of a Redmond Burdon, Edmond Mandeville is referred to as the son of Redmond's uncle.[43]

It was safer for a single woman to have family or friends near her, as living on her own could be dangerous to both her holdings and her personal safety. A case from 1297 may serve to illustrate possible dangers. In that year Agnes de Feypou sued John le Mareschal for trespass. She claimed that he broke a chest in her house and took certain documents from it and some money. She claimed that one of the documents he took was one in which he had agreed with her to find her food and clothing and pay 100s yearly in return for all her lands which she had demised to him for life. John denied this and the jury agreed with him and Agnes' claim was dismissed.[44] The arrangement that Agnes appears to have had with John concerning her upkeep in return for her land would suggest that she had entered into a pension-type agreement with him. Studies in England have shown that, before the Black Death, the greater numbers of these agreements were with close kin, so Agnes and her attacker may have been related.[45] Also in that year Isabella Kempe complained that John Bonevill, despite granting her 40 acres of crops, ordered his men to prevent her from reaping the crops. In this case she won and the jury ordered that she recover the crops or obtain the value of them.[46] In both these cases the threat of violence to the women is implicit in the aggressive actions of the men they sued. In a time of strong-arm tactics women on their own could be extremely vulnerable. Perhaps that is one reason why single women can be found granting lands to family members in an attempt to reward or recompense them for their attention and sustenance and also to encourage them in their continued attentions. Maybe a consideration such as this motivated Joan Ardoun as some time in the early fifteenth

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[43] Kenneth Nicholls, 'Abstracts of Mandeville Deeds NLI MS 6136', *Anal. Hib. no.* 32 (1985), nos 12, 15.
[44] *C. J. R. I. 1295-1303,* pp 110, 117.
[45] Zvi Razi, 'The myth of the immutable English family' *Past and Present*, 140 (August 1993), pp 26-7
[46] *C. J. R. I. 1295-1303,* p. 84.

century she quitclaimed all her claim in a tenement in Dublin to her brother, Nicholas.[47]

It is unusual to find a single woman in the records who is explicitly defined as one but there are some examples. For example in 1330:

'Jehana Everton, daughter and heiress of Richard Everton of full age and not married to any husband grants to Richard More, son of Thomas More of Bermyth a messuage and a curtilage in the vill of Rathdrometh and 7 acres of arable and meadow and common pasturage as they were devised to the grandfather of the said Joanna. She also grants 12d of annual rent to be collected in the vill of Rathdromneth, namely 4d yearly of Laurence Everton and 8d yearly of Roger Currach, a moiety at Easter and a moiety at Michaelmas'.[48]

The level of detail in the document indicates a single woman well used to organising legal affairs. To have a working knowledge of the law was necessary for such a woman in a very litigious age. Women of all social strata had to acquire some knowledge of the law where it affected them or else they could be at a severe disadvantage. Women who held land had to know their entitlements under the law in case someone tried to disseise them as could often happen.

Single women in the colonised areas of Ireland who held property disposed of their holdings as they saw fit. For example in 1270 Dionisia and Roesia, the daughters and heirs of Richard le Noreys, granted eighty acres of arable land and thirty acres of wood in the villate of Balymakynwyn, to Richard, son of Sir Richard de Valle, and his heirs. Together with this went the lordship of eighty acres of the holding, which Thomas, son of Richard de Sancto Albino, claimed to hold of the grantors. For this Richard de Valle was required to render a chaplet of flowers at the feast of St. John the Baptist yearly. The cursory charge consisting of annual flowers indicates that the sisters' real benefits from the deal are not disclosed. Very shortly after that grant, perhaps even in the same year, their sister Margery, a widow, granted her portion of

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[47] Henry F. Twiss, 'Some ancient deeds of the Parish of St. Werburgh 1243-1676', *P.R.I.A.*, 35 C (1919-20), no. 12.

[48] Charles McNeill and A. J. Otway-Ruthven (ed.), *Dowdall Deeds* (Dublin, 1960), no. 105.

inherited land to Philip son of Sir Richard de Valle.[49] The families of le Noreys and de Valle may well have been related or perhaps the Noreys women may not have been well placed to look after their lands properly and granted them to de Valle. The de Valles were a leading and well-connected family in Tipperary well placed to look after land, which the three sisters perhaps could not.[50] The de Valles were also the beneficiaries of lands from other women. In 1300 Isoud Bulnus, who was described as the daughter and heir of Philip Bulnus, granted to John de Valle and his heirs fourteen acres of arable land in the tenement of Cnockaslam. For this John and his heirs had to pay a penny of silver yearly.[51]

Cases, like the one involving the Noreys sisters, where apparent single women grant lands to men not ostensibly related to them can be found elsewhere in Ireland. In 1348 Mariota, the daughter of Peter Arderne, appointed Richard Caprigh as her attorney for placing Thomas de Ledred in full seisin of one messuage in the Hospital of St. John of Jerusalem in Ireland in the Irishtown near Kilkenny. Also in 1348 Olivia, the daughter of Walter fitzWalter of Knocktopher granted to William Modi, a chaplain, a messuage in Knocktopher.[52] For poorer single women unable to pay servants, the demands of land ownership and particularly, farming, would have been onerous and physically very taxing. Perhaps it is little wonder that single women often seem very keen to dispose of land to others and gain a steady source of cash from renting or selling lands. In 1416 Patricia and Joan Cantwell, the daughters and heirs of John Roth Cantwell, granted to Henry Forstall all their lands and tenements in Sillr [Shillelogher].[53] There is evidence to show that Irish single women living in areas of English influence also disposed freely of their property. In around 1282 Cecily, who was described as the daughter of Donald Oconnean, granted to

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[49] *Ormond Deeds i,* nos 163, 164.
[50] Anne Neary, 'The Origins and Character of the Kilkenny Witchcraft Case of 1324', *P.R.I.A.,* 83, C (1983), p. 344.
[51] *Ormond Deeds i,* no. 361.
[52] *Ibid.,* nos 800, 802.
[53] *Ormond Deeds iii,* no. 19.

Richard Costard and his heirs, in return for twenty-three marks and a robe, twenty-one acres and a stang of arable land.[54]

The vast majority of single women, however, did not own or even rent lands. Many women did not stay single long enough to buy or sell anything, especially land. Single status in the countryside was very unusual and may not have lasted too long as the demands of agricultural life in the middle ages usually had to be shared with a husband. There are references to single female tenants who apparently farmed their own holdings. Most, of course, are widows but some do appear to have been to single women living and working in the countryside. In 1276-77 Regina Lyvet is noted as paying 12l to the Justiciar for cows sold to her.[55] In the rental book of Holy Trinity (Christ Church) dating from 1326 amongst the list of farmers and cottiers there is Mariot, called the sister of the Smith, and listed as a tenant. Also listed, as a tenant was Matilda le White. The customary services included performing suit of court, ploughing the lands, hoeing, reaping and carting the corn, saving the hay and furnishing hens at Christmas and geese at Michaelmas.[56] Matilda Kyngham, Cecilia Knyht, Mariot and Alice Salman, Margery Kalhkek, Annota Attehill, Alice Lombe and Alice Othyre were described as cottiers and paid on average from 6d to 1s for a cottage and croft and 1s per acre for land. It is not stated where they held land. In 1427 the Earl of Ormond granted his mill at Carrick to Agnes Hervey to hold for the term of her life.[57] Agnes would have been unable to run a mill herself due to the sheer demand of physical labour, but there is no mention of a husband or of any male relative in the grant. Other grants of mills made at the same time are to husbands and wives who would share the labour. Agnes must have employed servants or perhaps an apprentice miller to help her. It is also possible that she was either the widow or the daughter of a miller.

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[54] *Ormond Deeds i,* no. 252.
[55] *C.D.I. 1252-84,* no. 1412.
[56] M. J. McEnery and Raymond Refaussé (eds), *Christ Church Deeds* (Dublin, 2001), no. 570.
[57] *Ormond Deeds iii,* no. 66 (7).

In the *Account Roll of Holy Trinity* women's wages are also shown. The labouring wage paid to women was 1/2 d per day whereas the daily wage for male labourers was 1d per day.[58] The Account Roll also makes mention of women brewing malt. Female brewers or brewsters were not uncommon.[59] In England during the later middle ages women were responsible for the domestic brewing of ale and some women sold excess ale to make a profit. These brewsters have been defined as three different groups. There were occasional brewers (who sold ale rarely), by-industrial brewers (for whom brewing generated important supplementary income) and professional brewers (for whom brewing offered the primary income of the household). These differentiations may also have existed in Ireland, especially around highly populated areas.[60] A clue to how prevalent brewing was as a means of making extra money for women in Ireland occurs in an account of brewing in Dublin written by Barnaby Rich during the reign of James I. Rich observed that in Dublin, 'every householder's wife is a brewer', thus indicating that brewing was a widespread activity for both personal and professional uses.[61]

In the Holy Trinity Account Roll there are several references to women being paid for *'drying malt'*. The term 'drying malt' seems to be used as a term signifying the whole process of malting, just as the malt kiln seems to be used for the house in which all the process was carried out and the malt was stored. This may have been a female specific task that was carried out around the manor. Women on Holy Trinity's lands probably brewed as part of a host of other tasks. For example one entry refers to *'a woman drying malt and doing other necessary work within the manor'* and her salary within a fixed time period was 3s.[62] In England during this period a significant proportion of women who brewed before the Black Death were single

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[58] The women of Dublin also compared unfavourably with their contemporaries in Bristol or Yorkshire, for example, where the differential between male and female rates of pay was an average of 75% and 71% respectively, see Lynda Conlon, 'Women in Medieval Dublin: Their Legal Rights and Economic Power' in Sean Duffy (ed.), *Medieval Dublin iv* (Dublin, 2002), p. 184.

[59] Judith M. Bennett, *Ale, Beer and Brewsters in England* (Oxford, 1996), p. 7.

[60] *Ibid.*, p. 10.

[61] Barnaby Rich is quoted by J. T. Gilbert in his *History of Dublin*, i, pp 150-1.

[62] James Mills, *Account Roll of the Priory of the Holy Trinity 1337-1346* (Dublin, 1891), p. 62.

women but this changed in favour of married couples and men as changes that began in the late fourteenth century slowly squeezed non-married women out of the trade.[63] This may also have been the case in Ireland when economic changes after the Black Death gradually began to close off brewing to women as it became more labour intensive and professional and began to be superseded by the brewing of beer.

1d: Single women and work: urban based

Single women were visible and active in the Northern European cities including those of Ireland. They bought and sold goods, ran taverns, belonged to guilds and confraternities, they borrowed and lent money, they took oaths, joined religious movements, they sued and were sued and pursued many other activities.[64] However, life in the towns and cities of Ireland, whilst offering increased economic opportunity and more social freedoms to single women could also be very difficult, especially for lifelong single women. Single women who never married could find themselves having to work at a variety of professions to make ends meet. These included working as labourers on the building sites in the cities and also on the farms adjacent to them. They also earned money brewing and selling ale in towns and cities but after the Black Death single women in general began to be more active in selling ale than in brewing it.[65] In time single women may have turned more towards running taverns, than brewing the product themselves. Mention of a Margaret Tapister in the will of Dame Margaret Nugent who owed Dame Margaret 9d indicates that some women at least did run taverns in Dublin.[66] Most brewsters were married as a household better supported such a business, for example when Thomas Sneterby, in his 1463 will, bequeathed a piece of property called 'Burgeys

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[63] Bennett, *Ale, Beer and Brewsters*, p. 10.

[64] Martha C. Howell, 'Citizenship and Gender: Women's Political Status in Northern Medieval Cities' in Mary Erler and Maryanne Kowaleski (ed.), *Women and Power in the Middle Ages* (Athens and London, 1988), p. 37.

[65] Bennett, *Ale, Beer and Brewsters*, p. 56.

[66] Henry F. Berry, *Register of Wills and Inventories of the diocese of Dublin in the time of archbishops Tregury and Walton, 1457-83* (Dublin, 1898), pp 78-81.

Innys' to his wife, Katherine Nangle, this was probably the inn which they had both managed and which she would continue to supervise as a widow.[67]

As women entered more into selling ale rather than brewing it, the activities of alewives became of great concern to the authorities in Ireland. In Kilkenny in 1352 the following ordinance was passed

'if any alewife of the whole town of Kilkenny sell a good gallon of ale of the new brewing for more than a penny she shall immediately pay to the said sovereign and community half a mark of money unless the brew be of the old unmixed with the new brewing and this to last until the next feast of St. Michael'.[68]

Under the Assize of Bread and Ale the punishment was even more severe

'If a baker or an ale-wife be convicted of not observing the assizes, the first second and third time they shall be amerced according to the amount of the offence if they have not gravely offended. If they repeatedly gravely offend and will not amend they shall pay by judgement of their bodies, that is the baker to the pillory and the ale-wife to the 'swynglig stol' or the whipping post'.

The ruling citizens of Dublin were also concerned to monitor the behaviour of ale-sellers in their city. In 1455 female ale-brewers were explicitly warned not to try to defraud customers by adulterating their ale by brewing with straw.[69] If any woman was found guilty of selling substandard ale, she was to be fined and if she kept offending she was to be suspended.[70] Women who dealt in ale and its attendant industries were viewed by their contemporaries as tricky because they were noted for their ability to extract profits from the trade by underhand means. Added to this was the fact that the successful running of their business meant having to engage with and control drunken men. As a result of this they were often viewed as

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[67] H. J. Lawlor (ed.), 'A Calendar of the Liber Niger and Liber Albus of Christ Church Dublin', *P.R.I.A.*, 27 C (1908), nos 76-7.
[68] A. J. Otway-Ruthven (ed.), *Liber Primus Kilkenniensis* (Kilkenny, 1961), p. 34.
[69] J. T. Gilbert, *Calendar of Ancient Records of Dublin*, i (Dublin, 1889), p. 288.
[70] *Ibid.*, pp 220, 222.

disorderly, bawdy women.[71] Single women especially could be very vulnerable to such characterisation. In popular culture women who dispensed ale were often depicted as sexually promiscuous and crafty or as old, fat and crude. They were seen as sexually uncontrolled and portrayed as deceitful, not all of which was unwarranted as some of them undoubtedly did dilute their ale, use different measures and demand higher prices than they should have. Their profession of selling beer also brought a host of problems with it such as excessive drunkenness and prostitution into an area all of which was likely resented by their neighbours, unless they were engaged in the same professions.[72]

Most single women in the major towns and cities of late medieval Ireland were there as domestic servants. In England urban poll tax evidence has revealed that as much as twenty to thirty percent of the population over the age of fourteen were servants, compared with about ten per cent for rural populations. Most of them were aged between fifteen and twenty-five and lived with their employers. This translates into an extremely low number of adolescent children resident in their family home.[73] To be employed as a servant for a time was seen as a way for many young single women to save enough for a dowry especially if room and board were included in their working arrangements.[74] It was often a flexible arrangement. A study done on fifteenth century Lichfield, for example, shows that maidservants were usually young, unmarried immigrants and living in the home of the employer. They entered into yearly contracts and often had several employers before marrying.[75] Such women are hard to trace in the remaining sources in Ireland, but they can be found mentioned in wills when employers leave bequests to a favoured servant. In the will of Thomasin, the wife of William Berry, made on 26 November 1473, she included two bequests to servants, one consisted of 2s 5d to '*the servant*' and one was of 5d to

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[71] Bennett, *Ale, Beer and Brewsters*, p. 35.
[72] *Ibid.*, pp 128-139 in particular on the depiction of alewives in popular culture.
[73] Maryanne Kowaleski, 'The History of Urban Families in Medieval England', *Journal of Medieval History*, 14 (1988), pp 53-4.
[74] Bennett and Froide, 'A Singular Past' in Bennett and Froide (ed.), *Single women*, p. 8.
[75] Ann J. Kettle, 'Ruined Maids' in Edwards and Ziegler (ed.), *Matrons and Marginal Women*, p. 20.

her maidservant.[76] Some dying mistresses left their servants very practical gifts on their deathbeds. The late fifteenth century will of Joan Dansey left to Margaret, her only maid, two coats and a pair of blankets.[77]

The will of Gillian de Moenis made in 1348 includes bequests of clothes and goods and also seems to benefit various women, some of whom may have been servants and some friends. [78] Gillian gave to Isabella Feld *'for her service'* 18d. She also granted a tunic to Agnes Horister. One woman in particular received a large amount of gifts. She was named as Isabella, the daughter of William son of Richard, and was, presumably, unmarried. She received a bed worth half a mark, three napkins, three towels, a silver cup worth half a mark, a mazer cup worth 20d and a girdle worth half a mark. Isabella's relationship to Gillian is unknown; it is likely that she was a relative or friend to receive such gifts all of which would add up to an impressive dowry. Every woman of marriageable age was expected to have a dowry. This could consist of land, money or movables. In a case from the court of the Archbishop of Armagh in 1454-5, a woman's dowry is mentioned. In a dispute between the Walshe family and the Prior of Down monastery it was stated that Isabella Walshe's dowry consisted of animals.[79] Poor, rural girls often emigrated to the city and did as their urban counterparts, they worked as domestic servants to save for a dowry. Richer women could expect their fathers to provide. Outside of the city the opportunities of work for women were far les numerous and so rural women were less likely to stay single than their urban contemporaries hence the importance attached to the contents of Isabella Walshe's dowry. Women like Gillian may have been more aware of the various difficulties encountered by poorer single women and tried to ameliorate some of them through dispensing useful deathbed gifts.

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[76] Berry, (ed.), *Reg. Wills,* pp 60-61.
[77] *Ibid.,* pp 142-144.
[78] J. Gilbart Smyly, 'Old Deeds in the Library of Trinity College III', *Hermathena,* lxix (1947), no. 69.
[79] H.J. Lawlor, 'A Calendar of the Register of Archbishop Fleming', *P.R.I.A., 30 C* (1912-13), no. 263.

Single women were also listed as burgesses and joined in municipal activities in towns around Ireland. Kilkenny, as one of the greatest of the cities of medieval Ireland, furnishes some examples of (apparent) single women joining in the industrial and commercial life of the city. In 1377 Mabina Taverner was received as a burgess of Kilkenny and as such she was entitled to freely buy and sell and enjoy the liberties and customs of the city for the sum of 40d, as long as she continued to live in the Irishtown area. If she wanted to leave Irishtown then she would have to pay half a mark more.[80] As her name suggests Mabina probably ran a tavern in Irishtown. In 1351 a female merchant known as Alice Drogh' (Alice of Drogheda) was granted by the sovereign and commonalty of Kilkenny the freedom to buy and sell and merchandise in Kilkenny and for this she gave 10s.[81] There may have been a number of single female merchants in a bustling and prosperous settlement like Kilkenny.

In 1386 Philip Bacoun accounted with Isabella Bristow over various debts owed to and by her. Philip owed Isabella the substantial sum of 12l 11s 4d. In part payment of his debt he enfeoffed her with a messuage where he lived to *'have and hold to her and her heirs and assigns until Philip or his heirs pay the said Isabella her heirs or assigns the money owed'*.[82] In 1383-4 Elena Legat and Elena Tailer were listed as burgesses.[83] Women appeared to have engaged in a range of commercial activities in medieval Kilkenny. In 1499, for instance Alison Welwet was listed as holding the custody of St. John's Gate. *'Alsona Welwet tenet portam Sci. Johannis pro xjs'*.[84] Women were also involved in the provision of foodstuffs in Kilkenny. In 1384-5 the bakers of Kilkenny were listed and included amongst them were several women who are noticeable for not being defined as the wife or widow of someone. Women such as Eva Hode and Alice the nurse were listed as bakers of the city.[85] Single women in towns who

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[80] Otway-Ruthven (ed.), *Liber Primus,* p. 41.
[81] Charles McNeill (ed.), *Liber Primus Kilkenniensis* (Dublin, 1931), p. 28; Otway-Ruthven *Liber Primus,* p. 33.
[82] Otway-Ruthven, *Liber Primus,* p. 45.
[83] McNeill, *Liber Primus,* p. 70.
[84] *Ibid.,* p. 110.
[85] Otway-Ruthven, *Liber Primus,* pp 44/5.

traded were active mainly in the disposal of garments and foodstuffs and so the single women of Kilkenny were following a European trend.[86]

The majority of evidence for the economic affairs of single women comes from the burgeoning towns of medieval Ireland where the single women found a niche in which they could survive. The preponderance of information available also concerns the newly evolving urban elite, the wealthier burgesses who made up about 5% on average of urban inhabitants.[87] It is impossible to ascertain the numbers of single women as part of the general population in Irish towns during this period. There may have been proportionately more life-long single women at the lower end of the social scale; however, these were women who were unable to scrape together a dowry in order to attract a husband and many would have found life very difficult especially as they got older. The age at first marriage for women was rising across Europe especially in the cities and towns.[88] This meant that women were staying single for longer and it also meant that inevitably, many women missed their opportunities to marry. The lack of a marriage partner could have very severe consequences for poorer women as their lives wore on and their own earning potential decreased. Single women who never married in most cases lived at or below the poverty level. Many eked a living in a variety of ways but most of them were relegated to the poorer and despised sections of society, barely able to survive on their own. The very poor standard of living, which many of these women had to endure, was, in many cases, a consequence of not having the financial support of a husband and hence a family, with which to share the economic burdens of life in the later middle ages.

1e: Guilds

Life as a single woman was not uniformly negative in a society where the lives and dealings of single women were protected under law. In order to further their

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[86] Shahar, *The fourth estate*, p. 195.
[87] Kowaleski, 'Urban Families', pp 47-63.
[88] Goldberg, 'For Better, For Worse' in Goldberg (ed.), *Woman is a Worthy Wight*, pp 108-9.

economic needs, single women, who were in a position to do so, could become members of guilds. Guild membership offered to single women social contact with other members, a measure of economic security and a spiritual aspect as many of the guilds founded chantries. However there were limits set on their enfranchisement, for example, they could play no part in city politics and their role in urban life was limited as they could not play a public role.[89] Most single women in Dublin and other cities, however, never joined a guild, their jobs being either too low skilled or of too low a status to require entrance into a guild. Across Europe there were a few female-dominated guilds found in Rouen, Paris and Cologne but most skilled work never came under female supervision. In general women who joined guilds were few in number and occupied a second rank under the men of the guild unable to participate in all the privileges of being a guild member.[90]

Women could enjoy many of the benefits of belonging to a guild in Ireland but crucially, judging from evidence from guilds in Dublin, they were not eligible for the municipal franchise and so were unable to pursue a career in local politics.[91] Of the surviving fragments of guild rolls for Dublin, the earliest, the Guild Merchant Roll of 1190-1265, contains a tiny percentage of women. Of the 8,400 members entered on the Rolls, three were women. One was Felicia Hinckley, who was described as a baker.[92] Baking was one of the many relatively low-skilled jobs involving much hard work, which single women worked at. Traditionally women were engaged in supplying provisions but as the middle ages wore on there was a general worry that the trades carried on by single women could badly affect those carried on by married couples that were deemed to be more useful to their community. For example in

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[89] Colm Lennon and James Murray (ed.), *The Dublin City Franchise Roll 1468-1512* (Dublin, 1998), p. xxiii.

[90] Maryanne Kowaleski and Judith M. Bennett, 'Crafts, Guilds and Women in the Middle Ages: Fifty years after Marian K. Dale' in J. M. Bennett, E. A. Clark, J. F. O' Barr, B. A. Vilen and S. Westphal-Wihl (ed.), *Sisters and Workers in the Middle Ages* (Chicago and London, 1989), pp 11-38.

[91] Mary Clark and Raymond Refaussé (eds), *Directory of Historic Dublin Guilds* (Dublin, 1993), outline the various restrictions placed on women as guild members.

[92] Philomena Connolly and Geoffrey Martin (ed.), *The Dublin Guild Merchant Roll 1190-1265* (Dundalk, 1992), p. 58.

London, after 1480, guilds and livery companies started to exclude from their crafts single women and married women trading as *femmes soles.*[93] Such exclusion may also have affected women in Ireland - certainly economic opportunities for all women whatever their marital status started to contract during the fifteenth century.

Joining a guild held advantages for women traders and merchants. Guild members enjoyed many privileges in addition to the right to follow a craft including a social life within the guild where they would gather for feasts and meetings.[94] It would appear that, in Dublin at least, once admitted to a guild women were allowed to achieve full status, that is, the privileges of mastership.[95] A guild member was eligible to be admitted as a free person of the city of Dublin. To be admitted as a free person in Dublin in the late medieval period incorporated a range of economic and legal privileges as well as a number of duties. Citizenship was the route to full participation in urban public life. Without it a person was denied access to certain economic and social resources and lacked any legitimate claim to formal political authority. Generally, women held citizenship by birth or by marriage but did not generally enjoy the full rights and privileges of citizens.[96] A female citizen was entitled to engage in commerce and was answerable only to the municipal courts applying municipal law but she could not elect or be elected to municipal government.[97] As a free citizen a person had the right to trade freely within the liberty or franchises of the town. The newly enfranchised person was entitled to vote in civic and parliamentary elections and (in the case of a man) eligible for election to the corporation. However a free citizen also had a number of duties to perform which included the payment of municipal tolls, levies and taxes, participation in civic musters, watches and assemblies and compliance with a vast range of

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[93] Ruth Mazzo Karras, *Common Women: Prostitution and Sexuality in Medieval England* (New York, 1996), p. 51.
[94] Clark and Refaussé (eds), *Dublin Guilds*, p. 11.
[95] Conlon, 'Women in medieval Dublin' p. 190.
[96] Howell, 'Citizenship and Gender' in Erler and Kowaleski (ed.), *Women and Power*, pp 39-40.
[97] Shahar, *The fourth estate*, pp 175-6.

corporation bye-laws governing almost every aspect of communal life.[98] A person in Dublin, applying for admittance as a free person, had to prove that he or she was not of the Irish race and had to have the assent of twenty-four jurés.[99] Gaelic Irish merchants had their own guild but the relative membership of women in these organisations is unknown.[100]

The Merchant Guild was the oldest and most prestigious of Dublin Guilds.[101] There is some evidence of women trading alone as merchants - whether they are widows or single women is not always obvious. I have chosen to class them as single women unless it is explicitly stated that they were widows. Female merchants sold wine, furs and leased ships in the examples found here. If they were not widows of merchants then they may have been their sisters, daughters or nieces or perhaps had finished an apprenticeship to a merchant and were now trading alone. Female merchants can be found early on in the colony of Ireland and some are described along with their husband, which makes the ones whose marital status is not stated all the more noticeable. For example in the accounts of Stephen de Fulbourne for the year 1275-6 he notes that he paid to *'Alice de Leycestr'* 11 2s for furs. It seems that women's marital status was noted in these Exchequer documents even though it is not completely safe to assume that because no husband (dead or alive) is mentioned that the woman is unmarried, the lack of reference to a marital state (such as in the case of Alice above) may indicate single status. Furs were luxury goods in which the few female merchants mentioned seem to specialise. Another apparently unmarried female merchant was Cristiana la Wyte of Wicklow, who was paid 2l for wine bought from her for the use of Geoffrey de Geneville in 1283.[102] Sometimes women could get into trouble over what they were selling. Alice of Ulster was fined five marks in 1285 for using false measures.[103]

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[98] Lennon and Murray (ed.), *Dublin Franchise Roll,* p. xiii.
[99] *Ibid.*, p. xvi.
[100] Clark and Refaussé (eds), *Dublin Guilds*, p. 24.
[101] *Ibid.*, p. 11.
[102] Philomena Connolly, *Irish Exchequer Payments 1270-1446*, (Dublin, 1998), pp 8, 85.
[103] General Stubbs, 'Inhabitants of Louth in the Thirteenth Century', *J.C.L.A.S.*, 5, no. 3 (1923), p. 191.

Guilds offered religious as well as economic benefits to their members. By the fifteenth century Dublin had as many as eleven religious guilds, which were organised along the same lines as the trade and craft guilds. The main function of a religious guild was to maintain a chantry of one or more priests to sing or chant mass for deceased guild members. The Religious Guild of St. Anne was established in 1430 by letters patent issued by Henry VI. The guild chapel was at St. Anne's chapel in St. Audeon's church. This was a wealthy chapel as six chantry priests were appointed to say masses daily for deceased members at six altars dedicated to various saints.[104] The remaining guild records indicate a large amount of involvement by women who were mainly widows or married women but there are also certain deeds relating to women acting on their own. For example in 1412 Felicia Walsch, who described herself as the sister and heiress of John Walsch, a chaplain, released to John Stafford, a citizen of Dublin, a tenement within the Newgate.[105] The accession of female heirs, such as Felicia Walsch, was possibly more common in towns where wealth was more diversified and family power was not concentrated in a block or blocks of land so that the provision of goods or holdings to women did not affect family holdings quite so badly. For example, the Ordinance of the Common Council of Dublin in 1305 stated that women could inherit lands in Dublin in the absence of male heirs.[106] Many urban families had to deal with the fact of female rather than male heirs and sometimes the female inheritance pattern could be generational within urban areas.

1f: Female inheritance within towns

Generational female inheritance can sometimes be traced through the available urban records. The Blund family of Dundalk, for example, was a family with a high proportion of female heirs but this does not imply that this was a family in crisis due

[104] To support these priests the guild was allowed to purchase land to an annual value of 66l, see Clark and Refaussé (eds), *Dublin Guilds*, pp 32-34.
[105] Henry F. Berry, 'History of the Religious Guild of St. Anne in St. Audeon's church Dublin, 1430-1740', *P.R.I.A.*, 25 C (1904-5), no. 95.
[106] J. T. Gilbert, *Ancient Records of Dublin*, i, (Dublin, 1889), p. 229.

to an abundance of female heirs (as it might have in the countryside). In a series of charters issued in the early fourteenth century the Blund family received firstly a grant from the two unmarried Cornwaleys sisters of their lands in Dundalk, which lands descended to female Blund heirs who, in turn, acquired more land through grants. On May 31st 1316;

'Athelyna Cornwalys and Ysabell Cornwaleys in their maidenhood and lawful power grant to Laurence Blund and his heirs half an acre of land with appurtenences in the New Town of Dundalk.'[107]

Ten years later Laurence Blund made arrangements for his daughter Alice to be placed in seisin of some lands, which he had in pledge from several parties in Dundalk. It is not clear whether or not Alice was his heir. However, he was making separate arrangements for her, for whatever reason. On Feb. 8th 1326

'Laurence Blund appoints William, son of Robert Alger, to be his attorney to put his daughter, Alice, in seisin of 5 acres of land in the tenement of the New Town of Dundalk lying in the field of Balyderuoc...'

Also in that year Annota, another daughter (and possible heir of Laurence Blund) received a grant of land from John Cornewalys to hold for fifteen years. The land referred to here was originally granted to Laurence in a previous charter in 1325.[108] It appears that there may have been another Blund daughter acquiring lands in Dundalk. Another entry in the Dowdall Deeds states that on Dec. 21st 1329

'Nich. Yowyr grants to Agnes, daughter of Laurence Blund an acre of land with appurtenances in the tenement of New town of Dundalk...'.[109]

Although it is not explicitly stated that these women were heirs, it is the information that is apparently left out which may indicate that they were in fact their father's heirs. The fact that no Blund male heir or contemporary was mentioned, even as a witness to these deeds, is notable. So too are the descriptions of the women where no husbands are mentioned. They are described only as the daughters of Laurence

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[107] *Dowdall Deeds*, no. 48.
[108] *Ibid.*, no. 89.
[109] *Ibid.*, no. 100.

Blund.[110] They may have been single women, powerful enough at a local level to engage in the regular transactions of land grants.

Also in Dundalk a series of charters recounts the various financial arrangements of the women of the Carter family. Their involvement in land deals in Dundalk as recorded in the Dowdall Deeds begins in 1309 when Alice Carter and her heirs were granted a half frontage of land with appurtenances in the New Town of Dundalk. Among the witnesses to this grant were several male members of the Blund family.[111] In a small town like Dundalk, families with the required wealth to acquire and sell land were no doubt all well known to each other if not connected through marriage alliances. Several years after this deed, Alice's three daughters begin to appear as landholders in the records but one of them, Eva, started to acquire land with an entrepreneurial zeal. In 1316 Alice granted lands to her daughter Eva and from then until 1346 Eva acquired land through grants from various other inhabitants of Dundalk.[112] By 1346 Eva may have built up a number of holdings (there may be many more deeds now destroyed which recount land deals that she engaged in). She is not referred to in any of the surviving records as the wife of anyone and only once is she described as the daughter of Alice Carter. Eva Carter may be an example of a single woman who never married but who worked and expanded her holdings in Dundalk. The family may have been merchants who needed land for shops or storage around Dundalk. Dundalk furnishes many examples of single women granting and receiving land in the later Middle Ages.

Other women in Dundalk were also active in transferring land. In 1362 Sarina, the daughter of Robert Brok, quitclaimed to John Rathcoul, a burgess of Dundalk, a half messuage and two acres and a half of arable land in the tenement of the New Town of Dundalk, which had belonged to Robert Brok.[113] Women in Louth were also

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[110] Ibid., nos, 91, 93.
[111] *Ibid.*, no. 40.
[112] *Ibid.*, nos 47, 49, 74 and 160.
[113] *Ibid.*, no. 223.

active in the smaller towns. In 1350 Alicia, the daughter of Adam Alfer of Athirde (Ardee) released to Roger, the son of John Gernoun of Molynestoun, his heirs and assigns forever, all her right in a messuage with appurtenances in Arthirde.[114] Over a century later Joan White, described as the daughter and heiress of John, a tailor and former burgess of Termonfeckin, quitclaimed all her right in a messuage and garden in Termonfeckin.[115]

In Dublin in 1316 three sisters, only one of whom was married, acted in concert to grant lands. John le Mercer, Margery his wife along with her sisters Juliana and Agnes de Assheburne, the daughters of Robert de Assheburne, granted to Elias de Assheburne (undoubtedly a relative) of Dublin a tenement containing three mounds in High St.[116] Also in Dublin an heiress granted lands which were left to her by her *'blood relation'*.

'Johanna Shaw blood relation and heir of John Lawles lately called John del Sury grants to Walter Passevaunt senior and quits claim to a messuage and piece of land in Ostmantown of which the said Walter is already tenant'.[117]

In 1332 Tibina and Isabella, the daughters of William Comyn, granted to Peter de Arderne and his heirs 18 pence worth of annual rent in Kilkenny from a messuage. One of Peter Arderne's heirs may have been a daughter named Mariota, because six years after the above grant was made to her father, she can be found making one herself. She appointed an attorney for placing Thomas de Ledred in full seisin of one messuage in the Hospital of St. John of Jerusalem in Ireland in the Irishtown near Kilkenny.[118] In 1317 Matilda and Emma, the daughters and heirs of William Gynur granted to John Dowdall an acre of land with appurtenances in the New Town of Dundalk.[119] In 1474 Margaret Lytyll heiress of Richard Hergard of Swerdys granted

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[114] *Ibid.*, no. 195.
[115] *Ibid.*, no. 470.
[116] *Christ Church Deeds*, no. 545.
[117] Smyly, 'Old Deeds' in *Hermathena*, lxix (1947), no. 103.
[118] *Ormond Deeds i*, nos 646, 800.
[119] *Dowdall Deeds*, no. 50.

an orchard in Francis street to Richard Stanihurst citizen of Dublin.[120] There is no doubt that certain single women played an active role in their town's commercial lives. For example in Dublin in 1461 Juliana Loghlin hired a vacant space from the nuns of Hogges in Suto St near Christ Church. She may have been hiring land here for a commercial purpose, perhaps for a shop or warehouse.[121] In an undated fourteenth century charter from Dublin Agnes, the daughter of Walter Fortesmain, granted to Gilbert Wale and his heirs her lands in the parish of St. Nicholas in Dublin.[122] Agnes appended her seal to the document indicating her status and the recognition of it by others through the medium of her seal. The use of a seal by a single woman such as Agnes is a very real expression of both her and her family's secular power.[123]

1g: Single women and the law

Like any other landholders sometimes single women found it necessary to use the courts. In a case heard in Waterford in 1305 Olivia, described as the daughter of Benedict le Poer, sued John son of Henry for trespass and robbery. However, it was found by the jury that John did not enter Olivia's tenement of Balidermot or her house nor did he take her charters or her goods.[124] Other single women were more successful in their prosecutions. In 1376 Christina Arlonde accused Matthew Sirwood and Isabella, his wife, of unjustly dissesising her of her land, which consisted of one garden with appurtenances. The jury concurred to a certain extent, saying that it was Isabella who had disseised Christina but not Matthew and ordered that she be recompensed by getting her lands back and receiving the sum of 12 pence from her disseisors.[125] Christina had held various lands in Rosponte including those above since 1368. She had been granted lands by Nicholas Coventre and Elena his

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[120] Smyly, 'Old Deeds', *Hermathena,* lxxi (1948), no. 176.
[121] G. T. Stokes, 'Calendar of the Liber Niger Alani', *J.R.S.A.I.,* 23 (1893), no. 33.
[122] Old Dublin Deed (T.C.D., MS 1708/3).
[123] Brigitte Bedos Rezak, 'Women, Seals and Power in Medieval France, 1150-1350' in Erler and Kowaleski (ed.), *Women and Power,* p. 61.
[124] *C. J. R. I. 1305-07,* p., 118.
[125] *Ormond Deeds ii,* no. 213.

wife and then by John Severne, who was noted as a burgess of Rosponte, and Anastacia Boisser his wife.[126] Sometimes single women faced greater dangers than disseisin, however. Single women who lived in areas vulnerable to attack by the native Irish could also be at risk of having their goods and holdings destroyed or stolen. In 1428 an Inquisition held at Clonmel determined that Shane Nagreen Crok and his followers robbed Mary, the daughter of William Haket, of five farm beasts, which were each worth half a mark.[127] The problem for Mary was that the Irish robbers of her animals could evade justice by simply fleeing to Gaelic Irish areas with their booty. Realistically she could not expect to recover her goods or to be paid any compensation for them. The common law in Ireland adapted to this state of affairs through the adoption of a procedure of granting licence to those who had been robbed to treat with felons with a view to getting their chattels back. Women could even be used as intermediaries in these negotiations. In 1305 a jury noted that a woman named Grathagh le Devenys of the O' Tooles, *'is accustomed...at the request of faithful men of peace to go to the...mountains to...search for cattle carried off by her race'*.[128]

If the civilian law and negotiation had little or no effect on marauders then other threats could be used against offenders. Ecclesiastical censure was one such method, which was used. In an undated document, dating from between 1457-71, the Archbishop of Armagh ordered the excommunication of whoever took the valuables, goods and documents, which were stolen from Janet Rowe and which were bequeathed to her by her parents.[129]

Family disputes over land could also force single women to go to court to protect their rights. In Louth in 1291 Alice de Crombe demanded, by a writ of right against Philip de Crombe, one messuage and one carucate of land in Knokilin and three acres of land in Dermother. In Dublin Alice also demanded lands in Palmerstown

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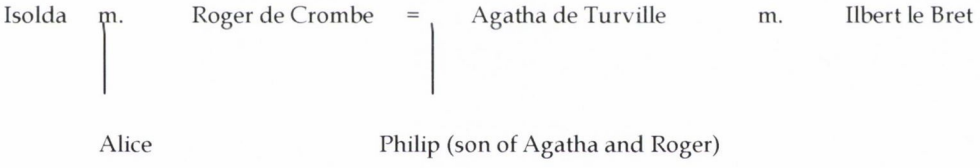
[126] *Ibid.*, nos 136, 141.
[127] *Ormond Deeds iii*, no. 77.
[128] Hand, *English Law*, p. 34 quoting *C. J. R. I. 1305-07*, pp 480-1.
[129] Anthony Lynch, 'A Calendar of the Reassembled Register of John Bole Archbishop of Armagh 1457-71', *Seanchas Ardmhacha*, 15, no. 1 (1992), pp 121-2.

and Selyok of which, she said, her father Roger was seised from the time of Henry III and which she claimed descended to her as his daughter and heir. Philip responded by claiming that he was Roger's son and was seised as of right and he demanded of the court to know whether he ought to answer Alice, as he succeeded his father who died seised. Alice stated that her father never had a son, because Philip was born out of wedlock. Philip said he was legitimate and asked that this be checked. Alice said that her mother was Isolda, the lawful wife of Roger, and Philip was born of one Agatha de Turville, who was married to a man named Ilbert le Bret when she gave birth to Philip who was thus the illegitimate son of Roger de Crombe. Philip therefore was born out of wedlock and she asked that this *'be verified by the country'*. Philip insisted that his parents were married and prayed it be verified. The case was forwarded to the court of the archbishop of Dublin to determine legitimacy.[130]

Fig. 1.2 - Crombe illegitimacy



People's tangled love lives in the middle ages could be the source, as here, of family tensions and legal wrangling. This can also be seen in Cork in 1297 when Joan de Kaerdif complained that Matilda, the widow of William de Kaerdif, detained some of the chattels of William her father, worth 10l and which Joan claimed according to custom. Matilda denied this but the jury disagreed with her and Joan won her case for a third part of her father's chattels.[131] It remains unknown as to whether Matilda was Joan's natural mother or her stepmother but all such cases must have had a very destructive impact on family life.

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[130] *C.D.I. 1284-92*, no. 883.
[131] *C. J.R. I. 1295-1303*, p. 163.

Sometimes these women had to go to court against very powerful enemies. In 1279 Margaret le Blund petitioned the King over the actions of the Archbishop of Cashel against her and her family. She had previously recovered her inheritance against the Archbishop, who had killed her father and imprisoned her mother and grandfather until they died of hunger, because they sought justice for his killing. She also accused the archbishop of killing her six brothers and sisters by reason of neglect. because the archbishop had withheld their inheritance when he killed their father. Margaret complained that she had crossed the Irish sea five times to seek justice from the king. She obtained the king's writ several times but these did her no good due to the extent of the archbishop's influence and bribes. She ended her list of grievances with an appeal to the king's compassion to aid her in attaining her inheritance. She also asked for damages, costs and compensation against the archbishop.[132] The king's response to this impassioned appeal is unknown.

Single women using the courts could be tenacious in pursuit of their claims. They sometimes went against powerful and dangerous opponents to do so and, unfortunately, the outcome of some of these cases remains unknown. However the important point is that according to the laws and traditions of Anglo-Ireland, these women possessed the legal rights, which enabled them to go to court to defend or press their claims. They lived in a world where the state of being single was one that all women experienced until they married and then only a minority continued to live as single women and not marry at all. Such women were unusual and most probably generally lived in poverty in the towns rather than in the countryside. No matter the extent of their penury, however, they lived under a legal system that both allowed for and protected their rights as single women whatever that state involved being a landholder, an heiress or a labourer. This state of affairs is contrasted by an examination of the lives of single women in Gaelic Ireland.

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[132] Charles McNeill (ed.), Harris' Collectanea de Rebus Hibernicis', *Anal. Hib.*, no. 6 (1934), pp 313-14.

2: GAELIC SINGLE WOMEN

In Gaelic Ireland the position for single women is less clear.[133] The Old Irish law tracts concerning women date from a much earlier period than that dealt with here and their immutability over centuries would seem to argue against their value as reference material in this later period. Yet when interpreted in the light of other available records from the period, such as those from the ecclesiastical courts, the English and Anglo-Irish administrations and records from Gaelic society including annals and bardic poetry, the Old Irish law codes and the later commentaries on them regarding women can be more clearly assessed and analysed in terms of the roles and function of women within later medieval Irish society.[134] The early Irish law tracts address the question of a female heir. The Gaelic Irish law relating to women and property was that a woman could only inherit from her father if there were no male heirs and in that case she could hold only a life-interest in land belonging to her own family or land settled on her by her husband. She had an obligation to provide military service from all the land she inherited or she could hold half the land without an obligation to provide military service. She was known as a banchomarba, a female heir.[135]

However she could not alienate such holdings without the permission of the head of the family and she could not normally transmit it to her heirs but this may have been somewhat eroded by the later middle ages.[136] Grants such as the one made by Muroch Innin Ohardegan in 1300 to the Hospital of St. John the Baptist of one messuage and ½ part in the *'villa de Thulach'* indicates a grant from a Gaelic Irishwoman who may have been a single woman.[137] She was, however, dealing with

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[133] The pre-Norman legal position of Irishwomen is explored in depth in several articles in R. Thurneysen, N. Power, M. Dillon, K. Mulchrone, D. A. Binchy, A Knoch and J. Ryan, *Studies in Early Irish Law* (Dublin, 1936).

[134] Katharine Simms, 'The legal position of Irishwomen in the later Middle Ages' *Irish Jurist, new series,* 10 (1975), p. 96.

[135] Myles Dillon, 'The relationship of mother and son, of father and daughter, and the law of inheritance with regard to women' in Thurneyesen *et al, Studies*, pp 133-134.

[136] Simms in 'Legal position of Irishwomen'explains the subtleties of such laws, pp 96-111.

[137] E. St. John Brooks (ed.), *Register of the Hospital of St. John the Baptist* (Dublin, 1936), no. 398.

an Anglo-Irish institution and probably lived in a settled area and so was subject to the laws of that area as the legal system refined by the Anglo-Irish did not allow for any importation of Gaelic law.[138]

The idea of a single woman, as the Anglo-Irish would have understood the term, was unknown in Gaelic Ireland. Under Gaelic law women were always, to differing extents, under the authority of a particular man or men. As an unmarried single woman, she was under the authority of her father, as a married woman she was under the authority of her husband and as a widow, she was under the authority of her sons (if she had any) or her own kin once again.[139] If there were male heirs then she was entitled either only to *lanna, ranna* and *bregdha* or to a share of the movables but not of the paternal land.[140] As regarding inheritance from her mother, a daughter could inherit a life-interest of hereditary land from her mother, if there were no sons to succeed. This would then revert to her mother's family after her death. A woman could also inherit a type of land holding known as 'land of hand and thigh'. This was land granted to a daughter by her father or mother, which could then be inherited by her lawful heirs. It was thought to have been approximately the same as the *Morgengabe* land settled on a bride by the husband after the first wedding night. If her heirs were daughters and not sons, then they could inherit if they undertook to provide military service in time of war, or in half the land without such an undertaking. The daughters could inherit all of such land for the usual limited life-interest, but if a woman's sons were her heirs, then they had to share her inheritance with members of her own family (fine). Thus, as Myles Dillon has pointed out, daughters inherited more easily from their mother than their father. [141]

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[138] Paul Brand, *The Making of the Common Law*, (London, 1992), p 450.
[139] Donncha Ó Corráin, 'Women in early Irish society' in Margaret MacCurtain and Donncha Ó' Corráin (eds), *Women in Irish Society: The Historical Dimension* (Baldoyle, reprint 1979), p. 1.
[140] Dillon, 'The relationship of mother and son' in *Studies*, pp 133-134; the definition of lanna, ranna and bregdha as 'gold' or perhaps 'griddle', ranna as possibly 'of silver' and bregdha as 'the speckled cloth' are cited in the same article on pp 169, 171, note 3.
[141] *Ibid.*, p. 175.

No doubt there were certain women in Gaelic Ireland who did not get married for reasons which may have been due to physical and/or mental deficiencies and these continued to be members of their own families. There are some few references to women making a living for themselves, a practice which appears to have met with disapproval. For example, bardic poetry of the thirteenth and fourteenth centuries contains derogatory references to women fortune-tellers, and to women balladeers, who composed verses in praise of the Irish nobility in return for food and lodging. The early sixteenth century Scottish Book of the Dean of Lismore contains a poem of '*hates*', in which '*a poet-band that includes a woman*' is considered detestable.[142] These women may not always have been single but if they were married then their husbands probably pursued the same paths or, alternatively, such women may have found it very difficult to find a husband because of their lifestyle. Such Gaelic women must have lived their lives on the margins of their society, pursuing ways of earning a living, which other people found distasteful or unsuitable for women. In that respect they were quite similar to many of their Anglo-Irish counterparts. Despite the difficulties, which such women may have experienced, there are references in earlier Irish laws to women who possessed certain skills which they could use to earn a living. A female wright was worthy of mention in an early tract as was the woman-physician.[143]

However, the idea of a woman interacting with her community on a social and commercial level on the same scale as happened in Anglo-Irish areas was not possible in Gaelic ones, where at all stages of a woman's life her kin was closely involved. Gaelic Ireland also did not possess the type of urban environments, which were so attractive to single women of western Europe. Gaelic Irish single women, poor or wealthy, did not possess either the opportunities (such as they were) or the legal protection, which were available to their Anglo-Irish counterparts. The emphasis, then, in this study is on Gaelic women living within areas of Anglo-Irish

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[142] Katharine Simms, 'Women in Gaelic Society during the Age of Transition' in MacCurtain and O' Dowd (eds), *Women in Early Modern Ireland*, p. 33.
[143] Fergus Kelly, *A guide to early Irish law* (Dublin, 1988), p. 77.

influence, as that is where they are generally found in the available records but, because of the nature of the colony, these women lived under English law and not Irish, although perhaps sometimes in actuality their lives were directed by an amalgamation of the two traditions.[144]

3: EDUCATION: ANGLO-IRISH AND GAELIC WOMEN

The fact that single women can be found in late medieval Ireland conducting business and engaging in land transactions indicates that a certain percentage of them received some form of education, however basic. However, the education of girls in late medieval Ireland is hardly addressed at all in existing sources. Apart from references such as that contained in the sixteenth century will of Richard FitzWilliam, the evidence for female education in Ireland is very scarce. The will of Richard FitzWilliam, made in 1529 demonstrated a concern on the part of the father to prepare his female children for adult life. To do this he sought to provide adequately for the girls' dowries and education. Each one of his daughters was to get two hundred marks while his unmarried sisters (and brothers) were each to get eighty marks. Until they were married each of his daughters was to receive eight marks yearly for meat, drink and clothing. He also had illegitimate daughters and these were also provided for. Each of his 'base' daughters was to receive 40s yearly to keep her in school and upon marriage they were to receive twenty marks.[145] The tutelage of his children he assigned to Patrick Finglas and Thomas Bathe. The mention of education for his children in Richard FitzWilliam's will is a rare occurrence and little is known about female education in late medieval and early modern Ireland. From European sources it appears that many mothers acted as their children's first teachers within the home. This was an obligation on mothers who were often responsible for the first steps into education their children took.[146]

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[144] Hand, *English Law*, p. 215.
[145] *Calendar of Ancient Deeds and Muniments preserved in the Pembroke Estate Office* (Dublin, 1891), no. 215.
[146] Silvana Vecchio, 'The Good Wife' in Klapisch-Zuber (ed.), *A History of Women ii*, p. 125.

In the Anglo-Irish and English areas of the country the daughters of the wealthy would have received an education in line with their contemporaries in England. This may have meant being taught in their own homes or those of other wealthy families or they may have been sent to stay in a convent where the nuns would provide schooling.[147] Local support for such centres of education was sometimes provided. In the early fourteenth century one of the services which a group of early fourteenth century Cork men petitioned for was a local house of nuns where *'the knights and other free men might have their daughters brought up and maintained'*, as there was no other convent in the area. In 1367 the convent of Lismullen housed five girls training to be nuns and they may have also educated girls not destined for the cloister. In the sixteenth century Grace Dieu was one of six monastic houses, which were commended to Cromwell by the lord deputy, and council of Ireland to be spared because of their record in educating the men, women and children *'of the English'*.[148]

Upper class medieval women often owned and were extremely interested in books. These were generally in the vernacular, as girls outside the religious orders were deliberately not taught Latin, which was the language of power in the middle ages.[149] Evidence suggests that across Europe the number of laywomen book readers increased substantially by the fourteenth century and had multiplied dramatically by the fifteenth. Women were increasingly buying books, despite their being still expensive. By the early fourteenth century the Countess of Ulster possessed several books mainly of a devotional nature, which she had with her in Ireland. These are listed in a letter sent to her by her chaplain in 1334. She possessed a small psalter and another little book of seven psalms. She also had books of romances and surgery and various pamphlets. Her book collection was a mixture of romance and

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[147] Nunneries could provide schooling for boys and girls; see Shahar, *The fourth estate*, p. 45.
[148] Dianne Hall, *Women and the Church in Medieval Ireland c. 1140-1540* (Dublin, 2003), p. 175.
[149] An analysis of the role books and education played in women's lives is in Susan Groag Bell, 'Medieval Woman Book Owners: Arbiters of Lay Piety and Ambassadors of Culture' in Erler and Kowaleski (ed.), *Women and Power*, p. 149-187.

practicality with religion.[150] These books would have been available to her young daughters, the heiresses to the earldom of Ulster.

As the middle ages wore on it became increasingly necessary for both men and women to possess the relevant skills of reading and writing, especially in terms of business and legal matters. In a great city such as London it has been noted that at the beginning of the fifteenth century there was a rising demand for the education of boys and girls. This may have been due in part to the amount of billposting done there, as London was the seat of royal government and court and there was a need to be able to read.[151] In Dublin and other cities of Ireland there was also a need to acquire the basic principles of education, particularly for anyone pursuing a mercantile career. Women merchants had to have a decent standard of education especially if they dealt in large amounts of money and their education may have been provided for them as girls either in the home or in schools in the city.[152] In Ireland a mention occurs during a later, matrimonial case of parents arranging a marriage for their children while they were at school. As Art Cosgrove has pointed out, this indicates that a form of elementary education was available to girls.[153]

A practical education for many young and unmarried women consisted of being taken on as an apprentice. The Dublin City Franchise Roll for the years 1468-1512 lists women who were trained as apprentices and admitted as free citizens of Dublin.[154] The great advantage to becoming a free citizen was the advantageous position that free persons occupied in all the commercial transactions involving 'foreigners' and natives in Dublin. If this privilege was abused it could lead to

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[150] *Dowdall Deeds*, no. 119.

[151] Caroline M. Barron 'The expansion of education in fifteenth century London' in John Blair and Brian Golding (ed.), *The Cloister And The World Essays In Medieval History In Honour Of Barbara Harvey* (Oxford, 1996), pp 222-3.

[152] Opitz, 'Life in the Late Middle Ages' in Klapisch-Zuber (ed.), *A History of Women II*, p. 297.

[153] Art Cosgrove, 'Marriage in medieval Ireland' in Cosgrove (ed.), *Marriage in Ireland* (Dublin, 1985), p. 44.

[154] For the following information on the Franchise Roll see Lennon and Murray (ed.), *Franchise Roll*, pp xvii, xxiii, xxiv, 1, 17.

deprivation of free citizenship and large fines. Entry into citizenship was through a number of channels. One could become a free man or woman through service or upon the completion of an apprenticeship, by special grace and/or payment of a fine, through paternity, by marriage to a free man or woman and at the request of the mayor, the bailiffs, the treasurer or the recorder. Of the total numbers of people admitted during that period only 18% of all of the entrants in the period covered by the roll were women. Of that 18% almost 60% of the women listed were selected by special grace or at the instance of one of the chief magistrates, but only 27% of those admitted as members came to it through apprenticeship (by comparison with 44% of free men). Three daughters of the city clerk, Peter Bartholomew for example, named Isabel, Anne and Jenet were admitted based on their father's freedom as were three of his sons. Of the 46 women who became free on completion of apprenticeships to specified trades, the majority were in the service of merchants (27) the rest being associated with a wide variety of trades including armourer, butcher, corviser, painter, yeoman and vintner, Isabel Nangle was admitted in 1468 as an apprentice of Thomas Palmer, a vintner. On the 25th April 1483 Alice Englis an apprentice of Richard Nangle clerk, was admitted. As apprentice to a clerk, Alice would have learned to read and write with some skill. Her surname may also indicate where she was from as many of the merchants in Dublin (and likely many other members of trades) were originally of English origin.[155]

Twenty-five women were admitted as apprentices to freemen and freewomen whose trades were unspecified. In the case of the five freewomen in whose service women were recorded as being engaged, viz. Rose Fouler, Agnes Wodbone, Rose Downe, Anne Barbi and Joan White (a widow), no trades or crafts are mentioned and in the instance of only one female entrant, Anne Prendergast, is qualification in a craft specially mentioned, that of seamstress. Forty women or 15% of the total of women entrants were enfranchised because they were the daughters of existing freemen (and

[155] Patricia Becker, 'An Analysis of the Dublin Guild Merchant Roll c. 1190-1265' (M.Phil, University of Dublin, 1995), p. 23.

in one case a married couple of free citizens). The application to have free status bestowed on a single woman may have been intended in some quarters to improve her marriage prospects if not to enhance her financial capabilities and her freedom to trade. To have free status as part of a dowry was attractive and many of the women admitted by special grace shared the same surname as the officer who organised their admission.[156] The incidence of women entering into the franchises through marriage was minimal, only two became free through marriage to freemen (while sixty two became free through marriage to freewomen). The majority of women were admitted through nomination. There is very little evidence in this document of enfranchised women using their status within the borough to participate in the freedom to engage in commerce, which it bestowed. It seems rather to have bestowed on them the freedom to acquire a good marriage and a living for their husbands.

However, Ireland had two very diverse traditions of learning and education, the Anglo-Irish and the Gaelic, and women were definitively barred from the Gaelic tradition. The Gaelic schools of poets, historians, judges and physicians, had no place for female pupils. The places where women could go to learn, the nunneries of Ireland, produced no great figures of female learning. The spread of learning, especially in Gaelic areas, was more pronounced in the early modern period than it appears to have been during the period examined here.[157] However, as referred to earlier some Gaelic women do appear to have attained an education of sorts as bards even though their male counterparts referred it to in a derogatory manner. Apart from professional female bards, women members of the bardic families may have learned to read and write, but their skills were not utilised as their brothers and fathers' were.

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[156]Lennon and Murray, *Franchise Roll,* p. xxiv.

[157] For the following on Gaelic women, see Simms, 'Women in Gaelic Society' in MacCurtain and O' Dowd (eds), *Women in Early Modern Ireland,* especially pp 34-5.

4: CRIME: ANGLO-IRISH AND GAELIC WOMEN

Single women were affected by criminal activity, both as participants and as victims. Their criminal activity was usually of a fairly minor nature, which involved mainly petty crime. Single women were also vulnerable to many types of crime but particularly theft and sexual assault, which are the types of crime against them that appear most often in the surviving records.

4a: Single women as victims of crime

Many women were powerless to act against crimes committed against them when they were single, being either too poor or not influential enough to remedy perceived abuses of their rights. Single women who married could later act against their aggressors through the person of their husband. This can be seen in a case from 1480 in which Sir Robert Dowdall, the chief justice of the King's Bench, heard a plea concerning two of his servants, Simon Walsh, a skinner, and Alice, his wife, on a plea of trespass against James Beggs. Simon and Alice alleged that some ten years before James entered on land owned by Alice and ploughed up thirty acres of it for the next nine years. Alice then married and he stopped. The plaintiffs were awarded compensation and James was fined for his use of force.[158]

Ploughing and reaping rights and the enforcement of them could cause a lot of trouble for single women. In Louth in 1310 John Miagh was charged with having stolen oats from Matilda Payn. She alleged that between them they held two parts of an acre of land sown with oats, which by previous agreement between them should be equally divided between them when it came to reaping. After the reaping John took the whole crop himself to Matilda's loss. The jurors did not concur fully with Matilda's version of events and stated that John did not take all the oats but only a little extra.[159] Some women stole crops for themselves. In 1298 John Aylward and Nicholas de Stafford were charged with having taken from Margery de Strabo half a

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[158] *Christ Church Deeds*, no. 1029.
[159] *C. J. R. I. 1308-14*, p. 169.

crannoc of wheat, which she had stolen from Philip Cachepol, sold it to Walter de Rys for 3s, kept the money and let Margery go. Margery the thief was, in her turn, stolen from. The Aylwards were again involved in a dispute with a female tenant of theirs in 1378 when Margery Venne, a sub-tenant in Ballytruckle, was previously disseised once but was reinstated on appeal. She was again ejected but she appealed to the king who told the Sheriff of Waterford to take charge and watch over the premises.[160]

Many of the crimes against single women, which were recorded during this period are crimes committed against their persons. These could be the result of impulsive action or premeditation. The case of Matilda, the daughter of Thomas Mebrey of Kildare, perhaps belongs to the former as Cecilia, the daughter of Thomas Rauf, allegedly scalded her to death in 1311.[161] Many of the cases prosecuted in the courts involved the sexual and physical assault of women by men. In 1313 in Limerick an alleged serial abuser of women appeared before the courts. John Lylle was accused of ravishing Clarice Fonteyn against her will, of the rape of Isolda Leynagh and of the murder of Margery Crane.[162] He was found not guilty. In 1306 in a case heard in Louth Agnes Scor accused Richard Hamas of raping her. It was found by the jury that Richard did not rape Agnes as she complained but that he beat and ill-treated her because she alleged that he raped her. Richard was sent to gaol.[163]

In a distasteful case from Dublin in 1310, Richard Tyrel of Castleknock was charged with abducting and raping Eva, the daughter of William de Londoun, who was *'a tender maiden of eleven years at that time'*. He did not deny the charge and he was imprisoned at the request of Richard de Burgo, earl of Ulster and John his son. Richard was allowed to make fine with the king and paid 100 marks as compensation to Eva for the rape. After this Richard appears to have arranged for her to be

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[160] Julian C. Walton, 'The Family of Aylward II', *Ir. Gen.*, 4, no. 4 (1971), p. 260.
[161] *C. J. R. I. 1308-14*, p. 223.
[162] *Ibid.*, p. 268.
[163] *C. J. R. I. 1305-07*, p. 181.

married to a boy named Thomas Skybras, who was under age, and he then made a further financial settlement with Eva, who was said to be content with the arrangement. Richard was then pardoned.[164] Women and girls were at risk of attack whether at home or going about their daily work. In Meath in 1313 John Simyan was charged with abducting and raping Nichola de Rochford. He was allowed to make a fine at the instance of Walter de Lacy, knight. He was also allowed to make a fine of 40s for waylaying Joanna Petite on the highway near the bridge of Kells and for abusing her. Also in that year but this time in Tipperary five men were charged with forcibly waylaying Alice Walour on the highway between the towns of Artmayl and Cassell and forcing her to go to Maurice de Bathe, who raped her. They were admitted to make a fine of 40l.[165] Research in English cases of rape and abduction has shown that rapes often took place far from a domestic setting, such as the various highways in which the assaults listed above took place.[166] However, single women were also at risk in their homes. In Limerick in 1306 various men were charged with going to the house of the archdeacon of Limerick, ravishing his daughter Matilda and carrying her off for eight days against her will. They fled before they could be apprehended.[167]

Rape could also have wider political repercussions. It is reputed that part of the reason that the de Verduns, Clintons and Gernons rose in rebellion against Sir John de Bermingham, the earl of Louth, at Braganstown and killed him and many of his followers was because a de Verdun maiden had been taken against her will by the earl of Ulster. John de Bermingham had married Catherine a daughter of Richard, the Red earl of Ulster, who died in 1326. The abductor was presumably William, the Brown Earl, the brother in law of de Bermingham.[168] The story concerning the de

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[164] *C. J. R. I. 1308-14*, pp 154 - 5.
[165] *Ibid,*, pp 276, 302.
[166]Kim M. Philips, 'Written on the Body: Reading Rape from the Twelfth to Fifteenth Centuries' in Menuge (ed.), *Medieval Women and the Law*, p. 134.
[167] *C. J. R. I. 1305-07*, pp 505-6.
[168] Margaret R. G. Shepherd, *The Illustrious de Verduns: An Historical Biography*, vol. 2 (2 vols, published privately and no publication date given, copy kept in Co. Louth Library, Dundalk, Co. Louth), p. 72; John Lodge, *The Peerage of Ireland*, 3 (Dublin, 1789), pp 30-54.

Verdun abduction may be apocryphal but it illustrates how seriously the wider community could take a complaint of rape, or how it could be used to further political schemes, especially if the girl's family was wealthy and important.

4b: Single women as perpetrators of crime

Single girls and women were not just the victims of crime; they could also be the perpetrators of criminal acts. Sometimes they were inheriting a family tradition, as in 1295, when Richard Lenfaunt and his two daughters were charged with burglary but were found not guilty.[169] Most female criminals appear to have been thieves on a very minor scale. In a case from Cork in 1311 Matilda le Waleys was charged with stealing hens from a house she was staying in. The court heard that while the house slept she stole some cloth and a woman's red hood and cloak. However she was caught in the act and fled with only the hood and cloak and hid between two houses. The women of the house ran after her and found her and promptly delivered her to the sheriff. Matilda infringed the rules of hospitality as well as the civil law but Agatha, the daughter of William of Meath, was charged with stealing out of a chest belonging to her father, which was in the church of Moon. She was alleged to have taken some silver and other goods. However, she was allowed to make a fine, as was her father who was charged with receiving her. Agatha may therefore have been acting on her father's instructions in this instance.

A common activity for female criminals was the theft of personal possessions, items that could easily be carried away and hidden. Purse cutting was one such activity, which was carried out by Eva de la More who, in 1310, was pardoned for cutting purses in Kildare. [170] Some single women took a more sophisticated approach to crime. In 1469 the case of Joan Altowun of Ardee prompted the Archbishop of Armagh to complain to the king. Joan was accused by Walter Coke of forging charters in violation of the constitutions of the church of Armagh. In order to escape

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[169] *C. J. R. I. 1295-1303*, p. 3.
[170] *C. J. R. I. 1308-14*, pp 196, 158, 159.

the prescribed punishment she obtained a royal writ of prohibition, which she produced in the archbishop's court. The archbishop complained of this, saying that the case fell clearly within ecclesiastical jurisdiction.[171] Joan was clearly well trained enough in order to be able to forge documents, but was adept at putting this education to a criminal use.

Some women were involved in the theft of livestock, which could be a risky business. In 1299 when Roger Tany appeared against Matilda, the daughter of Geoffrey Le Bret, accusing her, with Walter, the son of Matthew le Poer, of taking Roger's cattle in Tipperary and then driving them to Waterford. Matilda did not turn up nor could she be found to answer.[172] In Waterford in 1311 Eva Giffard, who was described as the mistress of Adam Crompe, was charged with stealing sheep, cows and hens. She was also charged with tearing wool off the sheep without shears. For these acts she was allowed to make a fine.[173] Cattle were the currency of Gaelic Ireland and cattle-stealing incidents may indicate a level of Gaelicisation of both the people and the areas where these incidents took place. A number of seemingly single Gaelic Irish women appear as criminals in the judicial records. One of these was Alice ynyn yDymsy [O' Dempsey] who, in 1295, was charged with burning the cattle shed of Reymond Beket. She was subsequently found guilty and hung.[174] At Clonmel also in 1295 Cristiana Obrey [O' Brien] and Adam her son were both charged with larceny and were sentenced to be hung. However, Adam was found to be under age and so his sentence was remitted.

In Kildare in 1302 Isabella Cadel and Fynewell Seyvyn (an Englishwoman and her Irish servant) were suspected of consorting with and coming from felons (Irish) in the mountains. Isabella stated that she lived with Dermot Odymsi [O' Dempsey] at whose command, taking with her Fynewell her maid, she went to the mountains.

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171 Lynch, 'Calendar of Reg. Bole', p. 169.
172 *C. J. R. I. 1295-1303*, p. 264.
173 *C. J. R. I. 1308-14*, p. 180.
174 *C. J. R. I. 1295-1303*, p. 34.

She was seemingly engaged in an intimate relationship with Dermot, which the authorities hoped to end by arresting her. The Justiciar, based on the service of her dead father William and on the insistence of Geoffrey le Bret and other magnates, pardoned the two women but their chattels were forfeit.[175] The women were suspected of being spies for the Irish. Dermot O' Dempsey was the middle-ranking Irish lord of Clann Máel Ugra in modern county Laois while Isabella was the daughter of William Cadel a former seneschal of the liberties of Kildare and Carlow.[176]

There are a number of other instances where apparent single women were accused of acting as spies. These women may have been perceived as having more freedom and thus of possessing more of an opportunity to get involved in intrigue than, say, married women. In Cork, in 1313, Gillice Odufgyn was charged with receiving Gylyn the kinswoman of Nyvyn son of Byhgne who was accused of being an Irish spy and an intriguer between the Irish and English. Gillice was found not guilty. Also in that year but this time in Limerick Alice Oketyf [O' Keeffe?] was found guilty of being a '*common spy of felons and thieves*' and of aiding them in their robberies. She was sentenced to hang for her crimes.[177] However, the majority of incidents recorded regarding female criminals are of women of English descent as these lived in the areas in which the King's writ ran. A large swathe of Gaelic Ireland was untouched by the King's justice.

Within the colonised areas some women were in trouble with the law over their defamatory words and not their criminal actions. In 1440 Juliana Logan was accused by John Bardan, a goldsmith, and John, his brother, of Drogheda, of defaming them. She had accused them of counterfeiting money and of stealing her hens. Such accusations could be very damaging to business in tight-knit medieval communities.

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[175] *Ibid.*, p. 368.
[176] Sean Duffy, 'The Problem of Degeneracy' in James Lydon (ed.), *Law and Disorder in Thirteenth Century Ireland: The Parliament of 1297* (Dublin, 1997), pp 96-7.
[177] *C. J. R. I. 1308-14*, nos 294, 303.

It was reported that *'in the town of Drogheda and in the neighbouring areas public report and repute were busy'*.[178] Existing references to cases of slander and defamation seem to point to a possibility that a large part of them were directed not by single women but against them. Neighbours observed and gossiped and there may have been a perception that some single women, at the heart of female networks of friendship and influence, had more access to gossip than other members of that society. Such gossip was often directed by women against women and could easily develop into court cases.[179] In 1518 in Drogheda Margaret Duff was sued by Margaret Netterville for stating that the latter was a *'meretrix sacerdotis'*. Margaret Netterville was represented by her husband John Dowdall. The next year also in Drogheda Margery Tyrell sued Isabella Ugan for libel - that the latter had stated that Margery was the *'meretrix domini Radulphi Brainok'*.[180] The women at the centre of the accusations did not want to be publicly defamed as fornicators, which would mark them as behaving outside the accepted norms of their society. Not all female led gossip concerned other people's sexual habits, however. In Kilkenny in 1448 Joan Whyte, characterised as *'having a most vile tongue'*, verbally abused John Knareburgh and Margaret Freyng his wife with their sons and daughters to such an extent that she was arrested and put in the tholsell. The Sovereign interrogated her and Joan did not deny that she had said *'outrageous, rough and sharp words to them'*. Joan was pardoned on condition that she paid the Sovereign and John 20s to the use of the town of Kilkenny.[181]

The examples of the women above portray the more usual face of female crime in the middle ages, petty theft, fraud and defamation of character. However, some single women appear to have been involved in more violent crime. In 1459 John Burton claimed that William McLeyney Botiller, Richard Botiller, son of William, and Joan Burdon disseised him *'with force and arms'* of one messuage and sixty acres in

[178] W. G. H. Quigley and E. F. D. Roberts (ed.), *Registrum Iohannes Mey Archbishop of Armagh 1443-56* (Belfast, 1972), no. 41.
[179] Karras, *Common Women*, p. 23.
[180] L. P. Murray, 'Continuation of Archbishop Cromer's Register', *J.C.L.A.S.*, 8 no.1 (1933), nos 27, 48.
[181] Otway-Ruthven (ed.), *Liber Primus*, p. 64.

Tipperary. The three defendants were ordered to appear to answer for this and that if they did not come John was to be automatically granted the land.[182] The similarity between the surnames of John Burton and Joan Burdon possibly indicates that they shared the same surname and that these people were related. Such cases where women were involved in acts of violence are rare. For many of these women, the pursuit of a criminal life was not one made by choice. Some women had to steal to survive, some were accused of being a criminal merely by falling in love with an Irishman and some may have been born into criminal families. For all the crimes they committed, however, the one place in which they could hope to find forgiveness was the church, an institution that played a large part in the lives of single women as, indeed, it did in the lives of all women during the middle ages.

5: THE CHURCH: ANGLO-IRISH AND GAELIC WOMEN

5a: Wills

As part of a general desire for spiritual aid and as an outlet for personal religious fervour, many single women donated lands and goods to the church, which barely recognised their existence at all or if it did was worried about the effect that large numbers of single women (especially young ones) would have on public order and morals.[183] Despite its misgivings about their existence, however, the Church did take the important step of protecting single womens' right to make a final testament and some women, who were able, took advantage of this. Single womens' wills are rare in the existing Irish records but there are some surviving examples. In 1410, for example, when Joanna White made her will she was only seventeen years of age, yet she possessed enough property to require the making of a will and the proper disposal of her assets. Her property consisted of two tenements, which she bequeathed to her mother, after whose death they were to go to her sister and, after her death, one of the tenements, which was known as the House of the Faithful, was

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[182] H. F. Berry (ed.), *Statute rolls of the parliament of Ireland of Henry VI* (Dublin, 1910), no. 623.

[183] The worries expressed and demonstrated regarding single women in a major urban centre are documented by Sharon Farmer, "It Is Not Good That [Wo]man Should Be Alone" Elite Responses to Single women in High Medieval Paris' in Bennett and Froide (ed.), *Single women*, pp 82-105

to be sold and its price distributed for the benefit of her and her father's souls.[184] Joanna does not mention a husband, alive or dead. In the will of Margaret Obern (O' Byrne?) made in Dublin in 1477 there is no mention either of a husband or children but there are a large number of religious bequests, such as the 12d she left towards repairing the church of St. Kevin.[185] If she was a Gaelic Irish single woman then either she or her family must have been granted English law for them to prosper in Dublin and to believe that the terms of her will would be carried out.

Another possible single woman who made a will was Joan, the daughter of William Douce, who died in 1381 and in her inventory she held a large amount of assets mainly consisting of shops and houses all over Dublin. Amongst her holdings were a messuage and two shops in St. Audeon's parish worth 40l., two shops worth 10l with a messuage and with two cellars beneath those shops, which were worth 50 marks. Another shop with a garden, worth 4 marks, was hers as were four other shops and a garden in Francis St worth 10 marks. She also possessed a stone house and messuage and two selds in Thomas Street which she wished William Decer to have forever. He was also to have a stone house with a garden and solar and a solar with a cellar beneath and three selds with a porch and solar. In her will Joan also made various religious bequests to churches and chapels, for example she left 2s to the four scholars in St. Audeon's church[186], but she was also active in her secular charity. For example she was particularly concerned with distributing alms to the sick and the prisoners of Dublin. She donated 20s towards the feeding of the sick of St. John within the New Gate. To the upkeep of prisoners in the castle she gave 40d, for prisoners in the town prison she gave 18d and for prisoners in the Tholsel she donated 12d. She also left one mark towards a civic aid, that of '*making the bridge of Rathfarnham*'. One sick person whose poverty must have struck her was particularly singled out - she left 12d to '*the cripple who lies opposite Nicholas Seriaunt's inn*'. Finally, John Key, her servant, received half a mark. Joan's bequests display the

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[184] *Ormond Deeds ii*, no. 442.
[185] Berry (ed.), *Reg. Wills*, pp 104-5.
[186] Myles V. Ronan, 'Religious customs of medieval Dublin guilds', *I.E.R.*, 26 (1925), p. 371.

usual concerns of medieval female piety, those of hospitality, devoutness and charity. Her charitable bequests are also practical attempts to alleviate some of the ills visible around the areas in which they lived or did business in. She also specifically mentions two women, Alice Gadby and Good Wife Waterfeld and her children.[187] These may have been friends of hers; like other single women Joan may have built and maintained lasting networks of female friends throughout her life.

5b: Land transactions

One reason that might lie behind female donations to the church, particularly that of single woman, was that these women might have been alienating their property or the income from property in return for subsidised accommodation or care in their old age or infirmity. Women on their own could purchase a pension for their future in the form of a corrody from a church institution such as the Hospital at Kilmainham. The corrody system was hierarchical with treatment based on the level of service or financial recompense offered. A corrody usually consisted of a commitment to provide board and lodging and a robe and hose, all depending on what the individual's contribution to the order was.[188] In the Register of the Hospital there are only fourteen entries, which refer to women, and these mainly concern the wives of those who are servants or corrodians of the house.[189] However there are some charters, which refer to what may have been single women seeking a beneficial arrangement with the Hospital. For example Alice la Reve and her daughter Matilda, who appears to have been single, were granted maintenance for life in the form of one white loaf and one brown, two flagons of the better beer per day and a daily dish from the kitchen.[190] Judging by her name Alice may have been related to a reeve of the Hospital. It is unclear whether or not Matilda was a young child or adult. In another example of a corrody arrangement, in 1283 Scholastica, daughter of

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[187] Berry, 'Guild of St. Anne', no. 20.

[188] Eithne Massey, *Prior Roger Outlaw of Kilmainham,* Maynooth Studies in Local Irish History: 30 (Oregon, 2000), p. 13.

[189] *Ibid.,* pp 16-17.

[190] A Translation of the Kilmainham Register for Charles Halliday (R.I.A. MS 12B1, p. 147); Charles McNeill (ed.), *Registrum de Kilmainham 1326-29* (Dublin, 1932), pp 90-1.

Vincent Coupun, granted to Christ Church Cathedral land and a house in Nicholas Street Dublin. In return the priory of the cathedral granted her and her maid food and drink from the priory cellars as well as accommodation in the house for life.[191]

Not all of these women may have been cared for within the Hospital; they may have been given preference in subsidised leases of hospital property.[192] The Hospital at Kilmainham would appear to have had single female tenants on its lands as the confirmation of Joan, the daughter of Adam FitzPhilip, in a messuage with appurtenances shows.[193] In 1339 a grant issued from the House in Any, was made to several people including a woman named Katherine de Chaumbre of all the messuages and curtilages which they then held in the vill of Any and all liberties which they have held for the past twenty years. The Register also contains an example of a joint grant made to a brother and sister. Robert, son of Hugh le Serjaunt, and Juliana the daughter of Hugh were assigned a tenement with a garden, which had belonged to Hugh in Any. Within the terms of the grant whichever of them survived the other would inherit the tenement with the garden. It was ultimately entailed to the heirs of Robert, however.[194] There is also evidence of Gaelic Irish tenantry on their lands although it is impossible to ascertain accurately the particular woman's marital status. Unlike Anglo-Irish women, it was not unusual for Gaelic Irish women to be accorded the epithet 'daughter of' in their name, even as married women. For example in 1338 Nesta Inyndomille (possible meaning the daughter of O' Donnell), a tenant at Ardart, on the lands of the House at Any, '*on account of her good deserts towards the said Hospital and ourselves*' was granted a half a mark of silver for her obit, '*so that nothing further may be exacted from the said Nesta or from her goods in the name of her obit aforesaid from the tenement by them or by successors or anyone in their name*'.

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[191] *Christ Church Deeds*, nos, 133, 134.
[192] Hall, *Women and the Church*, pp 55-56.
[193] McNeill, *Registrum de Kilmainham*, pp 112-3.
[194] *Kilmainham Register* (R.I.A. MS 12B1, pp 53, 200-202).

Apart from donations to Kilmainham, women donated lands and other rights to all kinds of religious establishments. In 1305 Joan, the daughter of Peter de Ballymore, released to the abbey of St. Thomas in Dublin the advowson of the church of Rathdonyll. Fifty years later Cecilia, the daughter of Jordan, granted to the abbey the lands of Rovelaghe.[195] However the exchange or donation of lands sometimes led to litigation between single women and the church. In 1360 the abbot of St. Thomas' in Dublin recovered in the King's Bench against Alda, the daughter of Nicholas Aubrey, sixty acres of lands in Skenrath in Dublin.[196] No matter how powerful and influential the religious establishment was, if it was deemed to have contravened their rights in any way, women went to court against it. In 1502, Joan Wase, brought a suit against Christ Church over lands and goods which had been given to them by James Teler, in return for a corrody. James had directed his sub-tenant to pay his rent to the said church. Joan's relationship to the lands and goods is not made explicit but she won her case. It may be that the lands in question were Joan's and James had no right to obtain a corrody through them.[197]

Single women: Conclusions

The generally low status of single women across Europe in the later middle ages has been well documented. In Ireland the existing sources mainly reflect the better-off, urban single women who feature most prominently in land transactions than poorer women who may be glimpsed as workers and in the criminal records. Within the towns but also in the countryside single women put their status as *femmes soles* to good use in the renting, selling or buying of property as well as the pursuit of any trades they may have been involved in. These trades and occupations ranged from merchants through to servants, hawkers, prostitutes, labourers and ale-sellers amongst other livelihoods.[198] Single women were visible in Anglo-Irish society in many guises; however, their impact and influence in Gaelic areas is less well

[195]Mervyn Archdall, *Monasticon Hibernicum*, ii (Dublin, 1873), pp 45, 59.
[196] *Ibid.*, pp 46-7.
[197] *Christ Church Deeds*, no. 375.
[198] J. A. Watt, Dublin in the Thirteenth Century: The Making of a Colonial Capital City' in P. R. Coss and S. D. Lloyd (ed.), *Thirteenth Century England I* (Woodbridge, 1986), p. 155.

documented. Some Gaelic single women are mentioned, but these are in Anglo-Irish sources and generally refer to women living within the orbit of the government of Ireland. Gaelic society and law did not provide for the successful pursuit of life as a single woman. They must have existed in Gaelic society but the different Gaelic attitudes towards marital status and the nature of marriage and sexual relationships means that the Anglo-Irish view of what constituted a single woman was not a familiar concept in the Gaelic world. It appears that the single life was not accepted in the Gaelic world and the legal concept of a *femme sole* was unknown there. A Gaelic woman was always under the protection of her kin, especially when single, and this directed and maintained her way of life.

However, in Anglo-Irish areas (especially urban areas) single women probably always existed in fairly substantial numbers. Many of them were single only for the time it took to arrange a suitable marriage and some were single for life. Whilst these women were single, though, they had the means and opportunity to conduct business with, work for and employ people around them. Most of these opportunities and freedoms associated with them depended on their social position, wealth and location. Paradoxically a wealthy heiress with lands in the countryside was usually unable to exert much influence on whether or not she married. However a servant girl in an urban household, busy saving for her marriage could exert more personal choice on when and to whom that marriage took place. Likewise, young, poor women of the countryside, who did not emigrate to towns, did not generally have that level of freedom and were more subject to the wishes of their parent or guardian. Not all women did marry, however, but doubtless the vast majority did wish to do so as women who did not marry were unenvied and many of them slipped to the bottom of the social and economic pile in town and countryside. To get married and to live a normal and successful life as a wife and mother was the goal of most single women of the late middle ages in Ireland.

MARRIED WOMEN

Introduction

When a single woman became a wife in late medieval Ireland, in both Gaelic and Anglo-Irish society, she experienced many changes in her life. Her status changed upon marriage as did her title and affiliation and she also had to become accustomed to new rules of social conduct. However, there were profound differences in how women from Gaelic Ireland and Anglo-Ireland conducted their lives as married women. The existence of a church *inter Hibernicos* as well as a church *inter Anglicos*[199] as well as the pervasive influence of the Gaelic secular code concerning marriage made for very different marital experiences for Gaelic and Anglo-Irish women. The rights of the wife at marriage, her behaviour and freedoms within marriage and the right of a wife to leave a marriage varied enormously between the Gaelic and Anglo-Irish worlds. Within both cultures, however, women's' freedom of choice when it came to marriage was largely dependent on her relative autonomy, which, in turn, was largely dependent on her socio-economic status. Inversely, it appears that in both of these cultures, the wealthier and more aristocratic the family background, the less freedom of choice the woman may have had in choosing a marriage partner. In line with findings from Europe it is likely that urban women in Ireland experienced more freedom from parental and seigneurial supervision over their courtship and marriages than their rural counterparts.[200]

Although much of the legal information concerning the rights of Gaelic wives, for example, is taken from eighth-century law tracts, many of the principles discussed in those tracts seem to have remained 'surprisingly constant' up to the later middle

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[199] The ethnic divisions are outlined in John Watt, 'Ecclesia *inter Anglicos et inter Hibernicos*: Confrontation and Coexistance in the Medieval Diocese and Province of Armagh' in James Lydon (ed.), *The English in Medieval Ireland* (Dublin, 1984), pp 46-64.
[200] Fleming, *Family and Household*, p. 24.

ages.[201] As married women Gaelic Irishwomen appear to have substantially more freedoms, in various different ways, than Anglo-Irish married women. For example, Anglo-Irish wives were legally subject to their husbands. This does not seem to be the case in Gaelic Ireland where wives could enter into contracts of their own volition and kept control of their own lands and goods after marriage, a crucial aid to any kind of freedom. With these riches they often acted independently as important and influential patrons of the arts and also, in some cases, actively participated in the military and political life of their community. The lives of the women of the differing cultures in Ireland met and overlapped when it came to intermarriage between Gaelic and Anglo-Irish. This was an area in which valuable alliances could be forged but it was also one which could lead to conflict as two very different social and legal systems regarding women clashed. It was also an area that worried the government, which sought to outlaw the effects of Gaelicisation on the children of intermarriage.

6: THE FORMATION AND CONDUCT OF MARRIAGE AMONGST THE ANGLO-IRISH

6a: The rites of marriage

Marriage in church only became a legal necessity for everyone in the sixteenth century.[202] Before that the church accepted clandestine marriages as valid but always tried to encourage marriage in church. A public marriage included both the reading of the banns and a religious ceremony at the church (*in facie ecclesie*) all other marriages were regarded as clandestine.[203] That is not to say that clandestine marriages were performed without ritual or ceremony. Many of them were performed in public with witnesses who could attest that a marriage took place.

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[201] Simms, 'Women in Norman Ireland' in MacCurtain and Ó Corráin (eds), *Women in Irish Society*, p. 14.

[202] Christopher N. L. Brooke, *The Medieval Idea of Marriage* (Oxford, 1989), p. 133; The church continued to regard clandestine relationships as valid until the decree *Tametsi* of the Council of Trent in 1563 and on the proliferation of concubinage, see James A. Brundage, 'Concubinage and Marriage in Medieval Canon Law', *Journal of Medieval History*, 1 (1975), pp 1-2.

[203] Michael M. Sheehan, 'The Formation and Stability of Marriage in Fourteenth-Century England: Evidence of an Ely Register', *Mediaeval Studies*, 33 (1971), p. 235.

Missing elements were the reading of banns as well as the church blessing of the marriage. It is likely that, as was found in Ely, the contract '*per verba de presenti*' was the more common form of clandestine marriage, rather than a contract using words of future tense (*verba de futuro*) followed by intercourse that made the agreement binding.[204] The type of marriage using words of present consent could be carried out anywhere and it was a binding contract in the eyes of the church, as many reluctant spouses later found when they tried to argue their way out of it. Most people did not bother with a public marriage at the church but it had its advantages, especially if the wife was later repudiated. A church sanctioned marriage was an important way to be sure of witnesses to the ceremony, who were very important, especially if any questions were later raised over the validity of the marriage. A church ceremony was also a vital public way of affirming a connection between families and also a means of transmitting wealth from one generation to another. Therefore, the wealthier the families, the more important a public marriage ceremony was.[205] A public marriage made the abandonment of wives harder to accomplish and it clarified arrangements like dowers and jointures, which were to the benefit of the woman involved. A public marriage was also a means of proving mutual consent, and of guaranteeing the legitimacy of both the union and its offspring.[206] However, many couples continued to engage in clandestine marriages probably, due in the main to a deep-rooted belief in both Gaelic and Anglo-Irish communities that marriage was a private rather than a public affair.[207]

6b: Marriage contracts

The first step for the families of couples who were to be married was often the drawing-up of a marriage contract. In these documents, reciprocal arrangements were made, usually by the respective fathers of the bride and groom, for such necessities as dowry and marriage grants. They were also often conditional on

[204] *Ibid.*, p. 244
[205] Georges Duby, *The Knight, the Lady and the Priest: The Making of Modern Marriage in Medieval France* (London, 1984), p. 30.
[206] Cosgrove, 'Marriage in medieval Ireland' in Cosgrove (ed.), *Marriage in Ireland*, p. 26.
[207] *Ibid.*, p. 40.

certain agreements between the parties being adhered to. For example in the marriage contract made between John FitzNicholas, the lord of Kerry, and the earl of Ormond made in 1374, John undertook to observe all the conventions and conditions, which were attendant on his marriage to Joan, the daughter of the Earl of Ormond. John went so far as to take an oath on the Gospels to honour his side of the agreement that if he contravened any of the requirements then the Archbishops of Dublin, Cashel and Tuam were to excommunicate him and lay all his lands under interdict.[208] Despite all these formal arrangements, it is doubtful that this marriage took place as John is said to have married, firstly, Onora the daughter of O' Brien by whom he had his son and successor Maurice Óg. His second wife was Eleanor, the daughter of Gerrot FitzPierse of Cosfeale, (she may have been her husband's first cousin once removed) through whom he obtained the lands of Cosfeale and by whom he had two sons.[209]

In 1401 the earl of Ormond granted to Theobald de Burgh his illegitimate daughter Elizabeth in marriage and Theobald had to obtain the necessary dispensation from the Holy See at his own cost. The marriage agreement also further indicates the adoption of Gaelic customs by the Anglo-Irish. For example, Theobald had to pay two hundred and forty cows to the earl for the marriage, one hundred and twenty up front and one hundred and twenty to follow.[210] The value ascribed to cattle and the use of such movables in a marital contract is more associated with Gaelic Ireland than with Anglo-Ireland. He also had to give forty stud horses. He also undertook (with his kinsmen) to aid the earl in his wars and disputes. Ormond in turn granted to his daughter as her dowry his manor of Coraneyer Owenagh [sic] for the term of her life and free passage for all merchants, carriers and tradesmen going as far as Limerick, a privilege that he held. On the day this document was drawn up those listed as being present to receive and witness the oaths of the de Burghs and their

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[208] *Ormond Deeds ii*, no. 189.

[209] Kenneth Nicholls, 'The FitzMaurices of Kerry', *J.K.A.H.S.*, 3 (1970), pp 33-34.

[210] This appears to be similar to the Gaelic Irish coibche or bride price paid to the bride's family, see below in section of Gaelic wives.

followers were recorded as being the Earl of Ormond and Katherine of Desmond, who was the earl's concubine as well as being Elizabeth's mother. Elizabeth was one of seven children born to the earl of Ormond and Katherine before he married Anne Welles.[211] No mention is made of Elizabeth being present since her presence neither mattered nor was required.[212] The marriage appears to have gone ahead for in 1402, the MacWilliam Burkes, of which Theobald was the leader, came to the aid of the earl of Ormond in his war with the earl of Desmond, which indicates that he was keeping his side of the bargain.[213]

Major financial deals were made amongst great families to facilitate marriage alliances that were used for political ends, like the following settlement made between the earl of Ulster and John FitzThomas, earl of Kildare that put a seal on an end to hostilities between them.[214]

' The two earls of Ulster and of Kildare became reconciled by the Earl of Kildare awarding 3000 marks to the Earl of Ulster, and for a thousand marks to give him the lordship of Sligo and all his plate for another thousand, and his son Thomas to get married to his daughter for the third thousand.[215]

When such a bargain was broken, the consequences could be violent. For instance, in the mid-fifteenth century the breaking of an Ormond-Desmond marriage contract by the Butlers of Ormond led to hostilities between the two families. When John Talbot II, the earl of Shrewsbury, married Elizabeth Butler in an effort to bring to an end the Ormond-Talbot feud in 1444, the earl of Desmond raided into Ormond's lordship upon hearing of the marriage.[216]

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[211] T. Blake Butler, 'Seneschals in the Liberty of Tipperary' *Ir. Gen.*, 2, no. 12 (1955), p. 369.
[212] *Ormond Deeds ii*, no. 353.
[213] A. J. Otway-Ruthven, *A History of Medieval Ireland* (3rd ed., New York, 1993), p. 342
[214] *Ibid.*, pp 210-214 especially.
[215] H.T. Knox, 'Occupation of Connaught by the Anglo-Normans after A.D. 1237, part V', *J.R.S.A.I.*, 33 (1903), p. 293 note 3; Lodge's *Peerage*, 1, p. 79.
[216] Elizabeth Butler was already betrothed by an indenture made in 1429 to the eldest son of the earl of Desmond, a fact that was ignored by Ormond. The casting aside of this prior agreement led to a serious deterioration in relations between the two earls, see David Beresford, 'The Butlers in England and Ireland 1405-1515' (Ph.D, University of Dublin, 1999), pp 85-88.

Both the nature and the balance of power within the marriage contract were dependant on the relative power and influence of the families involved. The more powerful the family of the wife the greater the prize she was and so the greater the gifts her prospective husband would be expected to provide. This can be seen in the contract between Theobald de Burgh and Elizabeth Butler whose terms of marriage included the mass movement of a large amount of livestock by the prospective groom. A hundred or so years after this agreement another marriage contract was drawn up, this time between a Gaelic lord and an Anglo-Irish lady, which indicates the power of the woman's family in the benevolence shown by the groom towards her. This was the 1513 marriage contract between Donal MacCarthy Reagh, lord of Carbury, and Eleanor, the daughter of the Great Earl of Kildare. In this agreement MacCarthy Reagh conceded to her the manor of Dundaniel and a full half of all his lordship, existing as well as to be acquired. She was also to have a veto over his appointment of *'officers and officials'* and over his choice of galloglass. He also provided for the banishment of galloglass stationed in Carbury as they appeared to have been hostile to the Geraldines.[217] The powers accorded Eleanor seem extraordinary but, in reality, they were accorded to her as the representative of her father.

6c: Dowries, dowers and jointures

In all societies, including medieval Ireland, marriage was fundamentally 'a time of bargaining'.[218] In Anglo-Irish areas, the bride's parents/guardians negotiated her dowry (*maritagium*), while the groom's family may have had to decide on what kind of reasonable dower and/or jointure to award her, if the naming of it was insisted upon at the ceremony. Dowry and other financial arrangements at marriage were primarily exchanges not between individuals but between families.[219] Detailed dowries were a staple of life in parts of Ireland from the earliest days of the Anglo-

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[217] Kenneth Nicholls, *Gaelic and Gaelicised Ireland* (Dublin, 1972), p. 89.
[218] Robert C. Palmer, 'Contexts of Marriage in Medieval England: Evidence from the King's Court circa 1300', *Speculum*, 59 (1984), p. 43.
[219] Karras, *Common Women*, p. 88

Norman colonisation. For example, a grant made by Richard de Burgh to Theobald Walter and his wife, Richard's daughter, Margery on the occasion of their marriage sometime before 1242 was probably Margaret's dowry. It was specified, for example, that only the heirs of Margery should inherit.[220] In areas subject to the common law a dowry given to a woman by her family upon her marriage was (conditionally) a permanent grant. If the woman had no heirs of her body or if her line failed in the third generation of heirs, her dowry was to revert to the donor's heirs.[221] The dowry could be given as movables but generally came in the form of a land grant. This land grant remained entirely with the wife after her husband's death but she could not control it during her marriage as it was vested in her husband. It remained, however, the wife's property during this time.[222]

The need to supply dowries for their daughters could lead to great pressure for poorer families.[223] Peasant girls were entitled to a dowry, which could consist of land, chattels or even money and sometimes a mother's dowry could be used as the daughter's dowry. A dowry of chattels was probably the more common type for peasant girls who received a dowry at all. Amongst the unfree rural sections of society marriage also provided more expense for families because of the requirement to pay a merchet to their lord on the occasion of a daughter 's marriage. Merchet was the fine made for the lord's permission upon the marriage of a daughter.[224] However, in England by the thirteenth century, thanks to the church's influence, only the consent of the couple was required.[225] By the mid-thirteenth century the activity of lords in controlling their villeins' daughters' marriages had been transformed. It may be reasonable to assume that similar moves were gradually extended to Ireland where many landowners of English origin also held lands.

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[220] *Ormond Deeds i,* no. 100.
[221] Eleanor Searle, 'Seigneurial Control of Women's Marriage: The Antecedents and Function of Merchet in England', *Past and Present,* 82 (1979), especially pp 8-14.
[222] For much of the following on grant limitations see Palmer, 'Contexts of Marriage', especially pp 46-65.
[223] Margaret L. King, *Women of the Renaissance* (Chicago, 1991), p. 25
[224] Philip R. Schofield, *Peasant and Community in Medieval England 1200-1500* (Basingstoke, 2003), p. 15.
[225] John Leyerle, 'Marriage in the Middle Ages', *Viator,* 4 (1973), p. 413.

Merchet gradually became more of a control over inheritance than marriage.[226] For instance, English sources have demonstrated that when the girl married away from the manor her merchet was generally set at a higher rate than if she married within the manor and thus kept her portion of the inheritance where the lord would, ultimately, at her husband's or her death, receive his share. [227]

Amongst the upper classes also dowries did not always consist solely of lands; they could be made up of various other properties. The dowry of Matilda the daughter of Sir Thomas de Verdun, for example, consisted of the castle of Rathmore in county Meath, which she took with her to her marriage with Sir Christopher Cruise, her second husband.[228] A dowry could also consist of money. In 1376 in an indenture made between Richard Forestall and his son Geoffrey on one side and Thomas Fitz John on the other, it was agreed that Thomas should marry Alice, the daughter of Richard, and that Richard and Geoffrey owed to Thomas for the marriage portion, twelve marks of silver, which were payable over a number of years.[229]

Amongst families at all levels of society the importation of a new bride's dowry into the groom's family could have lasting and beneficial effects on that family, especially if the dowry was substantial or of strategic value. The Cusack family of counties Meath and Dublin entered into various marriages, which indicate their appreciation of the usefulness of the bride's dowry in the context of acquiring lands. [230] In the branch of the family based at Killeen Adam Cusack, the lord of Killeen, married Lucy the daughter of Roger de Ledwych sometime in the first quarter of the thirteenth century. She brought the land of Slevene as her dowry, which was granted to her by her brother, Adam. However in 1230 Adam de Ledwych granted all of the land held

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[226] Elaine Clark, 'The Decision to Marry in Thirteenth and Early Fourteenth Century Norfolk', *Mediaeval Studies,* 49 (1987), p. 499.
[227] Searle, 'Seigneurial Control of Women's Marriage', pp 3-43.
[228] Shepherd, *The Illustrious de Verduns,* vol. 1, p. 96.
[229] *Ormond Deeds ii,* no. 211.
[230] Information on the Cusacks comes from, H.D. Gallwey, 'The Cusack Family of Counties Meath and Dublin' *Ir. Gen.,* 5, no.3 (1976), pp 298-313

of himself and his father in Duleek to Adam Cusack and Lucy in exchange for Slevene. It may be that Lucy's dowry land had become strategically more useful to the Ledwych's than when it was granted to her and they wanted it back. Alternatively the Cusacks may have initiated the exchange. The original dowry grant designed for the use of Lucy but ultimately administered by her husband was transformed into a jointure by this exchange. The grandson of Adam and Lucy was also called Adam (d. 1287) and he married Joan de Bermingham, the daughter of the Baron of Athenry. Joan's dowry consisted of Bonefinn and Drynabheg in the barony of Trenagh in Sligo, which extended the remit of the Cusacks outside of Meath.[231]

The ability of married women to hold lands jointly with their husbands gave them an added element of financial security particularly if their husbands died before them. To accomplish the holding of lands as a jointure a man conveyed his estate to named trustees or feoffees, to the joint use of himself and his wife for life. This served to make a provision for his wife of a life interest in his estate after death. The object of such a trust was to avoid the burdens associated at the time with the ownership of land, particularly where the lands were held directly of the crown. Because of the rights of the latter to the feudal incidents of homage, wardship, marriage, relief and escheat, the employment of a trust to use had the effect of conveying the legal ownership of the lands to trustees called 'feoffees to uses'. At the same time the beneficial ownership continued in the person or persons for whom the trust was created, the 'use' being the right to receive the profit or benefit of the lands and tenements, divorced from the legal owning of them. Until the introduction of the Statute of Uses in Ireland in 1634 a married woman was able to claim both dower and jointure but after that date, where provision was made for a jointure she had to elect for one or the other, but could not claim both.[232]

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[231] H.D. Gallwey, 'The Cusack family of Meath and Dublin- part V, Cusack of Gerardstown', *Ir. Gen.*, 6 no. 2 (1981), pp 130-153.

[232] Harold O' Sullivan, 'Women in County Louth in the Seventeenth Century', *J.C.L.A.S.*, 23, no. 3 (1995), p. 346.

Before this legislation was enacted, however, married women took advantage of both jointure and dower and pressed their claims to them. The process of enfeoffing a third party (or parties) and having them re-enfeoff the grantor and his wife meant that several documents attest to these transactions, certain of which can sometimes be traced in the records. For example in 1329 the first earl of Ormond requested permission from the king to enfeoff James Lawless with all of the earl's land, rents, advowsons and fees in England and all reversions pertaining to the earl and his wife so that Lawless might re-enfeoff the earl and Eleanor his wife and the heirs of their bodies.[233] The earl also seems to have been busy doing the same for his lands in Ireland. The Pipe Roll of 1342 regarding the manors of Turvey and Cloncurry stated that there was nothing to answer for them since the earl's death as he was jointly enfeoffed in them along with his wife Eleanor, a close relative of the king, and so the manors were delivered to her.[234]

Very often husbands and wives appear to have used chaplains, whom they knew and trusted, to act as the third party in these grants. In 1358 Walter de Mandeville made a charter, which granted to Sir Patrick O' Kenneath, chaplain, all his lands and tenements with their appurtenances that he held in Killrosse. Sir Patrick then granted to Sir Walter Mandeville and Katherine Russell his wife all the lands in Killrosse for the term of the lives of Walter and Katherine and after their death they were to descend to male heirs.[235] Twenty years later Henry Tibbride, a chaplain, granted to Sir Thomas Mandeville and Joan Power, his wife, lands and rights *'for terme of their lives and for the life of the longest lyver of [them]'*. If they died without lawful male heirs then the lands were to remain to the right heirs of Thomas.[236] In 1363 a similar transfer of lands was completed by Nicholas de Barbedour, a chaplain, and Silvester Bagod and Joan his wife concerning a messuage in the parish of St.

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[233] Philomena Connolly, 'Irish material in the class of chancery warrants series I (c. 81) in the PRO, London', *Anal. Hib.*, no. 36 (1995), p. 149.
[234] *P.R.I. rep. D.K.* 44 (1912), no. 64, p. 39.
[235] Nicholls,' Mandeville Deeds', no. 4.
[236] *Ibid.*, no. 32.

Michael in Dublin.[237] A grant from 1382 of lands in Kilkenny county and town by Robert Logh, identified as a chaplain, to Robert de la Freynge, a knight, and Katherine his wife, appears to be a re-enfeoffment using Roger as the third party.[238]

What can often be found among surviving documents are the re-conveyances by the third parties, but not the initial conveyances to them. One example is a 1413 grant of the manor of Lestornane made by James Symound, chaplain, to William the son of John FitzWilliam and Ismannia his wife. This was to be held for them jointly and also for the heirs of their bodies or failing that, to the right heirs of William forever. The nature and language of this grant indicates that the chaplain was being used to facilitate a jointure arrangement between husband and wife. A similar arrangement was made in 1442 in the FitzWilliam family when, on 21st January of that year, Philip FitzWilliam granted all of his lands to Nicholas Holywode. The next day Nicholas Holywode granted those same lands to Philip FitzWilliam and Margery his wife and the heirs and assigns of Philip forever. [239] A nearly illegible 1528 Inquisition relating to the possessions of Eleanor Dowdall cites an extract from a deed of 1523 in which Richard FitzWilliam declared an enfeoffment of certain lands, to the value of ten marks per annum, to Nicholas Kaerdif and Robert Suttone to the use of his wife for her life.[240]

The path to marriage and the acquisition of lands and possessions before or during marriage was a straightforward one for most couples. The Anglo-Irish couples examined here were all acknowledged as married and, due to the circles they moved in, most likely went through an acknowledged church ceremony to seal their

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[237] *Christ Church Deeds*, nos, 696, 697.

[238] Fulk de la Freigne (died 1349) who may have been Robert's father not only served the Butlers but also the lady of Clare, see Robin Frame, 'Power and Society in the Lordship of Ireland 1272-1377', *Past and Present*, 76 (1977), p. 14. The de Freigne family was prominent in the history of Kilkenny from the beginning of the thirteenth century. Their property lay mostly in the north of the county, see William Corrigan, 'The de Fraynes of Ballyreddy' in Corrigan (ed.), The *History and Antiquities of the Diocese of Ossory*, iv (Dublin, 1905), p. 187.

[239] The FitzWilliam grants are in the *Ancient Deeds in the Pembroke Office*, nos 119, 154, 155.

[240] Griffith, *Cal. Inq. Ireland*, p. 23.

marriage. This made the bestowal of jointures and other gifts on the wives unimpeachable, as there was no doubt about the validity of the marriage. Also the wives' rights to dues, such as dower, under the law were protected by their status as legal wives. Most of those dealt with so far have been wealthy holders of rural lands but the development of women's marriage rights in the towns also furnishes some information on how these women's lives were affected by the marital rights dealt with so far.

6d: Urban Dowries

Within the colonised urban areas, dowries given to brides were a standard procedure and dowry provisions from there can be quite detailed. For example, in the Calendar of the Gormanston Register of 1175-1397, an entry under the year 1307 is an example of a detailed dowry in the town of Drogheda. The marriage was between William de Prestoun and Margery, daughter of John Cosyn.

John granted to William and Margery,

'..in frank marriage a messuage, with the appurtenances in the town of Drogheda on the side of Uriel, in the East Street which leads from the corner of the town towards the east gate and situate in breadth between the land which belonged to William de Elisworth on the east, and the land which belonged to John le Engleys on the west, and extending in length from the king's highway on the south to the land which belonged to the said John Engley's on the north; to hold to William and Margery, and the heirs issuing out of the bodies of them, in fee and inheritance for ever; rendering yearly to the chief lords of that fee, the rents and services due and accustomed. John and his heirs will warrant'.[241]

It was a generous and well-detailed settlement and indicates the intricate negotiations, which were attendant on the marriages of the daughters of the wealthier elements in urban society. Another example of such an award comes again in the fourteenth century when, in 1320, a mother granted land to her daughter upon her marriage. Alice, who was described as the daughter of Geoffrey and widow of

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[241] James Mills and M. J. McEnerny (eds), *Calendar of the Gormanston Register 1175-1397* (Dublin, 1916). p. 64.

John de Dundrom, released to Andrew FitzRichard on his marriage with her daughter Eva a frontage with a messuage in the tenement of Gilbeknith (Dalkey).[242] Also in Dublin, evidence of testators' awareness of their obligations concerning dowries to their surviving female relatives exists, for example, in the will of Richard Boys, he left a house to his daughter as her dowry.[243]

The will of Robert de Moenes, a citizen of Dublin in 1326, showed how anxious he was to provide a suitable dowry for his unmarried daughter Alicia. According to the terms of his will she was to receive 10l from him and also 3l from her brother. She was also to receive all of her mother's dresses and a silk sash as well as a curtilage in the city.[244] In an inventory of his family's goods made by Peter Higeley, citizen of Dublin, in 1476 he left to Joan Alleyn 6s 8d towards her marriage. Joan may have been a servant or perhaps just a poor single woman he knew who was busy trying to save for marriage and Peter decided to help her by his bequest.[245] Another father who made his will in fifteenth century Dublin, John Chever, left to his daughter, Joan, precious jewellery made up of gold and pearls.[246] This was a precious gift but not entirely practical[247] as compared with the dowry received in 1501 by the unmarried daughter of Richard Stanyhurst of Dublin whose will she was included in. Apart from sharing in the children's third of all his goods including his gold, silver vases, jewellery and utensils, Joneta his daughter was also to receive 100l as her marriage dowry.[248] A 1526 Inquisition into the lands of Christopher Holiwode who died that year also revealed the type of arrangements made to settle dowries on daughters. In 1521 Christopher granted the lands of Naul to the use of Arlond Ussher for six years as part of the dowry of his daughter Rose, the wife of Arlond. He also settled lands on Anne, the daughter of Sir William Preston, Viscount

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[242] *Christ Church Deeds*, no 557.
[243] Berry, *Reg. Wills*, pp 10, 76-8, as quoted by Conlon in, 'Women in medieval Dublin, p. 174.
[244] Smyly, 'Old Deeds II', *Hermathena*, lxvii (1946), no. 26.
[245] Berry, *Reg. Wills*, p. 128.
[246] *Ibid.*, pp 146-8.
[247] Conlon, 'Women in medieval Dublin', p. 181.
[248] Smyly, 'Old Deeds V', *Hermathena*, lxxi (1948), pp 48-50, no. 199.

Gormanston, who was about to marry his son Thomas. This was a gift diverted through third party feoffees to her use and those of her male heirs.[249]

One of the more infamous families of Kilkenny provided a large dowry on the marriage of one of their daughters in the early fourteenth century, when a marriage agreement was made between William FitzMaurice, the holder of one half of a knight's fee in Kiltranyn (also known as Burnchurch[250]), and William Outlawe. Outlawe was a wealthy banker of Kilkenny and the son of Dame Alice Kyteler, the supposed witch.[251] In 1326 a deed was enrolled in Chancery between FitzMaurice and Outlawe by which it was agreed that Maurice, the son and heir of William FitzMaurice, should marry Margaret, the daughter of William Outlawe. Outlawe agreed to pay to FitzMaurice 100 marks of silver while William FitzMaurice bound himself in 1000 marks of silver not to alienate any of his lands and tenements which he gave on the day to Maurice and Margaret while they lived. This did not include one messuage and sixteen acres of land that William FitzMaurice held from the house of St. John of Jerusalem in Ireland in Hamundsboly.[252] This agreement also shows the large amounts of money and land, which could be at stake upon marriage. In a later example from Dublin, in 1538, when Marion St. Laurence, the daughter of the lord of Howth married Christopher Nugent she was described as having a dowry that consisted of 220 marks.[253] With such large amounts of money being dealt with, the consent or lack of it from either the bride or groom is unlikely to have been given much attention by either side.

6e: Child marriages

For some mothers and fathers the need to provide for advantageous marriages for their offspring led to their children entering into marriage at a very early age.

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[249] Griffith, *Cal. Inq. Ireland*, pp 12-13.
[250] George J. Burtchaell, 'The Geraldines of the county Kilkenny-Part 1- the Barons of Brownsford' *J.R.S.A.I.*, 4 (1892), pp 358-376.
[251] Neary, 'Kilkenny Witchcraft Case, pp 333-50.
[252] Burtchaell, 'The Geraldines - part 1', pp 363-4
[253] Griffith, *Cal. Inq. Ireland*, p. 54.

Marriages between children although not allowed by the church did occur in medieval Ireland. For example, in Drogheda, in 1456, in the house of Walter Kylte who was a notary of Drogheda (who may have performed the marriage ceremony[254]), a marriage agreement was drawn up between William Cashel, who was acting for his son Nicholas, and John Avell, who was acting for his daughter, Matilda. The two fathers agreed the terms by which Nicholas and Matilda were to marry. John would give with her 40s sterling and a brazen pot and William would give with his son 40s sterling. These sums (as well as the pot) were to be put in the custody of William until Nicholas and Matilda reached lawful age and *'come to holding house together'*. Then the money and pot would be delivered to them and if either of them died before reaching the lawful age then their respective goods were to be restored to the father of whichever one died. It appears that Matilda was to live with her prospective new husband and family. Her father tried to ensure her well being in this other house. He stipulated in the contract that if,

'William and his wife would treat Matilda honourably in future, then Nicholas and Matilda may freely have and possess forever John Avell's remaining portion after his decease except the expenses of his honourable burial'.[255]

The actual ages of Nicholas and Matilda are unknown. However, under canon law a marriage contracted by a child under the age of seven was void, while one contracted between the age of seven and puberty had a suspended quality, as the child had the choice of either ratifying or rejecting it upon reaching the age of consent, which was fourteen for boys and twelve for girls.[256] In Dublin in 1328, an agreement was drawn up between Peter Harold, lord of Templeogue, and John Stakepol, citizen of Dublin, that Richard, the son and heir of Peter Harold, should be betrothed to Elena, the daughter of John Stakepol. As part of the agreement Peter was to enfeoff Elena and Richard and their heirs in all his lands and tenements and then when they were

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[254] Laymen were increasingly regarded as competent to perform marriage ceremonies see Cosgrove, 'Marriage in medieval Ireland', p. 39.

[255] Chart, *Reg. Swayne*, pp 202-3.

[256] R. H. Helmholz, *Marriage Litigation in Medieval England* (Cambridge, 1974), pp 98-99.

seised with the property they were bound to reseise Peter of all of it except the water mill and fifty acres of arable land and some ten acres of meadow and pasture. They were to consign the produce of these lands to Peter until Richard attained the lawful age and until then Peter was required to provide all necessaries to the young couple in both provisions and clothing.[257] Such examples of child marriages are rare enough in the Irish records but as to whether this reflects the general paucity of records in general or merely a lack of child marriages in medieval Ireland remains unknown. The likelihood is that the majority of women who were married did so after the age of consent.

6f: Rights and activites within marriage

The married women of Anglo-Irish society were legally subject to their husbands who, upon marriage, controlled all their property and movables but could not alienate them without their permission.[258] The legal restrictions placed upon wives also included an inability to make a will without their husbands' permission. [259] Wives were not entitled to hold property by themselves unlike Gaelic women.[260] Land grants within Anglo-Irish areas, made by husbands with the consent of their wives, imply that these lands belonged to the wife, either as dowry or inheritance. In these documents the consent of the wife to land transactions involving lands brought by her to the marriage is made explicit and thus later legal challenges to it were made very difficult. Such was the case in 1300 when David Balf, with the consent of Christine his wife, granted a quarter of an acre of land to Sir William Perceval. A pair of white gloves was to be paid to the grantor for this and the chief lord was to receive 40d annually.[261] The extent, if any, to which married women consented to the alienation of their lands or were even concerned with the repercussions of such

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[257] Smyly, 'Old Deeds', *Hermathena,* lxvii (1946), no. 30.
[258] Fleming, *Family and Household,* p. 38.
[259] Frederick Pollock and Frederick William Maitland, *The History of English Law before the time of Edward I* (Cambridge, 1911), pp 409, 428.
[260] Nicholls, 'Irishwomen and Property' in MacCurtain and O' Dowd (eds), *Women in Early Modern Ireland,* p. 17.
[261] *Ormond Deeds i,* no. 344.

actions remains unknown. It is impossible to ascertain from the documents concerning land transactions whether or not wives did actually consent to their husbands' land deals regarding lands brought to the marriage by the wife. When William le Poer[262] and his wife, Egidia, granted lands to John FitzThomas and his wife in 1307, those lands were Egidia's.[263] She was one of the five heiresses of Adam de Staunton whose death in 1296 was recorded by the Irish annalists.[264] Egidia outwardly agreed to the grant to John FitzThomas but the degree to which women like her were active participants in the deals made by their husbands is open to question, as is both the nature and level of their consent especially when married to a man like William le Poer.

William le Poer appears from other records to have little problem in riding roughshod over other people's rights so there may be justification in thinking that he was equally dismissive of his wife's opinions. William's behaviour can be glimpsed in a case heard in Kildare in 1306, taken by John Moynahg against William, over lands once owned by Adam de Staunton and therefore, part of Egidia Staunton's inheritance. The jury found that Adam de Staunton demised lands to John and he was in seisin for many years until the death of Adam. After this William, *'on the understanding that John had not any writing from Adam'*, ejected John from the lands until John agreed to pay a fine of one crannoc of oats and one of peas and William made letters patent and re-delivered the lands to him. Also in that same sitting in Kildare Margery de Monemue alleged that she had bought a crannoc of oats worth 6s and upon meeting William on the road, he took it from her, brought it to his house and *'disposed of it as he pleased.'* It was ordered that Margery was to recover her 6s.[265] These actions indicate a man not entirely troubled by the law, but as to whether this affected his relationship with his wife and his treatment of her and her inheritance is

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[262] Robin Frame, 'Power and Society', p. 11 mentions the Poer family in the context of their regional politics.
[263] Gearóid MacNiocaill (ed.), *The Red Book of the earl of Kildare* (Dublin, 1964), no. 111.
[264] *A. U.*, 1296, His lands were divided amongst his daughters after an *Extent* of his lands that was made in 1300, see *C. J. R. I. 1295-1303*, p. 306.
[265] *C. J. R. I. 1305-07*, pp 267-268.

anyone's guess. However, his wife was cited in a case of disseisin, when she and her husband and one of her sisters and her husband were accused of depriving a man of his freehold in 1302, so she may have subscribed to William's strong-armed method of gaining possessions.[266]

The private lives of medieval husbands and wives and the many arguments that may have gone on due to the disposal of lands owned by the wife are a matter of conjecture. Doubtless many wives happily agreed to their husband's plans for land they had brought into the marriage. Perhaps certain wives initiated the action that led to the grant or sale of their lands; it is impossible to judge people's motivations from the legal texts that make up many of the more substantial Irish sources. Most husbands, though, were careful to include their wives' assent to the deals within the documents relating to them. A very typical example of such a deed occurred in Dublin in 1401 when Thomas Payne and Joan, his wife and the daughter of John Whitley, a miller, leased some burgage land. The deed stated that the land had belonged to John Whitley and thus his daughter was the owner of the land that was being rented out but her assent is implied in the deed.[267]

No matter who initiated such deals or who approved of them or not, what is not in doubt is that in the minds of many husbands and wives the husband was pre-eminent and his authority was paramount. It may have made for an easier life for women simply to agree to land transactions, which were initiated by their husbands. Many wives would also have thought it natural to entrust their husbands with the administration of their joint lands and transactions by husbands involving their wives' lands were abundant in this period. For example, Alan White granted away lands inherited by his wife Roesia from her father Thomas in 1376. Whether or not she wished for this to happen is unknown. Sometimes though the feelings of the woman are made slightly clearer. A deed from the early fourteenth century has John

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[266] *C. J. R. I. 1295-1303,* pp 413-4, 430.
[267] *Christ Church Deeds,* no. 808.

Becham granting land away, *'at the pure will of Avicia his wife'*. The phrase seems to indicate more than the usual legalese; John may have been acting at his wife's request. Alternatively, if the land was her inheritance, he may be using that particular form of words to imply her consent and justify its alienation.[268] Without information of a more personal nature the feelings of these wives towards their husbands' dealings in their lands and chattels will remain unknown. Perhaps many of these grants were made in harmony or perhaps not. It is now impossible to know, unless after his death a wife contested her husband's actions.

Husbands could use their wives' lands in a multitude of ways. An example from 1341 shows one husband using his wife's inheritance as a means of gaining important allies as well as meeting his clothing and transport needs. An agreement concerning maintenance was made between the first earl of Desmond acting with Thomas FitzJohn and Thomas de Mandeville with Anstace his wife in 1341. This agreement provided that Thomas and Anstace would convey the manor of Kilmanahan (Waterford) to the earl for life with remainder after his death to his nephew Sir Thomas FitzJohn and his heirs. Kilmanahan was the caput of Glenahery, which had belonged to Sir Richard le Walys, whose relations with Desmond had been unfriendly. Anstace may have been his daughter and heiress, because the descent of the manor was from the le Walys family to the descendants of Sir Thomas FitzJohn. In return for the grant of the manor and the fact that Thomas Mandeville bound himself to live with the earl and Thomas FitzJohn and to act for the earl against all his enemies, Thomas FitzJohn was to give him arms and help Thomas and Anstace *'in all their just causes'*. He was also to supply him with clothes and provide him with a horse. His wife's clothing and transport needs are not mentioned. [269]

The Mandeville family themselves appear to have been more generous to their own female blood relatives. They left behind a number of deeds in which grants were

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[268] *Dowdall Deeds*, nos 261, 31.
[269] Nicholls, 'Mandeville Deeds', no. 41.

made to Mandeville women. In 1309 Walter, the son of Martin de Mandeville, granted to Richard le Blunt of Arklow and Joan, his wife, the manor of Rathmanach (Rathmanagh, co. Tipperary) and all his rights in other lands they held in Tipperary, Dublin, Meath and the liberty of Trim. Joan was a daughter of William de Mandeville, obviously a relation, but the exact nature of the link is not provided. In 1327 a Sir Thomas Mandeville granted lands in Ulster to Sir Maurice Cadell of the Naul and Elizabeth, Sir Thomas' sister.[270]

At times, wives can be found entering into agreements in deeds, which make no mention of a husband's consent, other than to say that he exists. Legally, in areas subject to the common law, a husband's consent was to be made explicit for the transaction to be binding. It is not too far-fetched, however, to conceive of a married woman taking it upon herself to enter into agreements with perhaps only the tacit consent of a husband, or perhaps without his consent. Alternatively, the participation of a wife in such a transaction could not, in all likelihood, be perceived as being possible by her contemporaries without her husband's consent and so his consent was treated as a given and was not always explicitly stated. In May 1433, a notarial instrument was prepared *'at the instance of'* Ismaia, the daughter of Edward Perrers, and the wife of William Fitz William, which exemplified seven deeds relating to lands in Bagotesrath.[271] Here her husband's consent was not alluded to nor made explicit. These may have been lands inherited by her about which she was making arrangements. According to the common law a wife, such as Ismaia, had no power to sell, transfer or exchange her property without her husband's consent, yet in late medieval Ireland this would not always appear to have been the case.

6g: The pursuit of power

Some wives may have actively joined with their husbands, or even led them, in pursuing power and influence through the disposal and acquisition of land. Some of

[270] *Ibid.*, p. 5-6, Nicholls notes that the only Thomas Mandeville known at the time was killed in 1318, so the name many be incorrect.
[271] *Ancient Deeds in the Pembroke Office*, no. 141.

these women, who actively aided their husbands in both the pursuit and consolidation of political power, have been both lauded and demonised because of their actions. One such woman was Margaret, the wife of Piers Butler, sixteenth-century earl of Ormond (1537). Her active support of her husband in the many years in which he had to wait for the earldom of Ormond as well as his schemes to deprive his elder brothers of their rights earned his wife both opprobrium and respect.[272] She had a reputation as a castle builder and is credited with much building work at Kilkenny castle. Margaret's efforts did not end there; along with her husband she established a cloth factory in Kilkenny in 1525 as well as, in 1535, a grammar school.[273] Margaret Butler was regarded by Stanihurst as, *'a lady of such a port, that all estates of the Realme crouched unto hir: so politique, that nothing was thought substantially debated withput hir advice: manlike and tall of stature: very liberall and bountiful'*.[274] She was known popularly as Mairéad Gearóid and various wild stories are attached to her. The castles of Ballyragget and Balleen in the lordship of Ormond had stone benches in the watchtowers that were called Mairéad's Chairs because Margaret is supposed to have hung prisoners from them.[275] She was also said to have hung people on a tree known as 'Sceach na Cuntaoise' or the Countess' Bush.[276] Her impact on local folklore and myth was deep and testament to the strength of her rule with her husband.

Margaret Butler may have been transformed after death into a she-devil to scare children with, but her exploits in aiding her husband were not particularly bloodthirsty or violent. Another sixteenth-century woman who was vilified for her

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[272] For an examination of Margaret's political actions on behalf of her husband see Elizabeth MacKenna's article, 'Was there a political role for women in medieval Ireland? Lady Margaret Butler and Lady Eleanor MacCarthy' in Christine Meek and Katharine Simms (ed.), *The fragility of her sex? Medieval Irishwomen in their European context* (Dublin, 1996), pp 163-174.

[273] Elizabeth R. McEvoy, 'From Strongbow to Piers and Margaret Butler: Kilkenny Castle in the Middle Ages' (M. Phil., University of Dublin, 1998), p. 64.

[274] Richard Stanihurst as quoted in Liam Miller and Eileen Power (ed.), *Holinshed's Irish Chronicle* (Dublin, 1979), p. 328.

[275] Imelda Kehoe, 'Margaret FitzGerald, wife of Piers Butler 8th Earl of Ormond and 1st earl of Ossory', *Old Kilkenny Review*, 4 no. 3 (1991), p. 827.

[276] Daithi O' hÓgain, *Myth, Legend and Romance: An Encyclopedia of the Irish Folk Tradition* (London, 1990), p. 65.

treasonous actions on behalf of her family, which, it was alleged, led to rebellion, was Alice FitzGerald, wife of the baron of Slane and the daughter of Gerald, earl of Kildare. She was the only woman cited by name in the Act of Attainder against the FitzGeralds in 1537 and she was found guilty of high treason.[277]

Some other women's actions in aiding their husbands' political schemes were also of a violent nature. For example when Piers de Bermingham murdered nearly thirty members of the O' Connor Faly family in 1305 his wife quietly helped him. Bermingham had invited a group of the O' Connors to his castle and when they arrived he murdered over twenty of them, including children he had acted as godfather to. The annals reported that his actions against them were so successful because his wife, referred to as *In Gaillsech Shacsanach* (Ela de Oddingeseles), watched and warned him when any of the O' Connors tried to hide. Thus she was blamed for the deaths of many of the O' Connors.[278] The fourteenth century provides other examples of wives aiding their husbands in violence for political ends. There is evidence to suggest that sometimes wives could be the active proposers of such schemes. One such wife was Gyle de Mandeville who was blamed for inciting her husband, Richard, to kill the Brown Earl of Ulster, William de Burgh, in 1333.[279] Gyle de Mandeville was born a de Burgh. She was the sister of Walter de Burgh who was starved to death by his kinsman, the Brown Earl, in 1332 thanks to his part in a discovered conspiracy to unseat the Brown Earl the previous year. Gyle thus had a very personal reason for aiding her husband in murdering the earl of Ulster but she was not the only woman implicated in this act. It is also possible that the widow of Walter de Burgh may also have had a part in pushing the Mandevilles to kill the Brown Earl.[280]

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[277] MacCurtain, 'Marriage in Tudor Ireland' in Cosgrove (ed.) *Marriage in Ireland* pp 56-7.
[278] *A. I.*, 1305
[279] John Clyn in his annals blames Gyle for the attack on the earl, see Richard Butler (ed.), *Annals of Ireland by Friar John Clyn and Thady Dowling* (Dublin, 1849), pp 24-25; Katherine O' Neill, 'Women and Warfare in the Middle Ages' (M.Phil., University of Dublin, 1998), pp 26-7; T. E. McNeill, *Anglo-Norman Ulster: The History and Archaeology of an Irish Barony, 1177-1400* (Edinburgh, 1980), pp 32-33.
[280] Otway-Ruthven, *Medieval Ireland*, pp 250-51.

6h: Urban wives

Very few women led the kind of lives that Gyle Mandeville and Margaret Butler did. The majority of wives in late medieval Ireland lived unremarkable hard-working lives and were unconcerned with acts of violence and aggression in the pursuit of political power. Towns and cities are particularly fertile areas to look for the activities of husbands and wives who were mainly of Anglo-Irish or English descent. Married townswomen were a vital part of urban trading life. Across Europe, the wives of craftsmen and artisans often worked alongside their husbands and may have continued in his trade as widows.[281] It is possible that, with a greater contribution made to the family economy, the wife of an urban artisan may have had more say in the running of the family business than the wives of her social and economic superiors.[282] She also generated money through her own activities, for example, brewing, spinning etc. These activities increased the value of the wife in the urban working unit and possibly increased her influence within the family unit.[283] This was also, true, however, of lower class rural women.

In the towns, if a woman married a man who was a member of a guild, she then often received some guild privileges. Wives of guild masters could become guild 'sisters', who could enjoy many of the benefits of membership but who were always members of the second rank. They often paid lower admission fees and were banned from wearing guild livery. They could only participate in selected social and religious occasions.[284] In Dublin, women were eligible to become citizens and if a woman who was a citizen married a man who was not admitted as a citizen, he could gain that right through marriage to her.[285] It is likely that he enjoyed that right

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[281] Shahar, *The fourth estate*, p. 190.
[282] Goldberg, "For Better, For Worse" in Goldberg (ed.), *Woman is a Worthy Wight*, pp 108-125.
[283] Claudia Opitz, 'Life in the Late Middle Ages' in Klapisch-Zuber (ed.), *A History of Women II*, p. 283.
[284] Kowaleski and Bennett, 'Crafts, Guilds and Women' in Bennett and Clark et al (ed.) *Sisters and Workers*, p. 3
[285] Jessica McMorrow, 'Women in medieval Dublin: An introduction' in Seán Duffy (ed.), *Medieval Dublin II* (Dublin, 2000), p. 206.

for his lifetime and that it was handed on to sons and daughters of the marriage.[286] A small proportion of the population of the city, at any given time, were free citizens and an important link has been made between freedom of the guild and free citizenship. Marriage may have been a way for some men to gain both privileges at once. During the period 1468-1512 in Dublin, covered by extant Franchise Rolls, only two women became free through marriage to freemen, while sixty-two men became free through marriage to freewomen.[287]

Married couples could work in many varied professions in medieval towns. Some merchants turned their hands to moneylending, such as Adam le Blund and his wife, Alice (Kyteler[288]), who together loaned the king 214l 8s 3d to pay the wages of soldiers going from Ireland to fight in Scotland.[289] Wives did not always necessarily practise the same trade as their husbands, either. A common means of making money, all over Europe, was for women to sell food and other goods at shops and stalls as well as at markets and fairs. That this also occurred in parts of Ireland is indicated by a statute banning pigs from Dublin, which refers to the dangers these animals posed to children playing or sleeping under stalls. The conclusion here is that women took their children to work with them and placed them under the stalls when they were sleepy or to get them out of the way of business.[290] Their husbands presumably spent the day working elsewhere. The existence of most married couples in Ireland can be traced, not in statutes, but in land transactions. This means that much of the available information on urban married couples regards those who were well off, that is, those who possessed the means to buy, sell or lease land. Most married couples were not in this position as their poverty precluded them from indulging in any land deals.

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[286] This was the case in English cities and in all probability was also the case in Irish ones; see Shahar, *The fourth estate*, p. 179.
[287] Lennon and Murray (eds), *Franchise Roll*, p. xxiv.
[288] Adam le Blund of Callan was the second husband of Dame Alice Kyteler, see Neary, 'Kilkenny Witchcraft Case' p. 343.
[289] Connolly, *Irish Exchequer Payments*, p. 610.
[290] McMorrow, 'Women in medieval Dublin', p. 210, note 39.

Many of the documents relating to the disposal of lands in urban areas allude to the assent of the wife in question whose approval of the disposal of lands is explicitly attested. For example in an undated charter from Dublin, when William of Winchester granted his land in St. Brigid street to a clerk, the consent of his wife Gunnilde was included.[291] In a deed from 1379 and also from Dublin Thomas Marward and Cecilia his wife conveyed a messuage in High Street to two chaplains. These lands, it was explained, formerly belonged to Richard Heygreve who had bequeathed these lands to Cecilia.[292] A later document again from the same couple but this time made in 1392 refers to a messuage in Dublin that they were granting to a chaplain. The passage of this messuage was explained in the deed. John Flood had granted it to Richard Hargreve and Richard had bequeathed lands, which must have included the lands above, to Cecilia.[293] An undated charter from Richard de London also living in Dubliin attests that he had the consent of his wife, Eve, in granting two burgages of land in perpetuity to Benedict, son of Henry, and his heirs. The seals of himself and his wife were appended to the deed.[294] It is unusual to find a married woman's seal appended to a document in Ireland in the later middle ages thanks to the lack of surviving original documents. The use of her seal alongside her husband's indicates that Eve had a high level of participation in the management of her family's resources as well as providing definite and lasting proof of her assent to the transaction.[295]

Some husbands and wives can be glimpsed in the records busily leasing and buying lands for their joint benefit. William de Berdefeld and his wife, Katherine, spent several years acquiring various holdings around Dublin. In 1301 Henry le Blound granted them a piece of land with buildings in Oxmantown. The next year they also

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[291] Old Dublin deed (T.C.D., MS 1207/10).
[292] *Christ Church Deeds*, no. 735.
[293] *Ibid.*, no. 775.
[294] Old Dublin deed (TCD MS 1207/20).
[295] A treatment on the implications of seal use by women is given in Rezak, 'Women, Seals and Power' in Erler and Kowaleski (ed.), *Women and Power*, pp 61-82.

acquired lands in Oxmantown from a merchant, for which they paid a sum of money. Around the same time a widow also released to them a messuage in Oxmantown, as did William le Seriaunt who granted them four shops and a plot of land in Oxmantown. The next grant to them of two shops and a plot of land in Oxmantown came in 1309 and another one was made in 1313, again in Oxmantown, when a tenement was made over to them. They went on to acquire some more lands in the area until in a later, but undated, charter they granted all their lands in Oxmantown to Sir William Comyn and Joan his wife.[296] The nature of their relationship to William and Joan is not specified, but it is not unreasonable to suspect that she was a relation, perhaps a daughter, as the lands were freely granted to her and her husband.

Space in a medieval city such as Dublin was at a premium and often husbands and wives had to rent a space in which to live and work. In 1455 William Tyrell granted to John Fanyn and Matilda Talbot, his wife, the southern half of his house, a right of way through the main door and a chamber in the western part of the house. He also granted them one-half of the garden, kiln and well beside the house, and if he were to die without heirs, he granted that the remaining half should belong to John and Matilda after David Archer's death. He also granted them lands in Oxmantown.[297] Houses to rent were a popular means of revenue for landlords. Sometimes the nature of a husband's profession could dictate where a husband and wife were to live in the medieval city. Such as in 1539 when Tade Dungan, a fishmonger and Joan Dowling, his wife, rented a house in '*Fysh*' street for a term of thirty one years at 5s 4d rent per year.[298]

The land transactions of medieval husband and wives, in town and country, indicate that legally wives were subject to their husbands, but that their ownership of lands

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[296] John L. Robinson, 'On the Ancient Deeds of the Parish of St. John Dublin', *P.R.I.A.*, 33 (1916), nos 7, 11, 18, 24, 33.
[297] *Christ Church Deeds*, nos 958, 959
[298] *Ibid.*, no. 1173

controlled by their husbands was legally protected. This is reflected in the wording of many of the grants where the consent of the wife is made explicit. Records of these transactions are understandably heavily balanced in favour of the Anglo-Irish. In both town and country, however, most people did not participate in land transactions. The majority of husbands and wives farmed, laboured or worked in a variety of ways either together or separately and were not landholders. For the ones who did acquire and dispose of land, the extent to which wives agreed to their husbands' actions remains unclear as does the extent to which their husbands' actions were motivated by their wives' desires and ambitions.

7: THE FORMATION AND CONDUCT OF MARRIAGE AMONGST THE GAELIC IRISH

7a: Marriage traditions and rights within marriage

While wives living within the settled areas of Ireland were conducting their lives, at the same time a different way of life was being experienced by Gaelic Irish wives. The body of Gaelic laws dealing with marriage was written and codified at or about the eighth century and after this period, it is very difficult to ascertain the types of changes and developments which developed in Gaelic society concerning women and marriage, in particular.[299] However, early laws concerning marriage, to a large extent, continued to be utilised throughout the later middle ages in Ireland especially amongst the aristocracy.

When a Gaelic Irish woman married guardianship of her was also transferred to her husband but he was not her sole guardian and the wealth she brought into the marriage did not pass into his hands. Marriage did not sever the tie between a woman and her original family and so her own kin never relinquished all their rights

[299] Most of the following on Early Irish Law and marriage is taken from, Bart Jaski, 'Marriage Laws in Ireland and in the Continent in the Early Middle Ages' in Meeks and Simms (ed.), *The fragility of her sex*, pp 16-42.

and interest over her.[300] This link may have aided the woman if she had to deal with an unpleasant husband or marital situation, but it could also limit the woman who could sometimes find her actions controlled by her native kin, because of the mesh of obligations between them that a marriage did not completely sever.[301] However, if a woman produced sons whilst married then the ties of her parental family became less binding.[302] According to the early law tracts a woman held differing status depending on whether she was a primary wife of equal status to her husband's, a wife of lower status, of higher status or if she was a concubine or involved in a more casual union and her status also depended on whether she had sons or not. More specifically, legally a wife of equal status was dependant on her husband and was under his rule whereas the concubine was not and this meant that she could choose whether to put herself under the rule of her husband, her own family or her sons.[303] Within a marriage contract the status of each partner also depended on the amount of property he or she brought into the marriage. The law tracts advocated that marital relationships be made up of men and women of equal status so that the wife would then enjoy the same contractual capacity as her husband.[304]

By the later middle ages many married couples are likely to have consisted of a man and woman of equal status meaning that both were of equal property and family.[305] Concubines continued to figure in the lives of many men throughout the later period also, however, and may have been maintained in addition to a wife or may have been generally regarded as concubines even though they had entered into a clandestine marriage agreement of some sort. In the intervening years since the laws were codified the influence of the church and exposure to the common law attitudes

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[300] Thurneysen *et al*, *Studies*, pp 180-181, this included a right to a proportion of her goods at death and also of the wergild if a stranger had killed her and they were also partly liable for any wrongdoing she may commit. The mother-kin also had certain limited rights in regard to her children.

[301] Simms, 'Legal position of Irishwomen', p. 110.

[302] Bert Jaski, *Early Irish kingship and succession* (Dublin, 2000), p. 146.

[303] Marriage was the subject of a special legal text, the Cáin Lánamna, and nine form s of sexual union were distinguished, see Kelly, *Early Irish Law*, pp 70-71.

[304] Jaski, *Early Irish kingship*, p. 144.

[305] Katherine Mary O' Meara, 'Under the Heel of Church and State? Women in Late Medieval Ireland' (MPhil., University of Dublin, 1996), p. 42.

to marriages may have affected the various gradations concerning wives in Gaelic society.

Throughout much of this period and especially in areas far from Anglo-Irish influence and control, the Gaelic Irish continued to adhere to many of their own secular laws and traditions concerning marriage. For example, when marriages broke down and people wished to end the relationship, Gaelic culture continued to allow for the couple to dissolve the relationship and enter a new one without recourse to church courts. The grounds given for divorce are wide; a wife could divorce her husband on a number of grounds. These included, if he had concealed his impotency, if he was too fat to have intercourse, if he neglected her or beat her, if he gossiped about her sexual performance to others and if he was a homosexual. Similarly a man could divorce his wife on many grounds, including if she persisted in adultery, if she had an abortion, if she neglected her household chores and if she killed her children. After a couple had divorced the wife was usually allowed to receive her marriage-portion back. The liberality of the secular Gaelic attitudes towards both engaging in marriage and towards dissolving it certainly persisted throughout the later middle ages, even though the church strove constantly against them.

If a married couple did want to appeal for a separation to the church courts then they were undoubtedly wealthy as the costs involved in applying for an official church-sanctioned separation were prohibitive for most people. Marriages based on political situations, which had now altered, were especially subject to dissolution at will by the Gaelic Irish. Despite this, they did not reject the Christian ideal of a monogamous relationship; they often found it very difficult to live up to it, however.[306] In Anglo-Irish areas and across western Europe in general, people did not always adhere to the teachings of the church regarding sexuality and marriage and clandestine marriages or relationships not sanctioned by any kind of bond were

[306] Simms, 'Legal position of Irishwomen', p. 99.

not uncommon outside Gaelic Ireland, either.[307] Nevertheless, the church's hold on marriage was always far stronger in Anglo-Irish controlled areas, than in Gaelic ones but it did exert increasing influence on Gaelic areas as the middle ages wore on and Gaelic Irish wives, especially, began to use church courts, for example, to redress marital wrongs such as being repudiated by their husbands. Gaelic Irish men and women in general also began increasingly to apply to the Holy See for dispensations to marry during the fifteenth century.

Within Gaelic areas the secular attitude towards marriage and the begetting of children meant that official separation was not always a prerequisite to multiple relationships. Irish law made a distinction between formal marriage, informal relationships and illegitimate relationships and different rights accrued to the children of the differing relationships.[308] The sexual proclivities of Gaelic Irish rulers who often had concubines as well as wives meant that they left behind many sons and daughters, born of women of varying origins and status, whose marriages and alliances meant that they spread across Ireland. This could mean that conflicts could spread across regions and between wide groups of families tied together by marriage and fosterage.[309] Men and women of the Gaelic Irish entered into formal contracts of concubinage throughout this period. It was an activity that the church wished to stamp out, for example a regulation issued from the diocese of Armagh in the mid-fourteenth century stated that, *'no subject of the province of Armagh, lay or clerical, may hold women or concubines under the name of Cayf otherwise Choghir [Choghie?] for obtaining their concubinage'*. The document went on to promise excommunication to those who give or promise a woman anything in return for her becoming their concubine and entering into a contract with her.[310] Amongst the Gaelic Irish, concubines were not viewed as negatively as they were in Anglo-Ireland.[311] In

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[307] Cosgrove, 'Marriage in medieval Ireland', p. 30.
[308] Jaski, *Early Irish kingship*, p. 143.
[309] Robin Frame, *The Political Development of the British Isles 1100-1400* (Oxford, 1995), p. 112.
[310] Art Cosgrove, 'Marriage in medieval Ireland', p. 29 citing Chart, *Reg, Swayne*, p. 11; Simms, 'Legal position of Irishwomen' pp 101-2.
[311] Bert Jaski, 'Marriage Laws' in Meek and Simms (ed.) *Fragility of her sex*, p. 33.

Anglo-Irish areas these irregular relationships presented serious problems when it came to issues such as land ownership and inheritance and property rights.[312]

Amongst the Gaelic Irish, however, illegitimacy was not a stigma nor was it a bar to inheritance and so concubinage was not so frowned upon. Due to this it was not uncommon for a man to have more than one concubine, which could lead to dozens of offspring. Turlough *an fhiona* O' Donnell lord of Tirconnel, who died in 1423, had eighteen sons by ten different women and fifty-nine grandsons in the male line. Mulmora O' Reilly the lord of East Breifne who died in 1566 had at least fifty-eight grandsons. Philip Maguire the lord of Fermanagh (died 1395) had twenty sons by eight mothers and there were at least fifty grandsons. Within Gaelic Ireland many people appear to have embarked on trial marriages before obtaining dispensations to marry, which only started to become popular after 1400.[313] Such trial marriages may have been used to establish compatability as well as the woman's ability to bear and raise children. In the Gaelic lordships multiple marriages, casual sexual encounters and divorce at will were common.[314] Importantly, however, such relationships were sanctioned by Gaelic law, despite disobeying the strictures of the church.

Irish law drew little distinction in matters of inheritance between the children of men's wives and their betrothed concubines and Irish law permitted the affiliation of children by their mother's declaration provided that the alleged father formally accepted this declaration. Only this acceptance could make the declaration legally valid.[315] This was important because according to Irish law a son born due to an extra-marital relationship who was acknowledged by the father could claim a right to part of the inheritance but any claims he had were difficult to enforce if his mother

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[312] For the source of most of this information on clandestine marriages and concubinage see James A. Brundage, 'Concubinage and Marriage', pp 5-6.
[313] Nicholls, *Gaelic and Gaelicised Ireland*, pp 11, 73-75.
[314] Simms, 'Women in Gaelic Society' in MacCurtain and O' Dowd (eds), *Women in Early Modern Ireland*, p. 37.
[315] All the above information regarding the various chieftains' offspring came from Nicholls, *Gaelic and Gaelicised Ireland*, p. 11.

was of a low status.[316] He could not succeed to any kind of power if his mother was a serf, a slave or a female satirist. The preferred heir was the son of a lawful wife, according to the law tracts and it may have been difficult for any other sons to gain power unless they had strong political allies.[317] In terms of succession, the son of a primary wife was preferred above younger candidates or the son of a concubine unless the latter were better qualified than the former.[318] If a father refused to acknowledge a son, for example, then the woman had to produce witnesses to attest to her relationship with the father. If doubt still persisted then she could pay an adoption fee which was set at a price equivalent to the honour-price of a king, a sum which lower-class women would have found impossible to raise. Jaski thinks that this rule was designed to halt the unwanted illegitimate sons of lower class mothers becoming the responsibility of noble families. The woman's reputation (regarding her sexual history) was also crucial to any chance of the child being accepted by the father and his kin.[319]

7b: Gifts and grants within marriage

In Gaelic areas the bargaining over marriage was similar in some ways to the Anglo-Irish system, in that both families were expected to contribute to the match. Marriages of the more formal type were probably arranged by the families of the bride and groom and the betrothal was a contract sustained by the sureties of both families.[320] It was the custom for a husband to pay a bride-price (coibche) to the bride's family upon marriage. The bride was entitled to a portion of that coibche and if the marriage broke up due to a fault on the husband's part then the coibche was retained by the wife's father but if the fault lay with the bride then the coibche was to be returned to the husband.[321] This bride-price may have gradually lessened in importance in legitimate marriages as the dowry appears to have risen in importance

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316 Jaski, *Early Irish kingship,* p. 143.
317 *Ibid.*, pp 150-1, 155.
318 *Ibid.*, pp 155-156.
319 *Ibid.*, pp 149-150.
320 Kelly, *Early Irish Law,* p. 71.
321 *Ibid.*, p. 72.

within such relationships. The meaning of the gift gradually changed and it began to signify property contributed by the father of the bride, thus becoming neutral marriage goods.[322] This change seems to have been primarily due to ecclesiastical pressure to enforce the dowry, as its payment was demanded by the canon law.[323] The coibche payment continued into the sixteenth century as a vital part of the concubinage contract, however. The spréidh (stock) which the woman had been accustomed to receive from her own family on setting up home duly seems to have been converted into a dowry paid to the husband (by the woman or her family). Because of the Gaelic Irish system of fosterage sometimes the bride's marriage-portion could be provided by her foster family.[324] However, the husband still remained liable for its repayment in case of divorce and it would also be repaid if he died.[325]

The Gaelic wife's continuing control over her own property could have interesting repercussions especially if, as could sometimes be the case, part of that property consisted of soldiers. The Annals of Loch Cé, for example, refer to the marriage of Aedh O Conor and a daughter of Dubhgall MacSomhairle, upon which the young wife brought as her dowry one hundred and sixty galloglass.[326] Dowries in Gaelic Ireland are not very well documented before the sixteenth century but, in general, they probably consisted of movables, which could include soldiers. In the early fourteenth century Angus Óg, Lord of the Isles, married Agnes, the daughter of Cú Mhuighe O' Cathain of Ulster, and he is said to have received a dowry (or a tocher, as it was known in Scotland) of 140 men of every surname in O' Cathain's territory

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[322] Simms, 'Legal position of Irishwomen', p. 110.
[323] Nicholls, 'Irishwomen and Property' in MacCurtain and O' Dowd (eds), *Women in Early Modern Ireland*, p. 20.
[324] The type of fosterage is referred to as 'milk nurse fostering' and seems to have occurred in cases of fostering when the child was taken at a very early age into a family and raised by that foster family to whom it gave its primary emotional loyalty, see Fiona FitzSimons, 'Fosterage and Gossipred in Late Medieval Ireland: Some new evidence' in Patrick J. Duffy, David Edwards and Elizabeth FitzPatrick (eds), *Gaelic Ireland c. 1250-1650* (Dublin, 2001), p. 142.
[325] Nicholls, *Gaelic and Gaelicised Ireland*, p. 76.
[326] *A.L.C.*, 1259.

with his new wife.[327] Gaelic married women appear to have had the right to hold and administer these dowries independently of their husbands, which was completely opposite to the English common law (as it was interpreted in Ireland) regarding the rights of married women. By the sixteenth century, for example, there is evidence that Gaelic Irishwomen were freely accepted as witnesses and some noblewomen acted as arbitrators in disputes over property.[328] It is reasonable to assume that this was not an entirely new practice but one that had its roots in the medieval era. The ability to control her own property after marriage was the crucial difference between the lives of a Gaelic chieftain's wife and that of the wife of a great Anglo-Irish or English lord.

The lives of lower class women amongst the Gaelic Irish are, as ever, difficult to ascertain. However, certain marital practices concerning payments made to one's overlord have been noted amongst the Gaelic Irish. In Gaelic Ulster erenaghs (stewards of church lands) had to pay their diocesan bishop a luach ímpi, 'the price of request or supplication', when their daughters married.[329] There is also a reference to a vaguely defined right over the women of Connacht that was claimed for the chief MacDermot of Moylurg.[330] These indicate that within Gaelic Irish society certain lords claimed rights over the marriages of their tenants' daughters and received payment in return.

Within Gaelic society married women of equal status to their husbands had extensive legal powers regarding their own property and the couple's joint property. A Gaelic Irish wife had the freedom to administer her own goods she brought with her to the marriage as well as any marriage-portion settled on her by her husband. She was to be consulted in every case involving their joint land and property, and had veto

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[327] Rosalind K. Marshall, *Virgins and Viragos: A History of women in Scotland from 1080-1920* (London. 1983), p. 29.
[328] Nicholls, 'Irishwomen and Property' in MacCurtain and O' Dowd (eds), *Women in Early Modern Ireland*, p. 18.
[329] Canice Mooney, *The church in Gaelic Ireland in the 13th to 15th centuries* (Dublin, 1969), p. 16.
[330] Nessa Ní Shéaghdha, 'The rights of Mac Diarmada', Celtica, vi (1963), pp 156-72.

rights just as her husband had those same right to any contract she made on her own. If her husband made a bad decision concerning joint property then his wife had the right to rescind it.[331] Regarding property, which the wife may have held separately she was allowed sell or let it independently.[332] The married woman was regarded, under Gaelic law, as having wide powers of independent contract, almost as wide as her husband. If a woman brought property, which she had inherited to her marriage, there were limitations to her enjoyment of it, however. A female heir (banchomarbae) could inherit a lifetime interest in her fathers' land assuming she had no brothers. However, upon her death, the property was not inherited by her husband or sons, but reverted to her own kin, unless she was married to a foreigner who held no land in which case she could pass on a limited amount of her family land to her own heir.[333] This was opposite to the status and rights of female heiresses under the common law who could freely transmit their inheritance to their heirs. It also meant that in Gaelic society there was no prospect of acquiring lands or title by marrying a female heir, which again was in opposition to the Anglo-Irish system regarding female heirs.[334]

As well as retaining control of her own property, in Gaelic areas the wife of a chieftain was often entitled to various other taxes on her husband's lands such as cáin bheag and cíos Bantighearna (lady's rent).[335] Married Irish women (at least those married to chieftains) seem to have enjoyed greater wealth and power during their husband's lifetimes than at any other stage of their lives. The Irish rental of MacNamara listed certain of his lands, which owed cíos Baintighearna in addition to their normal services to the chief.[336] As part of McCarthy's rights as lord of Desmond, for instance, he was entitled to *'rout'*. This was a cess for horsemeat for either his horses or those of his wife, which was charged on the barony of Maguinhy.

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[331] Thurnesyen et al, *Studies,* p. 228.
[332] *Ibid.,* p. 227.
[333] Kelly, *Early Irish Law,* p. 104.
[334] Jaski, *Early Irish kingship,* pp 144-5.
[335] Roisin McCauley, 'Female Patrons of Bardic Poetry', (Mphil., University of Dublin, 2000), p. 25.
[336] Hardiman, Ancient Deeds, pp 93-5 as cited in Simms, 'Legal position of Irishwomen, p. 108.

The wife of MacCarthy Mór, had *'a small spending . . . out of divers quarters of the country, called 'canebeg'* [*cáin beag*].[337] Such arrangements may also have had an influence on areas subject to the common law. In great Anglo-Irish lordships there was also sometimes an endowment assigned to the lady like the tax on Gaelic lands given to Gaelic Irish wives, which she was able to use for her lifetime. Thomas, earl of Desmond (1529-34), granted to his second wife, Katherine, *'besides the manor of Inchiquin, County Cork, an annual rent of 33 marks (£22) in Kerry 'as fully as Evlina Roche* [wife of Maurice, earl 1487-1520] *and other countesses had been accustomed to receive the same'*.[338]

7c: Political activities of Gaelic wives.

As wives the experiences of Gaelic and Anglo-Irish women could be both very different but also very similar. When they did marry, Gaelic Irishwomen's choice of marriage partner was often determined for them by their male kin much like Anglo-Irishwomen. Also like the Anglo-Irish wife, the higher up the social scale a Gaelic woman progressed, the more limited was her input into possible marital choices. Once married certain of the rights of both sets of women were limited and they were debarred from particular practices; Gaelic Irish women, for example, were not allowed formally to wield political power. Like their contemporaries, the great ladies of the feudal nobility, a Gaelic wife's influence, on her husband and within his kin depended to a great extent on the relative power and influence of her own family. Another element both socities have in common is that the majority of information concerning these women comes from the upper levels of their respective societies.

The right of Gaelic Irishwomen to retain control over their own property or movables was, however, a major difference in the lives of Gaelic and Anglo-Irish wives. The wife of a Gaelic chieftain, for example, was independently wealthy and was also, by

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[337] W. F. Butler, 'The Lordship of MacCarthy Mór', *J.R.S.A.I*, 36 (1906), pp 354, 365.
[338] Nicholls, 'Irishwomen and Property' in MacCurtain and O' Dowd (eds), *Women in Early Modern Ireland*, pp 19-20.

virtue of her marriage, entitled to some share of the chief's authority over his territories. This may have led to some wives wielding a certain amount of political power within Gaelic Ireland. Gaelic Irish wives of chieftains sometimes became very involved in the political concerns of their husband's families through their active involvement in the warfare that was habitual in Ireland.[339] For example, in 1315 during the Bruce wars Dervorgilla, the daughter of Manus O' Connor and wife of O' Donnell, joined her husband in making war on Rory O' Connor in Carbury. She is recorded as leading galloglass in an attack on a church. The following year Rory O' Connor made peace with O' Donnell and yielded the lordship of Carbury to him. However, Dervorgilla refused to acknowledge the peace her husband had made and hired another band of galloglass to which she offered a reward for killing Rory. The galloglass did their job and Rory was killed in direct contravention of the wishes of her husband. Dervorgilla's actions indicate a woman with freedom of action and without fear of her husband' s reaction.[340] Thanks to their activities some Gaelic wives were acknowledged by the authorties as being troublesome and dangerous to both church and state. In 1315 Donal O' Neill, his wife Gormlaith and their son, John, issued letters Patent, in which they promised to the harassed Archbishop, Dean and Chapter of Armagh that they would no longer make any demands upon ecclesiastically owned lands and tenants for themselves or their allies' troops. They also promised to restore all church lands, which they had seized and to deliver pledges for good behaviour.[341]

Other Gaelic Irish wives were used as bargaining pieces by an administration desperate to keep order. In 1316 the justiciar was ordered to ascertain whether the release from prison of Mór, the wife of Hanlon, who was being held in Drogheda,

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[339] Rees Davies, 'Frontier Arrangements in Fragmented Societies: Ireland and Wales' in Robert Bartlett and Angus MacKay (ed.), *Medieval Frontier Societies* (Oxford, 1989), p. 83.

[340] *A. Conn.*, 1315.20, 1316.2.

[341] Lawlor, 'Register Fleming', no. 170, Gormlaith was not the only O' Neill woman to make life difficult for the church. During the mid-fifteenth century the O' Neills were repeatedly excommunicated for continuing to make exactions on church lands. One of the worst offenders on that account was the then chief's wife, Evelina Baret (an Anglo-Irish woman) see, Reg. Prene (TCD MS 557/6/385) as cited in Simms, 'Legal position of Irishwomen', p. 108.

would be prejudicial to the keeping of the peace, or injurious to the interests of the king.[342] There are other instances of Gaelic Irish wives being involved in the conduct of war. In 1471 Sile, the daughter of Niall Garbh O' Donnell and wife of Niall the son of Art O' Neill, defended the castle of Omagh against O' Neill and his sons. Her husband and his brothers had been defeated by O' Neill and his sons and had fled to O' Donnell. Sile remained in the castle and defended it until the family feud was resolved.[343] Other wives seem to have pursued a more diplomatic course in dealing with their husband's enemies. In 1392-3 a safe conduct pass was issued to Una, the wife of Niall Óg O' Neill, who was going to and from Drogheda accompanied by twelve men and women to meet with the Lord Justice and Council.[344]

A wife acting as an intermediary is not, perhaps, very unusual but a wife concluding a formal peace with her husband's enemies, can be judged as more remarkable. This appears to have happened in 1433 when Fionnuala, the wife of O' Donnell and daughter of O' Connor Faly, along with Nachtan O' Donnell and the sons of the chieftains of Tirconnell made peace with the O' Neills who had been attacking them. This was without the consent of her husband as he was absent.[345] Her father was so powerful that her husband's opinion may not have mattered much to her at that stage.[346] In these instances high-ranking Gaelic wives are involved in political and military affairs at the highest levels. It is possible that their ability to maintain control over the marriage-portions, which they brought with them into marriage, as well as the continuing influence of their natal family, granted them a freedom of action and a right to join in with and aid their husband's political and military plans. It also enabled them to control and unify their husband's family if he was taken captive. For example, in 1422, Owen O' Neill was ransomed by his wife and family

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[342] Brendan Smith, 'The Medieval Border' in Raymond Gillespie and Harold O' Sullivan (ed.) *The Borderlands; essays on the history of the Ulster-Leinster border* (Belfast, 1989), p. 50

[343] *A. F. M.*, 1471

[344] James Graves (ed.), *A roll of the proceedings of the King's Council in Ireland for a portion of the 16th year of the reign of Richard II a.d. 1392-3* (London, 1877), no. 161.

[345] *A. F. M.*, 1433

[346] Cormac Ó Cléirigh, 'The O' Connor Faly Lordship of Offaly 1395-1513', *P.R.I.A.*, 96 C, (1996), pp 87-102.

after capture, by giving his captor cattle, horses and *'other gifts'*.[347] Certainly, at the higher levels of Gaelic society, the independent action of wives was tolerated and their continuing control over their own property could also come to their family's aid in times of trouble.

Gaelic Irish wives also appear living in areas subject to the common law where they took part in land transactions with their husbands. For example, Nolina O' Neill and her husband, Felemy McGynowse leased the lordship of Whitestonrychard and various other lands from Christ Church for twelve years at 13s 4d rent.[348] There are other instances of Gaelic Irish wives appearing in deeds relating to areas of Anglo-Irish influence where the common law was enforced. For example in 1534, a deed was drawn up by Matthew son of William 'niger' O' Kennedy and his son on one side and Henry son of Rory 'fuscus' O' Kennedy and his wife Anastasia O' Corrayn on the other side. In the deed Henry granted to Matthew the twentieth part of [the value of] a cow as well as 20s of money and twelve milch cows, in return for which Mathew granted him half a ploughland.[349] In areas controlled by the Anglo-Irish such deeds were fairly standard and can be traced thanks to the records left concerning them.

A mixture of Gaelic and common law probably regulated the practice of married life by the Gaelic Irish within these areas. They knew, however, that it was in their best interests to record land transactions whereas the practice of the more private areas of married life and whether Gaelic or Anglo-Irish custom regulated them is now hidden. Gaelic Irish areas do not have comparable surviving records and so all that can be said is that, whenever it was possible, Gaelic Irish husbands and wives probably took advantage of their ability to demise and obtain land for their own advantage. In Gaelic Ireland, where wealth was largely measured in movables, similar contracts may once have existed concerning wives who, either alone or in

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[347] *A. F. M.*, 1422.
[348] *Christ Church Deeds*, no. 1129
[349] *Ormond Deeds iii*, no. 180.

concert with their husbands, drew up contracts regarding their own or joint property.

7d: Fosterage

Child marriages appear to have been rare in Gaelic Ireland but many Gaelic children did leave their homes at a very young age to be fostered, as did many Anglo-Irish children who may have been promised in marriage, sent to school or sent to board at the house of a social superior as part of their education. In Gaelic and in Gaelicised areas, thanks to the practice of fosterage, many children left their homes to live in the home of another and, in some cases at least, marriage with a member of the new family may have happened when the couple were older. Marriage was not supposed to take place in Gaelic Ireland until the age at which fosterage was completed, that is fourteen for girls and seventeen for boys.[350] Fostered children, in the Gaelic tradition, were often closer to their foster families than to their natural families

The dangers attendant on the practices of fosterage and gossiprid because of the emotions and attachments they could generate as well as their political uses[351] were recognised and legislated against by Parliament. The Statutes of Kilkenny in 1366 enacted that, *'no alliance by marriage, gossipred, fostering of children, concubinage or amour or in any other manner be henceforth made between the English and the Irish on the one side or the other'*.[352] Thomas, earl of Desmond, who was eventually beheaded at Drogheda in 1467, was attainted in Parliament for *'alliances, fosterage and alterage with the King's Irish enemies'*.[353] The accusation that high-ranking members of the Anglo-Irish elite such as the earl of Desmond practised fosterage indicates just how seriously the administration took that activity. They realised that the 'ultimate aim of fostering was to create strong and persistent loyalties' and took the necessary steps

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[350] Kelly, *Early Irish law*, p. 88.
[351] FitzSimons, 'Fosterage and Gossipred' in Duffy *et al* (eds), *Gaelic Ireland*, p. 138.
[352]Edmund Curtis and R. B. McDowell (eds), *Irish Historical Documents*, 1172-1922 (New York and London, 1968), p. 53.
[353] Walter Harris, *The Whole Works of Sir James Ware concerning Ireland*, ii (Dublin, 1764), pp 76-7.

to outlaw it.[354] The impact of such practices on family relations could also be negative. It meant that blood brothers and sisters sometimes hardly knew each other and that could lead to highly irregular situations. An incestuous brother-sister relationship may have involved the Sugán Earl of Desmond and Edmund, the last White Knight, was alleged to have had an incestuous relationship with his daughter.[355]

7e: A singular role: Gaelic wives and their patronage of secular art

One area where the rights of Gaelic wives are frequently displayed was in the dispensing of patronage. Apart from their religious patronage wives from Gaelic Ireland were active in the distribution of secular patronage, particularly that concerning bardic poetry. The relative freedom of wealthy Gaelic wives in dealing with their own assets seems to have enabled them to act as patrons in their own right. The bards, who lauded these women's personal wealth, celebrated the extent to which Gaelic wives could control their possessions (and the extent to which that control could benefit the bards). A poem addressed to Sadhbh Magauran makes explicit reference to her personal wealth. The poet states that:

'Every poet-band shares her wealth nor is there any whose
desires she grants not; Sadhbh, Branch of Gabhair, has
attained high fortune but not higher than her excellence'[356]

She was the daughter of Cathal O' Conchobhar (d 1324). She married firstly Flaithbheartach O' Rourke (d. 1349) and then Niall Magauran (d. 1363). The poem was probably written during her first marriage (before 1349). She died in 1373.

Another woman who was typical of these wealthy patrons was Margaret the daughter of Conchobhar O' Brien and wife of O' Rourke, lord of Breifne. When she died in 1513 she was lauded as the

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[354] FitzSimons, 'Fosterage and Gossiprid' in Duffy *et al* (eds), *Gaelic Ireland* p. 141.
[355] Nicholls, *Gaelic and Gaelicised Ireland*, p. 76.
[356] Lambert McKenna, *The Book of Magauran* (Dublin, 1947), verses 19, 20 and 23, p. 414.

'...radiant paragon of the Gaels, to whom God gave prosperity and royal state and great wealth; hearth of hospitality and maintenance, humanity and charitable entertainment for scholars and ollavs, the weak and the wretched and all, whether mighty or outcast, who stood in need thereof; one who never as long as she lived denied any man craving a boon; died after Unction and Penance and was buried in the monastery which she had herself built to the honour of God and St. Francis, namely the monastery of Creevlea.[357]

The Gaelic Irish wives who encouraged and supported poets left behind them a legacy of poems, which praised them in life and eulogised them after death. The wives of Gaelic chieftains were financially independent enough to commission their own poems, which could be very expensive.[358] These women upheld a tradition of the Gaelic world that was often carried on by their daughters. A mid fifteenth-century poem makes reference to Fionnghuala, the daughter of Calvach O' Connor Faly and his wife, the famously generous Margaret O' Carroll. The poet also indicates the status and power of Fionnghuala as well as her wealth.

'Equally balanced are Brian's son and his wife; so that neither
scale sinks down, a hero like Aodh being weighed against
her.

...Fionnghuala's splendour is so great that no woman
can be set above her

From her girlhood-high praise! - her mother's nature shows
in her; 'ere she came to a husband she was pregnant with
generosity'.[359]

The 'mother's nature' referred to in the poem was that of her very famous mother and patron of poets in Gaelic Ireland, Margaret O' Carroll, who was the daughter of the ruler of Ely and the wife of Calvach O' Connor Faly whose territory lay in what is

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[357] *A. Conn.*, 1513.2
[358] McCauley, 'Female Patrons', pp 20, 24.
[359] McKenna, *Aithdioghlum Dána*, i, pp 73-4; ii, p. 44,

now east Offaly and west Kildare. Margaret was a remarkable woman, who was lauded at her death as,

'Mairgreg (Margaret) daughter of Tadhg O Cearbhaill, King of Ely, was the best of the women of the Gaedil, and the one who made most causeways, churches, books, chalices and all articles useful for the service of a church; and she issued two general invitations in one year, at Killeigh at the feast of St. Sinchell and at Rathangan at the first festival of Mary.[360]

Margaret's fame rests on the two general invitations, which she issued to the learned men of Ireland in 1433 and which are mentioned in her obituary. These were occasions of magnificence and great expense both to the O' Connor Faly and to his wife.[361] A description of the feasts can be found in the annals where Margaret is described as sitting at the feast clad in cloth of gold and surrounded by friends as well as judges and clergy. Her husband is described as overseeing the orderly dispensation of provisions and seems rather sidelined as all the emphasis is on Margaret.[362]

Because of all this, Margaret was, of course, a favourite of the poets. A poem by Seithfín Mór, which celebrated the martial exploits of her husband, also included her in its acclaim.

'Margaret's fame has established her protection; palm-branch who breaketh not her words; a lady who has not learned to refuse; darling of the blood of earls; flowing tresses whose fosterer is Jesus; heart bountiful and pious. To drink feasts she never forsook her prayers – a woman who lives by rule. She protects herself against our art, her words are on our side'.[363]

Part of the funding for some of these enterprises may have come from some of the money and tributes due to her as the wife of an important chieftain. For example, in

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[360] *A. Conn.*, 1451.2.
[361] Katharine Simms, 'Guesting and Feasting in Gaelic Ireland', *J.R.S.A.I.*, 108 (1978), pp 91-2.
[362] *A. F. M.* 1451, note t.
[363] Osborn Bergin, *Irish Bardic Poetry* (Dublin, 1970), pp 284-5.

1422, the earl of Ormond had arranged that his lordship of Oughterany, co. Kildare, should pay black-rent to O' Connor-Faly's wife for its protection.[364] Despite the almost constant warfare that her husband found himself engaged in and the concomitant drain, which that must have made on his lands, Margaret was able (perhaps by mainly using her own money) to further her reputation as the major female patron of Gaelic Ireland recorded from the first half of the fifteenth century.

Gaelic wives were encouraged in their patronage of poets, because it served a very important function in Gaelic society. Bardic poetry acted as propaganda for the chief and his family and it was an important duty of the wife to see to it that the right type of poetry was written about her husband's family. The great fear was that poets would be displeased and a disaffected poet satirising those who had offended him could ruin a family's reputation. A chieftain's wife was expected to avoid such scandal. However the independence of action of many married women in commissioning poetry meant that a powerful wife could also buy more personal poetry. Personal attributes of the lady were topics of great praise. A poem addressed to Gormlaith, the daughter of Brian Magauran and probable wife Matha of O' Reilly, spends most of the time praising her hair for example. Gormlaith's husband may have been dead by this stage and such concentration on her physical attributes may have been signalling her readiness to find another husband.

'Brian's daughter has hair as Eimhear's, a young maid
Braiding it, her head of hair is like a bright gold bracelet;
Like too (to Eimhear's) is the arrangement of the curls in
the back of it

In her plundering of gold (from her husband) for young
Poets, in her brow with its curling dark crest, in her noble-
glancing eye, in her blushing face showing no anger at

[364] Otway-Ruthven, *Medieval Ireland*, p. 358.

rough word'.[365]

With the influence of intermarriage there can be little doubt that Gaelicised households also encouraged the patronage of poetry in particular, especially from the fourteenth century onwards.[366] The death in 1481 of Slaney, the daughter of O' Brien and wife of MacWilliam of Clanricard, was marked with sadness in the Annals of Connacht. She was remembered as *'a universal protector of the poets of Ireland'*. [367] This indicates that certain traditional Gaelic Irish practices had been incorporated into the homes of the Gaelicised settlers, perhaps encouraged by Gaelic women who married into these families. The patronage of bardic poetry was a social expectation of medieval Gaelic Irish society, which was gradually transferred into certain noble Anglo-Irish families[368] as Anglo-Irish women also feature as patrons of poets in late medieval Ireland. An Anglo-Irishwoman who married a Gaelic Irishman could find she gained acceptance as his wife more easily if she acted as a patron to bardic poets. Women who married into Gaelicised Anglo-Irish families would also have been expected to act as patrons of poetry. Alison Eustace, (d. 1495) the wife of the 'Great Earl' of Kildare, acted as a patron to poets during her marriage.[369]

8: INTERMARRIAGE BETWEEN GAELIC AND ANGLO-IRISH

8a: Outside the Pale

The patronage of Gaelic poets by English or Anglo-Irish women was only one result of generations of intermarriage in Ireland. Members of Gaelic and Anglo-Irish societies intermarried or enjoyed concubinous or casual sexual relations but when people from the two traditions married legal problems could emerge, particularly

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[365] McKenna, *Book of Magauran*, pp 312-6.
[366] Katharine Simms, 'Bards and Barons: The Anglo-Irish Aristocracy and the Native Culture' in Robert Bartlett and Angus MacKay (ed.), *Medieval Frontier Societies* (Oxford, 1989), p. 180.
[367] *A. Conn.*, 1481.6.
[368] Included amongst the nobles who patronised bards were Richard de Burgh, the 'Red' earl of Ulster, the first, second and third earls of Desmond and James Butler, the 'White Earl' of Ormond, see Simms, 'Bards and Barons', p. 180.
[369] Imelda Kehoe, 'Margaret FitzGerald', pp 828-9.

concerning the rights of Gaelic wives of Anglo-Irishmen. Under the law of the colony, common law was not extended to the Irish and this could cause problems for a Gaelic wife if she ever wished to claim her dower from her Anglo-Irish husband's estate, for example, as legally she was not entitled to such benefits. This deficit in law was highlighted by the Irish in their request for an extension of English law made in 1277.[370] The children of such unions were also at risk of failing to get their inheritance. To avoid this occurrence Irish wives had to apply for a grant of English law to safeguard both themselves and their children.

In the pockets of colonised areas in Ireland, away from the influence of Dublin and the surrounding areas, the Gaelicisation of English families through intermarriage with Irishwomen could have very serious political consequences.[371] The children of such unions were comfortable in both worlds and their mother's Gaelic influence was no doubt influential as well as that of her family. Many of the descendants of the settlers belonged by birth to the Gaelic Irish traditions as well as to the Anglo-Irish.[372] The 'degeneracy' of those Anglo-Irish, who were becoming more like the Gaelic Irish, began to worsen towards the end of the thirteenth century especially and was legislated against. The Parliament of 1297 forbade the English to wear their hair in a cúlán for example, which indicates increasing assimilation of Irish modes of dress and behaviour amongst the settlers. The government also began to try to restrict the colonists' choice of marriage partner through, for example, prohibitions that forbade marriage between the colonists and any enemy of the king, whether they were Gaelic or Anglo-Irish.[373] These worries continued and statutes of the Kilkenny parliament of 1366 indicate that, by that stage, 'degeneracy' was viewed as

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[370] A. J. Otway-Ruthven, 'Select Documents VI: The Request of the Irish for English Law 1277-80', *I.H.S.*, 6 (1949), pp 261-270.

[371] Gaelicisation was also evident in Dublin from early on after the Anglo-Norman colonisation, an early civic ordinance of Dublin ordered the fining of women if they wore kerchiefs dyed in saffron, in the style of Gaelic Irishwomen, see McMorrow, 'Women in medieval Dublin', p. 205, note 1.

[372] Nicholls, *Gaelic and Gaelicised Ireland*, p. 17.

[373] H. F. Berry (ed.), *Statutes, ordinances and acts of parliament of Ireland King John to Henry V* (Dublin, 1907), pp 386-7.

almost being out of control.[374] Successive statutes imposed a ban on marriage or any relationship (i.e. concubinage) between Gaelic and Anglo-Irish.[375] Throughout the history of the colony in Ireland (except perhaps in its very early stages), intermarriage with Irishwomen and the adoption of Irish customs met with disapproval and attempts to outlaw it by the government. The prevalence of intermarriage between the Gaelic Irish and Anglo-Irish or English was always seen as a weakness in the stability of the colony and was repeatedly prohibited by the government and equally repeatedly ignored.[376] For many Anglo-Irish families, living near areas of predominantly Gaelic ethos and influence, intermarriages were a crucial means of acceptance and a way of building up alliances that could be achieved in no other way. The dictates of the government on the matter were thus comprehensively ignored throughout the later middle ages in Ireland, as the government had no means of enforcing their strictures against this matter. Amongst the Gaelic Irish the links between their culture and that of the 'foreigners' was accepted. [377]

Marriage may have been a contributing factor in 'degeneracy' but such influences run both ways and it could be argued that intermarriage could also lead to increasing Anglicisation of the women involved, especially when it came to an awareness of church law and teaching on marriage and their legal entitlements under the common law as opposed to Gaelic law.[378]

The history of intermarriages between the settlers and the Gaelic Irish during this period was a sometimes-violent one. In 1289, the Annals of Loch Cé recounted the death of Fiachra O' Floinn who was killed by the Burkes. O' Floinn was on his way

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[374] James F. Lydon, Nation and Race in medieval Ireland' in Simon Forde, Lesley Johnson and Alan V. Murray (ed.), *Concepts of National Identity in the Middle Ages*, (Leeds, 1995), pp 103-105.
[375] Berry, *Stat. Ire. John-Henry V*, pp 432-33.
[376] Mary O' Dowd, 'Women and the law in early modern Ireland' in Christine Meek (ed.), *Women in Renaissance and Early Modern Europe* (Dublin, 2000), pp 100-101.
[377] The acceptance of links between the Gaelic Irish and Gaelicised Anglo-Irish families was perhaps easier the further away from the Pale one travelled.
[378] Duffy, 'Degeneracy' in Lydon (ed.), *Law and Disorder*, pp 88-89

to contract a marriage alliance with '*the Foreigners*' when this occurred.[379] The rate of intermarriage within families seems to have dependent on a number of factors including geography. Families that held lands in areas in close proximity to Gaelic lordships often found it expedient to marry into those Gaelic families. This can be illustrated by an examination of the FitzMaurice lords of Kerry and their marriage patterns from the late thirteenth century until the early sixteenth, which show intermarriage with Gaelic Irish families in nearly every generation (see Appendix A). The process began with the marriage of Thomas, Lord FitzMaurice, to Grace, the daughter of MacMurrough Kavanagh and continued through the centuries with particular favour being shown to the MacCarthy and O' Brien families which, considering where FitzMaurice lands lay, made political sense. These two families were powerful neighbours of the Lord of Kerry and it was in his interests to foster good relations with them through intermarriage.[380]

Even when the FitzMaurice family married into other Anglo-Irish families it was to families such that of the earl of Desmond, which was somewhat Gaelicised. Relations between the FitzMaurices and the earls of Desmond could be volatile, however. Sir Maurice FitzMaurice was starved to death in 1339 on the orders of the earl of Desmond. His sister Aveline was married to the earl and thus found herself married to a man who murdered one of her brothers and blinded another. That the hostilities continued is indicated when, in 1447 Thomas FitzMaurice applied for a dispensation to marry Annora the daughter of the earl of Desmond and stated that the purpose of the marriage was to allay the bitter hostility between their two families.[381]

8b: Intermarriage in more closely settled areas including the Pale

Within the Pale it appears that intermarriage with the Gaelic Irish was relatively rare as settler families tended to intermarry with each other. There were some

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[379] *A.L.C.*, 1289

[380] C. Thomas Cairney, *Clans and Families* (Jefferson and London, 1989), pp 66, 122.

[381] Miss Hickson 'Ardfert Friary and the FitzMaurices Lords of Kerry', *J.R.S.A.I.*, 5, (1895), pp 33, 36.

occurrences of intermarriage, however. In 1531 Edward Nugent of Ballebranagh co. Meath married Owny Niny Molloy who, as one of the Molloys, was classed as an Irish enemy. To punish Edward over this marriage, the king seized Edward's lands but he was subsequently exonerated of his wrongdoing.[382] The Nugents' record of intermarriage with their native neighbours did not stop there. The end of the sixteenth century also saw the marriage of a daughter of Thomas Nugent with Philip O' Reilly.[383] The Nugents possibly first came into contact with the Molloys whilst fighting against them. The frequency of prisoner and hostage taking in late medieval Ireland, threw some unlikely people together in marriage. For example, some time before 1394 Henry Castide, an English squire, was on an expedition led by the earl of Ormond against MacMurrough. Henry, however, was taken prisoner and eventually married a daughter of the man who captured him (Brin Costerec) and lived amongst his former captors. He learned the Irish language and was appointed the attendant to the Irish kings who were to be knighted by Richard II when he visited Ireland.[384]

Marriage alliances could be an effective way for settlers to avert raids and attacks on their lands not only in hostile Gaelic areas but also in lands nearer the extensively settled lands on the east coast that collectively came to be known as the Pale. Marriages with the neighbouring Gaelic Irish were often the only practical ways to protect family lives and holdings for those Anglo-Irish living in or near the Pale as demonstrated by the Nugents above. Another such family was the Dillons of Meath. The family had arrived in Ireland in the person of Henry Dillon, who came to Ireland in 1185 as a companion and secretary to Prince John. John knighted Dillon and conferred various lands on him, which were eventually transformed, into the barony of Kilkenny West duringh the reign of Henry VIII. The family tree displays evidence of extensive links through marriage with the local Gaelic Irish (see Appendix B).[385] The marriages of the Dillons cover a wide geographical base and include many of

[382] Griffith, *Cal. Inq. Ireland*, p. 35.
[383] Philip O' Connell, 'The Parish of Iniskeen', *Riocht na Mide*, 2, no. 3 (1961), p. 24.
[384] Graves, *King's Council Richard II*, p. xx.
[385] Liam Cox, 'The Dillon Lords of Kilkenny West Part One', *Riocht na Mide*, 11 (2000), pp 71-87 - the family tree is based on information in this article.

their more formidable neighbours, for instance the O' Farrell lords of Annaly, who were one branch of the ruling family of co. Longford. Relations between the Dillons and the native Irish in Offaly were soothed by marriages with the O' Molloys and the MacCoghlans amongst others.[386]

At the highest level of Pale society intermarriage was entered into for political advantage. An examination of the marriages of the children of Gerald Mór the eighth earl of Kildare's demonstrates the continuing importance of intermarriage long after the Statutes of Kilkenny had banned the practice. Gerald's first wife was Alison FitzEustace, daughter of the baron of Portlester and they had seven children, the heir, Gerald and six daughters. Of these daughters Elinor was married to Donal mac Finin MacCarthy Reagh, prince of Carbury. After his death she was married to Maghnus O' Donnell, the lord of Tyrconnell. Margaret was married to Piers Butler, eventual earl of Ormond. Elizabeth was married to Christopher, Lord Slane. Of the three other daughters it is only mentioned that one of them was married to Con O' Neill her first cousin.[387]

Every strata of Gaelic Irish and Anglo-Irish society was familiar with intermarriage. From the highest levels of society, where intermarriage was often a way of securing a family's position in the face of local Gaelic opposition, to lower down the scale where the stakes were not as high, people from the two cultures met and married. The cross-fertilisation of cultural attitudes and traditions as well as implications for the legal status of the women involved in these marriages are of interest. It is possible that, depending on where and to whom she was married, a wife would follow the customs of the tradition she had married into. For the noblewoman, as well as being better provided for financially, she may also have been required to follow the traditions of the culture in which her marriage had placed her. Gaelic wives of Anglo-Irishmen can be found applying for grants of English law so they would be

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[386] Cairney, *Clans and Families*, pp 54, 61, 62, 80, 82, 97, 118.
[387] Lodge's *Peerage*, vol. 1, p. 87.

eligible for benefits such as jointures and dowers, if and when their husbands died. For example, grants of English law to Irishwomen such as Mariota, the wife of Ralph Burges and Artesia, who may have been the daughter of Primate Mac Maolisa and who was married to Peter de Repentenny in 1285, safeguarded their rights in an Anglo-Irish world.[388] In 1289 Primate Mac Maoiliosa also petitioned for a grant of English law to be given to Ismaya, the wife of Bertram de Repenteneye, in order that she might have her dower after her husband's death. It was explained that she was Irish and the custom in Ireland was that Irishwomen did not have that right.[389] She was the daughter of O' Rahilly.[390]

The question as to whether or not most Gaelic women who married Anglo-Irish men were formally admitted to the law and thus beneficiaries of the rights due to them remains unknown. However, some Gaelic women who intermarried undoubtedly did receive the benefits due to them from the common law. A case from the early fourteenth century inadvertently indicated that Gaelic Irishwomen who intermarried with settlers (high-ranking ones at least) did benefit from English law. The case in question concerned a dispute over the rent of a carucate of land rented by Maurice Carew in Cork. The history of the land was outlined and it was claimed that this carucate had once belonged as dower to an ancestor of Maurice, Ragnailt MacCarthy who was the widow of Richard de Carew. She was a daughter of the then King of Desmond Diarmait Cille Badùna MacCarthy (d. 1185).[391]

Some families built up a network of relationships with the Gaelic Irish through their marriages and in places where the family's landholdings were tenuous or at great risk of being attacked by the Gaelic Irish, this was understandable. This may be the case for many border lords such as the Dillons who bolstered their position by cultivating networks of Gaelic kin. Intermarriage could also be mutually beneficial,

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[388] McNeill (ed.), Harris' "Collectanea"', p. 318.
[389] Diarmuid Macíomhair, 'Primate MacMaoiliosa and County Louth', *Seanchas Ardmhacha*, 6, no. 1 (1971), p. 90.
[390] Brendan Smith, *Conquest and Colonisation in Medieval Ireland* (Cambridge, 1999), p. 82.
[391] Duffy, 'Degeneracy' in Lydon (ed.), *Law and Disorder*, p. 93.

providing a respite from raids for Anglo-Irish and powerful allies for the Gaelic Irish. This can be seen in the marriages of the children of Margaret O' Carroll and Calvach O' Connor Faly. Their son Tadhg married the sister of the 7th earl of Kildare, their daughter Mór married MacWilliam Burke of Clanricard and only their daughter Fionnuala married Gaelic Irish lords, she married Niall Garbh O' Donnell and then Aodh Buidhe O' Neill. These marriages into some of the greatest families of both the Gaelic and Anglo-Irish worlds were facilitated by Calvach O' Connor's martial exploits which saw him expanding into lands held by the earl of Kildare as well as his ability to extort black rent from his Anglo-Irish neighbours.[392]

However, not all marriages were between Gaelic women and Anglo-Irish or English men. Gaelic Irish men also married Anglo-Irish women. For example, a series of deeds from the early fifteenth century relates to grants of lands made by William O' Dowyr and his wife Isabella, the daughter and heiress of David Wodstok. In such a situation a Gaelic man's right to administer his wife's land could be brought into question simply because he was Gaelic and the onus was likely to have been on him to have himself admitted to English law and safeguard his rights in relation to his wife and their property. The questions regarding the depth and types of changes which Anglo-Irish women may have had to adapt to as the wife of a Gaelic Irishman are speculative and may not have affected Isabella O' Dowyr excessively, as she was living in an area subject to the earls of Ormond and not in a wholly Gaelic area.[393] The need for Gaelic Irishmen married to Anglo-Irish women to have themselves admitted to English law can be seen in a case dating from 1384. In that year allegations over his background and descent led a jury to conclude that Adam Nores was not of the Irish nation but *'of descent of the mere English'* and was, therefore, entitled to hold land in right of his wife.[394] When an Anglo-Irishwoman married a Gaelic Irish man in a Gaelic area, her status was likely to have been that accorded to a Gaelic Irish wife under Gaelic law. However, it is likely that only women making

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[392] Ó Cléirigh, 'O' Connor Faly', pp 91-92
[393] *Ormond Deeds ii*, no. 371
[394] *Dowdall Deeds*, no. 290

political marriages entered into such agreements regularly and that, in their cases, they were entitled to all the benefits of life as the wife of a chieftain. For example, in 1269 the earl of Ulster insisted that Aedh Bui O' Neill grant his Anglo-Irish wife Eleanor (a cousin of the earl) the full rights of a Gaelic Irish married woman. This was in response to the fact that Aedh had previously neglected her and the earl forced him to accord to Eleanor all the rights that she was entitled to according to the '*custom*' of his land.[395]

9: INTERMARRIAGE AND THE NEED FOR DISPENSATIONS

9a: Dispensations in Gaelic and Anglo-Ireland

Family plans for advantageous intermarriages were sometimes blocked by problems due to the close relationship of the principals involved. Between 1065 and 1215 the church prohibited marriage between people related to the seventh degree but after the fourth Lateran Council in 1215 the prohibited degree was reduced to four.[396] Incestuous relationships were nothing new in late medieval Ireland as the complex strictures of the church regarding the degrees of consanguinity and affinity meant that incest, as defined by the church, must have been a very common occurrence. One result of this was that dispensations from the church to marry, stay married or to re-marry were issued throughout the later middle ages to applicants from both Gaelic and Anglo-Ireland, who felt that they were too closely related and needed the sanction of the church to enter into or continue in their marriages. Of the over nine hundred cases dealing with marital problems from Ireland, Scotland, Wales and England contained in the *Calendar of Papal Registers,* approximately two hundred of those relate to Ireland.[397]

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[395] *Report on the Manuscripts of Lord De L'Isle and Dudley, I* (Historical Manuscripts Commission, London, 1925), p. 32 as quoted in Simms, 'Women in Norman Ireland' in MacCurtain and Ó Corráin (eds), *Women in Irish Society,* pp 17-18.
[396] Shahar, *The fourth estate,* p. 82.
[397] O' Meara, 'Under the Heel of Church and State?', pp 15-16.

Within Anglo-Irish areas the desire to legitimise a marriage and offspring and thus safeguard inheritance rights was probably the most important reason to apply for a dispensation. This was less important for those living within Gaelic areas, as the Gaelic Irish aristocracy depended more on the acknowledgement of paternity rather than canonical concepts of legitimacy, when determining hereditary rights.[398] However the growing insistence of the church on the importance of valid and indissoluble unions throughout this period, allied with a growth in religious fervour amongst the Gaelic Irish from the fourteenth to fifteenth centuries on ,may have contributed to a growing desire amongst them to conform to church laws in this instance.[399] Many of the applications are retroactive in that the couples had already been co-habiting and had produced children. As the middle ages wore on the perceived need for a legitimate marriage, free of all impediments, was beginning to spread across both of these cultures in Ireland.

9b: Children and inheritance

The desire for a legitimate marriage appears to have gained in popularity across the Gaelic world from about the end of the fourteenth century on. There are many examples, from this time onwards, of Gaelic Irish couples applying for dispensations. For example, the relationship between Murchad O' Connor Faly and Gormlaith Kavanagh was legitimised by papal consent in 1390[400] and there are many other examples of Gaelic Irish couples undertaking the expensive and lengthy process of appealing to Rome for dispensations to marry. In 1400, to give one example, the Bishop of Tuam was ordered to dispense Terrdealbach Macdomnaill and Katherine Yrnairt (O' Rourke) of his diocese to marry, despite the fact that they were related on both sides in the fourth degree of kindred and on one side in the third degree of affinity. They had also committed fornication, which had led to the birth of children who were to be legitimised. A year later the bishop of Ardfert was mandated to

[398] Cosgrove, 'Marriage in medieval Ireland', p. 31.
[399] The rise in popularity of the mendicant orders, especially the Franciscans, amongst the Gaelic Irish is an indication of this growing religious fervour. See Colmán Ó Clabaigh, The Franciscans in Ireland, 1400-1534: From Reform to Reformation (Dublin, 2002) for a treatment of this phenomenon.
[400] Ó Cléirigh, 'O' Connor Faly', p. 88.

dispense to marry Donald Ycaym (O' Keeffe) and Borgayll, [daughter] of Denis Ysullevayn, of his diocese. This couple were related in the double third degree of affinity and they had committed fornication. Their children were also to be declared legitimate.[401] Dispensations were applied for from all over Gaelic Ireland. In 1402 the bishop of Killala, for example, dispensed Fergallus Maceragan and Gramii Immescan of his diocese to marry. They were related in the third and fourth degrees of affinity.[402] An entry dating from 1405 is very typical of a Gaelic Irish application for dispensation. A dispensation was issued to Thady Yadgra and Una Mdondcaig who were related in varying degrees of affinity. It was stated that Thady and Una had children together, the implication being that this was already a marriage in name and substance.[403] Most applications for dispensation to ratify what were already marriages appear to have taken great care to include the legitimisation of existing offspring.

The Anglo-Irish also participated in clandestine marriages and despite the fact that many of the dispensations subsequently applied for took great care to include the legitimisation of children, this act did not always translate into the common law. This omission placed the children in question at a disadvantage. An example of this divergence between church and state concerning legitimacy can be seen in the controversy over the succession to the Butler lordship in the early sixteenth century when the third son, Piers, succeeded to the title despite having two older brothers. These two brothers (and a sister Elicia) had, however, been born before their parents had been married in church. The parents, James MacRichard Butler of Knocktopher, and Sadhbh, the daughter of Donal Reagh Kavanagh, subsequently received a dispensation, were married in church and the children were made legitimate in the eyes of the church but that did not automatically translate into legitimacy under secular law. To compound the legality of the marriage and Sadhbh's status as James' lawful wife, a Letter of Denization granting Sadhbh all the privileges of English law

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401 *C.P.L., 1396-1404*, pp 305, 383.
402 *Ibid.*, p. 499.
403 *C.P.L., 1404-1415*, p. 69.

was issued in 1467. An Act of Parliament legitimised both the marriage and the children in 1468.[404] Despite the legitimisation of both the union and the oldest children, Piers Butler still succeeded to the title (and later the entire earldom of Ormond) eventually. Anglo-Irish society was unwilling to accept the enforced legitimisation of children born before wedlock and only the claims of Piers, as a child born after the church ceremony were accepted as rightful.[405]

The lack of a valid marriage could have serious repercussions for the children that were produced in good faith in what later became a disputed marriage. In 1403 the bishop of Ossory was asked to declare that the three Tobyn brothers of his diocese were legitimate. Their parents had been publicly married but had discovered an impediment, that of their close affinity, after the birth of their third son.[406] Anxiety over the validity of a marriage could be deep-seated, especially if it was thought to have an effect on children's inheritance rights. In 1427 Elizabeth de Preston, who was at that stage the widow of Walter de la Hyde, appealed to the bishop of Meath concerning the validity of her marriage. She was worried that her dispensation to marry her husband was invalid and wished to be reassured of its validity because she feared that this could have serious repercussions for her children. The bishop was to investigate and to declare legitimacy if he found it was justified.[407] The difficulties faced by children born before properly sanctioned marriages could be disastrous for them although it is now impossible to know the numbers of children thus affected by the differences in law and attitude concerning illegitimacy between Gaelic and Anglo-Ireland. This discrepancy affected those Gaelic Irish who were subject to the common law and not those within Gaelic Irish lordships.

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[404] Kehoe, 'Margaret FitzGerald', pp 831-2.
[405] C. A. Empey, 'From Rags to Riches: Piers Butler earl of Ormond 1515-39', *Journal of the Butler Society*, 2 no. 3 (1984), pp 307-8.
[406] *C.P.L. 1396-1404*, p. 532.
[407] *C.P.L., 1417-31*, pp 504-5

9c: Consanguinity and affinity

Within medieval Ireland the choice of a marriage partner could be fraught with difficulties as it was difficult to find a possible spouse who was not, in some way, related to the proposer. This was especially true in the very small number of prospective mates available to Gaelic and Anglo-Irish nobles. For example, in 1323 John FitzThomas, the earl of Kildare, had to obtain a dispensation in order to marry Joan, the daughter of Hugh Despenser the Younger because of their close relationship to one another.[408] For some families it was almost always nearly impossible to marry without a dispensation. The de Burghs, for example, appear to have found it very difficult to find suitable partners and several dispensations were issued to them to pardon marriages affected by affinity or consanguinity. In 1320, for example, John de Bermingham, the earl of Louth, and his wife Avelina, the daughter of Richard de Burgh earl of Ulster and lord of Connaught, were granted dispensation to remain in the marriage, which they had contracted.

The story of how this marriage came about is recounted in the deed. A contract of marriage was made between Richard de Burgh and Peter, the father of John, that Richard's daughter Matilda should marry John - she was then six years old. Some time after this Matilda by then an adult (who, it was carefully pointed out, had not consummated the marriage) went to the house of William de Mandeville and met John. Gilbert, earl of Gloucester, wishing to marry one of Richard's daughters sent envoys who chose Matilda as the fairest and he subsequently married her. [409] Matilda's power as a woman of beauty, health, and wealth and with powerful social connections increased her status as a potential wife, which served to attract a powerful and rich husband. John married Avelina, Matilda's sister, and his children by her were, despite his previous contract with Matilda, declared legitimate. The story attached to this indicates the importance of physical beauty even in an age where marriage was not generally based on attraction. It also hints at the power of

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[408] *C.P.L., 1305-42*, p. 231.
[409] *C.P.L., 1305-42*, p. 209.

Gilbert, earl of Gloucester, whose envoys seem to have blithely disregarded the previous marriage contract of his intended wife. Of course, the women involved have no part to play, except perhaps in the display of their physical charms.

Many couples within Anglo-Ireland applied for and received dispensations based on consanguinity and affinity during the later middle ages. For example, Barnabas Gernon was given a dispensation to marry Alice de Werdon in 1415 because they were related in the double fourth degree,[410] the implication was that no sexual relations had taken place and that they were waiting for ecclesiastical approval before any steps were taken towards marriage. In 1538 Henry Dowdall and Katherine Gernon were granted a dispensation to marry, as they were related in both the third and fourth degrees of consanguinity. A dispensation was also given to James Dowdall and Johanna Gernon to marry as they too were closely related.[411] Outside events too could influence the need for a dispensation. For example, in 1555, Nicholas Dowdall and Emma Dillon were granted a dispensation for having been married despite an impediment as well as during a period of schism.[412] Outside influences, this time in the form of public disapproval also influenced the activities of Barnabas Nangle, a baron, and Ann Barnwall in 1427. They secretly married, despite knowing they were closely related, but '*no carnal association followed*'. It was stated that they could not remain like this without a dispensation and, if they divorced, that scandal would ensue, so they petitioned for a dispensation.[413]

The church's rules on affinity included people who had acted as godparents to one's relatives or who had sex with a close relative. Even in a close knit medieval community, people would find it difficult to keep track of all their distant relatives and their offspring. The godparent impediment especially must have been very difficult for people to adhere to. Often they may not even have known about it when

[410] Lawlor, 'Register Fleming', no. 241.
[411] *Dowdall Deeds*, nos 537, 543.
[412] L. P. Murray, 'A Calendar of the Register of Primate George Dowdall commonly called the 'Liber Niger' or 'Black Book', *J.C.L.A.S.*, 6 no. 3 (1927), no. 74.
[413]Chart, *Reg. Swayne*, p. 52.

they got married. When Nicholas Fanut and Alice Tykill married, for example, they were unaware that they were related too closely, because Nicholas was godfather to the illegitimate son of Alice's first husband.[414] Many people would have found it impracticable to attend to all of the church's guidelines on this matter. For example, in an appeal for a dispensation to remain in their marriage received from John de la Faunice and Catherine de Bermingham in 1359, it was stated that they had married unaware of the fact that Edmund Lacy, who was Catherine's former husband, was related to John in the fourth degree of kindred.[415]

9d: Dispensations to avoid scandal

The threat of scandal concerning invalid marriages even began to make inroads into Gaelic life by the fifteenth century. A dispensation was granted in 1457 to Maurice Iherlathi clerk and Joan Inyymwyt of the diocese of Cloyne. They were related in the third degree of affinity, which Maurice knew of but of which Joan was ignorant. They lived together for eight or nine years and had children and were held by common opinion to be man and wife. However Joan learned of the affinity and for the previous year leading up to the application they had abstained from intercourse although they continued to co-habit. They petitioned that if they were separated Joan and the children would be *'defamed'* and Joan would have no hope of re-marriage. Penance was duly imposed on them and their children were declared legitimate.[416] The excuse of shame or defamation for the woman may indicate either that this was a real problem for women whose marriages failed or that the Gaelic Irish appropriated this excuse as one that held weight and could be effective. The rise in church influence during this period may also have some bearing on this apparent rise in the idea of shame being attached to a failed marriage within the Gaelic world. This shame seems to have extended to forced marriages. For instance, in 1438 Eugenius Yseachnasayd and Sile de Burgh applied for a dispensation for marriage. In their appeal the couple stated that they were aware that they were

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[414] Hall, *Women and the Church*, p. 31.
[415] *C.P.L., 1342-62*, p. 605.
[416] *C.P.L., 1455-64*, p. 292.

related in various ways but had pursued a relationship and produced children. This was a relationship with a difference, however, because it had started with an act of violence. The couple stated that, although Eugenius had ravished Sile, he and she wanted to marry for two reasons; firstly, that Sile gave her consent to subsequent sexual relations between them and secondly, in order to avoid '*greater scandals between their parents, kinsmen and friends*' and, in a similar vein, that Sile may not be defamed.[417] Their children were also made legitimate. This is a curious case in which the apparent victim of a crime accedes to it and eventually agrees to marry the perpetrator, in order to avoid greater scandal, or so we are asked to believe.

9e: Dispensations for marriages to end war and violence.

The excuses given by applicants in their bid to gain a dispensation were varied. They ranged from ignorance of any impediment between them, to avoiding shame for the women to one which was used almost as a form of blackmail; that is to dispense a marriage, which would bring peace to the unstable locality in question. In such an instance it was argued that providing a dispensation was performing a public service, in that it kept the peace. This could be a persuasive argument in a war-torn country such as Ireland. In 1327 William de Burgh, the earl of Ulster, sought a dispensation to marry with a noblewoman of England (Matilda of Lancaster) who was related to him. This marriage would, it was expressly hoped, consolidate the peace between the English and Irish.[418] In 1406 the bishop of Kilmore dispensed the marriage of Richard Orayly [O' Reilly] and Lasrina Macgamrugan. They had already had children and were related but they wanted to marry with the stated desire of the '*quelling of wars between their followers, kinsmen and friends*'.[419] In 1426 it was advised that the Pope remove the impediments delaying the marriage of the 'noble and puissant' Roger Mccmahuna of Clogher diocese and Alice White of the Armagh diocese. These impediments were that they were closely related on several levels but the marriage was advised for several reasons. These included the

[417] *C.P.L., 1431-47*, p. 32.
[418] *C.P.L., 1305-42*, p. 257.
[419] *C.P.L., 1404-1415*, p. 106.

legitimisation of the children who had already been born as well as the peace that their union brought to the warring English and Irish.[420]

Thomas, the son of the earl of Desmond, and Elis, the daughter of William lord Barry, were granted dispensation to marry in 1455 despite being related, *'in order to assuage and prevent the continuation of enmities, discords, homicides, burnings, depredations and plunderings and breakings of towns and castles on the part of their parents, friends and kinsmen'*.[421] The close affinity was due to the fact that John Barry (d. 1426) had married a daughter of the earl of Desmond. His son was William Barry, the father of Elis.[422] These applications for dispensations in order to promote peace may have been used as a bargaining tool by an elite whose family and friends could make life very difficult in their area if a dispensation was not forthcoming. The description of the types of violence and unrest, which these marriages hoped to end, are, in themselves, an implied threat. For example, the grant of a dispensation in 1447 to Thomas FitzMaurice, the son of the earl of Desmond, and Annora de Geraldinis, the daughter of the baron of Ardfert, was made because of continued trouble between their respective families. To wit, *'great wars have arisen, whence slaughter, burnings of towns and castles, depopulation etc. have been perpetrated and are perpetrated daily so that there seems to be no hope of peace, wherefore they desire to find a remedy by means of marriage'*.[423]

An appeal by Henry O' Neill in 1469 to marry Joan MacMahon was made with the stated hope that the marriage would put an end to violence.[424] O' Neill gave the archbishop of Armagh a quantity of gold on condition that the archbishop would write to Rome recommending the dispensation. The archbishop's sympathies were clear when he stated that he noted how difficult it was for the Gaelic chiefs to find

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[420]Chart, *Reg. Swayne* , pp 45-6.
[421] *C.P.L., 1455-64*, p. 232.
[422] Diarmuid O' Murchada, *Family Names of Co. Cork*, (Dun Laoghaire, 1985), p. 26.
[423] *C.P.L., 1447-55*, p. 359.
[424] The MacMahons, as a powerful Ulster family, could aid O' Neill thus, perhaps, his desire for a marriage with a family who could be effective allies see Cairney, *Clans and Families*, p. 89.

suitable marriage partners.[425] Perhaps the dispensing of marriages for the sake of peace indicates just how little the input of the prospective brides and their grooms mattered when it came to their own marriages. Here, very obviously, women were being used as tools for political ends, whether their marriages were actually being used as a means to obtain peace or not. It may be that in a country exhausted by feuds and warfare this excuse was found to be a powerful and effective way for the families involved to gain a political or military advantage, by dint of an honourable reason for marriage. The use of women as marriage pawns is not a feature unique to Ireland nor is the identity of the powerful institution that many women turned to for comfort and sustenance in their sometimes-difficult lives. That organization was the Church from whose teachings and rituals they could derive comfort as well as exercise their religious impulses through the making of grants and gifts.

10: WIVES AND THE CHURCH

10a: The rise of religious influence

The alleviation of one's sins and those of loved ones through donations to the church in the expectation of death was a priority both for husbands and their wives in both Gaelic and Anglo-Ireland. These donations often took different forms, however. Because Gaelic wives held only a life-interest in land, they could not grant it to the church. This may have been changing by the later middle ages in Ireland, but probably slowly, and so most Gaelic wives' donations to the church must have consisted of movables, including plate, vestments etc. In contrast, Anglo-Irish wives could inherit land but needed their husband's permission to donate such lands to the church.[426] There is plenty of evidence of joint grants of property to the church by Anglo-Irish husbands and wives. Despite the limitations accorded to both these sets of wives, women of both cultures were often at the forefront of religious donations and the expression of other forms of religious devotion by their families. In both

[425] Lynch, 'Calendar of Reg. Bole', p. 167.
[426] Hall, *Women and the Church*, pp 43-4.

societies, wives were expected to exhibit a certain level of outward piety. This was also bolstered by a rise in religious fervour in both societies during the later middle ages.

This rise in religious fervour made an impact on the Irish landscape as between 1400 and 1508; ninety new friaries were founded in Ireland, chiefly in Gaelic and Gaelicised districts, indicating widespread patronage of these Orders. Half of those were Franciscan foundations of small communities who supported the ministry of local diocesan clergy and offered education to children. In Anglo Ireland the diocesan church was also in relatively good order by the fifteenth-century and was thriving. These factors indicate a contemporary religious revival amongst both the Irish and Anglo-Irish. This rise in religious feeling was also expressed through the desire for personal religious services expressed by the laity. Between 1344 and 1469 there were 103 requests received from women in Ireland as well as women and their husbands jointly recorded in the papal records seeking for permission to erect private chapels, have personal confessors and for plenary remission of sins. Of these requests, thirty-four of the women's names were Irish, which indicates a high level of interest in these forms of piety amongst Gaelic women.[427] It may be of some interest to note that during this period of intense religious revival (from c. 1400 on), the numbers of Gaelic Irish couples applying for dispensations increased and the importance of the dowry appears to have risen also in Gaelic Ireland as the coibche was slowly being discarded from legitimate marriage contracts. These developments may be linked to the increasing influence which church thinking (and particularly preaching) was beginning to have on the Gaelic Irish, even though the process was slow and many continued to cling to the older marriage traditions.

10b: Urban areas: Religious guilds and confraternities

During the late fourteenth and into the fifteenth centuries there was a particularly developed religious culture in late medieval Dublin where religious and craft guilds

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[427] *Ibid.*, pp 23-4.

employed priests to pray for their members as well as accepting grants and bequests from their members.[428] Religious guilds (of which there were perhaps eleven in Dublin) were based at particular churches and were created specifically for the spiritual benefit of their members. The primary function of these guilds was to maintain a chantry of one or more priests to sing mass for deceased members. To finance this religious guilds were allowed to acquire lands for investment purposes and this was also enhanced by endowments and bequests from guild members.[429] One example of such a bequest was made in the later fifteenth century by Thomas Shortals, former Mayor of Dublin, and his wife Ellen Clarke to the guild of Corpus Christi in the church of St. Michael Within. The grant consisted of one tenement with land, a garden with some latrines and their appurtenances and also four messuages with their appurtenances within the walls of the city. Thomas Laundey, the Master of the Guild, held them.[430] Most women who were members of religious guilds may have had a connection with them already either through male relatives or a husband.[431]

The brethren of a guild, for instance, often had the right to be buried in the chantry chapel or in the vaults. For example, the Dublin Merchants were buried in the vaults beneath their chapel in Christ Church and for this privilege a fee was expected. The fee for the burial of a guild brother, his wife or his child was 3s 4d. Members were also expected to donate lands for the upkeep of the chantry. In Waterford, the records of the chantry of St. Saviour furnishes details of a Richard Vale, citizen of Waterford, and his wife Katherine Aylward who in 1474 granted a messuage to the chantry. The brethren of the chantry were also required to pray for the welfare of many married couples, as enshrined in its statutes. The statutes also warned against

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[428] Edel Bhreathnach and Raghnall Ó Floinn. 'Ireland: Culture and Society' in S. H. Rigby (ed.), *A Companion to Britain in the Later Middle Ages* (Oxford, 2003), pp 442-3.
[429] Clark and Refaussé (eds), *Dublin Guilds*, p. 32.
[430] Lennon and Murray (ed.), *Dublin City Franchise Roll*, no. 30, p. 64.
[431] For an investigation into European patterns of female guild membership see Bennett, Clark, et al (ed.), *Sisters and Workers in the Middle Ages*.

fornication or adultery on the part of its members; if found to be engaging in such acts they were to be banned from it forever.[432]

The surviving religious guild records relating to Dublin are paltry but they do indicate a certain level of participation by women in their affairs. For instance, the guild of St. Augustine was based in St. Patrick's Cathedral in the mid-fourteenth century and during the 1360s some of the people admitted as members included the following women, Johanna Brymgame, Anne Downely from Oxmantown, Margaret Harrold, Johanna Holys, Margaret Malog, Catherine O' More, Margaret Rochford and Johanna Wyleton. The marital status of these women is unknown; they may have been the wives, daughters or widows of existing members. Women too could be influential in the founding of these guilds. St. Mary's chantry was founded at the church of St. Nicholas Within by royal charter in 1470. The earl of Worcester and his wife, Elizabeth, Sir Edward Dudley and his wife Matilda and some other men were authorised to purchase property worth 13l 6s 8d yearly to support one or more chaplains who would be elected by the parishioners of St. Nicholas Within. [433] Apart from such guilds in Dublin, there were also religious guilds flourishing in the other towns and cities of Ireland, such as the Guild of St. Anne, founded in Drogheda sometime after 1438.[434]

Another expression of religious piety, which was popular for husbands and wives, was to join a confraternity.[435] Joining a confraternity meant that spiritual benefits would accrue to those who became members because special prayers and masses would be said for their benefit. Confraternities were often attached to monasteries and churches and gradually became popular in Ireland as they did in the rest of late medieval Europe. In Ireland there were fraternities at the parish level as well as confraternities associated with monastic houses. However it was more beneficial if

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[432] Gearóid MacNiocaill, 'Register of St. Saviour's Chantry, Waterford', *Anal. Hib.*, 23 (1966), nos 77, 94.
[433] Clark and Refaussé (eds), *Dublin Guilds*, pp 33-40 for information on these specific guilds.
[434] Chart, *Reg. Swayne*, p. 178.
[435] Much of the following information on confraternities in Ireland is from Hall, *Women and the Church*, pp 24-5.

one gained admission to the confraternity of a religious house, as this was a way of gaining the prayers of the monks and the other members of the confraternity in perpetuity. When joining a confraternity some women applied for admittance themselves, some joined with their husbands and another group were admitted after death at the wish of their surviving husbands or children. The names of wealthy and important people who are registered as members of a confraternity indicate that to join one may have been quite fashionable as well as spiritually beneficial. For example Lady Joan Cusack who along with her husband, Sir Christopher Plunket, erected in the early fifteenth century the present old church of Killeen also founded and endowed a confraternity of brothers and sisters under the name of the Guild of the Blessed Virgin.[436]

Married couples were also attracted to foreign confraternities. For example, in 1460 Edmond and Egidia Butler were accepted into the Confraternity of Scala Cali at the abbey of St. Anastasius in Rome.[437] Egidia may have also have been known as Gillis the daughter of Mulrony O' Carroll. After Edmund's death in 1464 she granted lands in Troystown to the Friars Minor of Kilkenny, which were the subject of some dispute over ownership.[438] Another Irish widow of a member of the Butler family was Sadhbh Kavanagh, who was the widow of James Butler.[439] She was accepted into the Confraternity of the Hospital of the Holy Spirit in Rome in 1501. She and James had also donated to the Friars Minor in Kilkenny in 1479 when they granted property in Donobire and Troystown to them.[440] In 1509 Sadhbh's son, Piers Butler, and Margaret, his wife, were accepted into the confraternity associated with the abbot and convent of Oseney near Oxford.[441] Doubtless it was a substantial donation, which ensured that John Stacpoll and his wife were given a letter of

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[436] Anthony Cogan, *The Diocese of Meath: Ancient and Modern*, i (Dublin 1992) pp 354-5.
[437] T. Blake Butler, Butler Family History, *2 (NLI MS 12023*, p. 2); Newport B. White, *Irish Monastic and Episcopal Deeds 1200-1600* (Dublin, 1936), p. 235.
[438] Butler, Butler History, *2 (NLI MS 12023*, p. 2).
[439] For the Kavanaghs see Kenneth Nicholls, 'The Kavanaghs 1400-1700', *Ir. Gen.*, 5, no. 4 (1977), pp 435-447.
[440] White, *Irish Monastic Deeds*, pp 236, 237.
[441] *Ibid.*, p. 239.

fraternity by the Prior of the Order of the Hermit Brothers of St. Augustine in 1507. This letter granted to John and his wife a participation in the benefits of the masses, fasts and vigils of the Brotherhood throughout Ireland.[442]

Christ Church Cathedral commemorated members of their confraternity by including them in their book of Obits and they were remembered at mass on their anniversaries. Women feature very prominently as sisters of the guild in this instance.[443] Over three-quarters of the one thousand entries in the lists of obituaries are for lay people and of these there are 220 women's names included. Many prominent women were remembered in the Cathedral's registers. These included Joan de Burgh, wife of Thomas FitzJohn the earl of Kildare, along with whom she is remembered. Also remembered were Countess Agnes Darcy of Kildare and Elizabeth FitzGerald of Ormond. Other men and women were listed in the confraternity lists as 'conversus'/'conversa' or lay brother/sister; these refer to the lay people who died in the religious communities. The female conversae may have been pious laywomen granted the honour of burial in the robes of a lay sister or even a full habit or they may have been corrodarians who may have also been to be buried in the habit of a lay member of the community.[444] The brothers and sisters of the confraternity were primarily laypeople.

10c: Pilgrimages

During the middle ages in Ireland, another means of expiating one's sins was to go on pilgrimage. In 1320 Edmund Butler along with his wife and his son, James, applied for and were absolved of their vow to go on pilgrimage to Compostela because of continuing problems with the Gaelic Irish at home.[445] The religious zeal of some husbands led them to leave their wives behind them whilst embarking on a pilgrimage. In the late fifteenth century, for example, Sir John Bellew of Bellewstown

[442] Robinson, 'Parish of St. John Dublin', no. 149.
[443] Raymond Refaussé and Colm Lennon (ed.), *The Registers of Christ Church Cathedral* (Dublin, 1998), pp 20-1.
[444] Hall, *Women and the Church*, p. 26.
[445] *C.P.L., 1305-42*, p. 196.

settled his estate on his wife and set off for the Holy Land. He was a leper and meant to bathe in the waters of the river Jordan but died on the way there.[446] Canon law dictated that Sir John had to have his wife's consent to set off on his journey. The consent of the wife as well as the husband was a necessary precondition for any vow that might prejudice marital rights and specifically, conjugal rights.[447] If a husband entered religion, went on a pilgrimage or deserted his wife without her free and uncoerced consent, she was fully empowered to sue for his return in a church court.[448] However in most cases such disagreements did not end up in a church court, but rather were likely to have been settled within the family. The case of Thomas Óg Maguire illustrates this. A panegyric on the occasion of his death in 1480 recorded how he made two pilgrimages to Compostela and on one of these, in 1439, he faced some sort of extreme danger and as a result of eventually being delivered from this difficulty he vowed to join a religious community. However he did not gain his wife's (Juliana Campbell[449]) consent to this course of action and his children were also opposed to this. He therefore later had to apply for a dispensation to relieve him from his oath.[450]

It was not only men who departed for pilgrimages, women went too. One woman who sailed from Ireland to go on pilgrimage was Margaret O' Carroll. Both she and her husband, Calvach O' Connor Faly, were religious; in 1441 they obtained a plenary remission of sin from the papacy.[451] Four years later along with other Irish nobles, Margaret embarked on a pilgrimage to Compostela, presumably leaving her

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[446] Bellew Genealogy (*NLI G.O. MS 173).*

[447] Husbands were obliged to render their conjugal debt to their wives see Michael M. Sheehan, 'Marriage Theory and Practice in the Conciliar Legislation and Diocesan Statutes of Medieval England', *Mediaeval Studies,* xl (1978), p. 452

[448] Elizabeth Makowski, 'The Conjugal Debt and Medieval Canon Law' in Constance S. Wright and Joan Bechtold (ed.), *Equally in God's Image* (New York, 1990), p. 137.

[449] His wife's name is recorded in the Bellew family genealogy (NLI G.O. 173).

[450] Michael J Haren, 'Select Documents xxix: The Religious Outlook of a Gaelic Lord: A new light on Thomas Óg Maguire', *I.H.S.,* xxv, no. 98 (1986), pp 195-196.

[451] Ó Cléirigh, 'O' Connor Faly', p. 93.

husband behind her.[452] The annals noted that Margaret went accompanied by a large group of nobles.[453] Despite the religious benefits of going on pilgrimage, women like Margaret ran risks as it was an expensive and often dangerous business. In 1473, for example, pirates captured four hundred pilgrims who were on the boat *Mary London*. [454] Many people, therefore, chose to express their piety at home. For wealthy husbands and wives this was often done through patronage of the church and through aiding in the foundation of religious sites. Sometimes these two expressions of piety coincided, as in 1508, when Margaret Athy, the wife of Stephen FitzDominic Lynch, founded the Augustinian friary in Galway while her husband was away on a pilgrimage to Compostela.[455]

10d: Patronage of the church by Anglo-Irish wives

Charitable acts and religious patronage were undertaken by many husbands and wives during this period. Wives may have been the instigators of many, if not most, outward expressions of religious feeling expressed by couples, which could involve perhaps donating lands to the church, providing plate and cloths for their local church, fixing and improving the structure of the church itself and also the commissioning of religious literature. The chartularies of St. Mary's abbey in Dublin furnish many examples of couples granting land to the monks. For instance there is the case of David Albi and his wife Scholastica who made a straightforward grant of certain lands and rents outside Dublin to the abbey. Some grants are conditional such as the one made for a period of seven years by Richard de Trum and his wife Helen. The condition being that if the couple did not survive a trip to Jerusalem the abbey could convert their seven year grant to one in which they could hold the de Trums' lands forever. [456]

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[452] Margaret died in 1451 and, after her death, Calvach went on pilgrimage to Compostela but he does not appear to have gone with her when she travelled there in 1444, see O' Cléirigh, 'O' Connor Faly', p. 93.

[453] *A. F. M.*, 1445, note d.

[454] Hall, *Women and the Church*, p. 29.

[455] Archdall, *Monasticon*, ii, pp 208, 214.

[456] J. T. Gilbert, *Chartularies of St. Mary's Abbey Dublin, i* (Dublin, 1884), pp 225-6, 237-8.

Donations of land to the church, if they could afford it, were a means for many couples of expressing their religious faith as well as accruing, perhaps, an easier existence for themselves and their loved ones in the afterlife. The surviving documents of various religious houses also indicate the level of patronage on a local and national scale, which certain establishments enjoyed. The Dominicans of Athenry enjoyed a great deal of local patronage as various married couples are referred to in the documents as benefactors and friends of the abbey. There was Thomas Bovanter and his wife, Christine Lynch, who donated various sums of money and goods. There was also John Black and his wife, Joan Godsun, who donated altar goods. Likewise William Liath de Burgh and his wife, Finola O' Brien, were also recognised as great benefactors of the Dominicans at Athenry. In 1324 they gave more than one hundred marks towards maintaining the fabric of the church as well as donating the tithes of all the granges they owned to it. They also ensured their burial at Athenry by donating money to enlarge the choir space by twenty feet to make room for them to be buried in the Presbytery. This was a measure of the esteem in which they held this foundation, as the traditional burial place of the de Burghs was at Athassel.[457] Finola was dead by the next eyar and so perhaps her approaching death encouraged the large donations that she and her husband had made as well as the insistence on being buried in the presbytery.[458]

The Church in general also welcomed lands and holdings granted to it in prosperous towns and cities. In 1342 William Brown and Sidonia, his wife, granted a messuage in the street and parish of St. Werburgh to Master Hugh de Calce the chancellor of St. Patrick's church.[459] In an undated charter from Dublin Ralph de Piro and Alice, his wife, granted to the nuns of St. Mary de la Hogges all their land in Dublin. In return for this the nuns had to render a pair of white gloves at Easter to the grantors and

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[457]Ambrose Coleman (ed.), 'Regestrum Monasterii Fratrum Praedicatorum de Athenry', *Archivium Hibernicum*, i (1912), pp208-9, 212; Mervyn Archdall, Collections for Monasticon Hibernicon (NLI MS 676, p. 219).

[458] E. J. Gwynn, 'Fragmentary Annals from the West of Ireland' *P.R.I.A.*, 37, C (1924-7), p. 152.

[459] Twiss, 'Parish of St. Werburgh', no. 3.

their heirs and 4s. to the hospital of Kilmenan.[460] Some donations were made without conditions. Richard and Agatha Burdun for example quitclaimed the church and lands of Crumpeston to the Hospital of St. John the Baptist in Dublin.[461] Not all donations went smoothly, however. A report to the king in 1403 concerning lands belonging to Nicholas de Minnes and Margery, his wife, indicates that some donations could be troublesome. Nicholas and Margery intended to grant four acres of land beside those of the Carmelite friars in Dublin to the priory so that the friars could expand their lands. The rector of the church of St. Peter in whose parish the four acres were situated objected, as he would lose the tithes derived from the land. However the king allowed the grant to go ahead and he also seemed prepared for trouble when he stated that he specifically wished that neither Nicholas nor Margery nor the friars would be '*molested*' over his decision.[462]

The bestowal of grants and the making of gifts to the church were quite frequent amongst the wealthy in medieval Ireland. For the exceptionally wealthy and powerful married couples, the option of actually founding a church or monastery was also sometimes employed by them. For instance, the first wife of John FitzThomas the first earl of Kildare was said to have been a woman named Lucy de Roche. She supposedly founded the monastery of St. Augustine in Adare for their souls in 1316 (the year in which her husband became the first earl of Kildare and died).[463] As the rise to influence and favour of orders such as the Franciscans became noticeable in fifteenth-century Ireland so too did a rise in the establishment of Franciscan foundations by husbands and wives. For instance, in 1464 Thomas, the earl of Kildare, and his wife Joan, the daughter of the Earl of Desmond, founded a

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[460] Charles McNeill, *Calendar of Archbishop Alen's Register c. 1172-1534* (Dublin, 1950), p. 305.
[461] Brooks, *Hospital of St. John the Baptist*, no. 471.
[462] Smyly, 'Old Deeds III', *Hermathena*, lxix (1947), no. 119.
[463] Canon Hayman (ed.), 'The Geraldines of Desmond', *J.R.S.A.I.*, 5 (1881), pp 431, 433. This marriage is not listed in Lodge's *Peerage*, I, p. 79 where he is listed as having been married to Blanche, the daughter of John, Lord Fermoy. Certainly he was married to a woman named Blanche in 1307 when William le Poer and his wife jointly granted them lands, see Gearóid MacNiocaill, *The Red Book of the Earls of Kildare* (Dublin, 1964), no. 111. It is not inconceivable that Blanche was his first wife and after she died he married Lucy.

Franciscan friary in Limerick and erected a tomb for themselves in it.[464] The Franciscan establishment at Adare attracted a lot of patronage from married women who included Margaret, the wife of Thomas FitzMaurice, who built a small chapel there, and Edward Thomas, Knight of Glin who, with his wife Honora FitzGibbon (d. 1503), built the infirmary.[465] Margaret FitzGibbon, the wife of the poet Conlaid O' Daly, erected the transept and one of its two chapels was built by Margaret, the wife of Thomas FitzMaurice.[466]

Urban donors also favoured large and expensive gifts to churches. In 1418 William Symcock, a merchant and former mayor of Drogheda, and his wife, Agnes, donated the means to make what was known as the *'great bell'* of the church of the Blessed Mary in Drogheda, as well as the *'middle'* bell and the third bell as well.[467] In Dublin there are various examples of wealthy donors making gifts to favoured churches. These included Thomas Walche and his wife, Elizabeth Stokys, who gave a gilt bowl, worth four marks, to Christ Church. The same institution also benefited from the generosity of Joan Roche, the wife of John Whytt, a former mayor of Dublin, who donated a bowl worth four marks and a silver goblet worth 20s.[468]

Other notable contributions to the public expression of religious beliefs were the freestanding crosses that were erected throughout the English area of Ireland in the late medieval period and may have been particularly favoured by certain families.[469] The Plunkets of Meath, for example, were involved in setting up a large number of crosses, which still survive. A cross at Killeen was set up by Thomas Plunket and his wife Maria Cruys in about 1470, while twenty years later their daughter Elizabeth

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[464] *A. F. M.*, 1464

[465] T. J. Westropp, *Monastic and Heraldic Notes on Clare, Meath and Others* (T.C.D. MS 972/1, pp 119-120). It also attracted patronage from the Gaelic Irish. O' Brien of Arra and his wife built the dormitory and Donald O' Dea and Sabina his wife built another part of the cloister.

[466] O' Clabaigh, *The Franciscans*, p. 59.

[467] Diarmuid Macíomhair, 'Two Old Drogheda Chronicles, *J.C.L.A.S.*, 15, no. 1 (1961), p. 94.

[468] J. T. Gilbert, *A history of the city of Dublin*, vol. i (Dublin, 1861), pp 108-9.

[469] The information on the Plunketts and their crosses is in Heather A. King, 'Late Medieval Crosses in County Meath c. 1470-1635', *P.R.I.A.*, 84, C no. 2 (1984), pp 79-115.

was involved in setting up one at Sarsfieldstown and their grandson Christopher built a cross in 1510 in the centre of the manor village of Rathmore. There are a further six crosses from the period which were not inscribed but are on land either owned by Plunkets or families that their female relatives married into. The Plunkets of Meath were also among the chief patrons of sculptured mensa tombs in Meath, which commemorated both Plunket men and their wives.[470]

10e: Patronage of the church by Gaelic wives

Gaelic Irish husbands and wives also favoured the establishment of new religious foundations or the endowment of chapels. The Gaelic Irish wife was traditionally expected to display piety as well as hospitality and charity.[471] Gaelic wives may have been instrumental in persuading and aiding their husbands in founding religious houses as an outward expression of their and their family's devotion. The obituary of Margaret, the daughter of Donnell Maguire and wife of O' Flanagan, who died in 1498, for example, praised her and her husband for erecting a chapel at Aghamore in western Fermanagh. [472] The Franciscan house in Donegal was founded in 1474 by Aedh Rua O' Donnell and his wife Finola, the daughter of O' Brien, for the good of their souls and also that the friary would serve as a burial place for themselves and their descendants.[473] Aedh's mother, Nuala O' Connor, may also have had a part in urging her son to donate to the Franciscans.[474] The Franciscans were also patronised by Cormac Láidir MacCarthy and his wife, Sarah O' Carroll who may together have founded the friary at Kilcrea in Cork.[475] The annals also refer to a monastery in Carrickpatrick in the diocese of Ardagh which was founded by O' Rourke and his wife Margaret, who was the daughter of Conor O' Brien.[476] Rory

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[470] Edwin C. Rae, 'Irish Sepulchral Monuments of the Later Middle Ages': Part 1 - The Ormond Group', *J.R.S.A.I.*, 100 (1970), p. 6.
[471] Hall, *Women and the Church*, p. 22.
[472] *A. F. M.*, 1498; Bhreathnach and Ó Floinn. 'Ireland: Culture and Society' in Rigby (ed.), *A Companion to Britain*, p. 573.
[473] *A. F. M.*, 1474
[474] O' Clabaigh, *The Franciscans*, p. 62.
[475] *Ibid.*, p. 60.
[476] *A. F. M.*, 1508

MacSweeney and his wife, Máire, the daughter of Eoghan O' Malley, founded the Carmelite friary at Rathmullan in Donegal after the death of their eldest son there in 1516.[477] The majority of instances concerning the foundation of religious houses concern either joint patronage by husband and wife or by a man perhaps at the urging of his wife or other female relatives. There is one instance, from the fifteenth century where a woman was the prime patron of, in this case, a Franciscan friary. The friary was Creevelea in Ardagh diocese and it was founded by Margaret O' Brien, the wife of Eoghan O' Rourke, in 1508.[478]

The bestowal of lands and money to encourage the foundation of religious establishments was one way of expressing a family's religiosity; another was to maintain the existing buildings of a church, which was also viewed as an important practice. A contribution to the upkeep of church buildings or their 'fabric' was a durable way of ensuring the memory of the donor's family was continued. Like donations to monasteries many of these are in the name of the male head of the family although there is a significant minority that also mention the wife of the head of the family. It is likely that, in many cases, wives were the primary architects of these grants. The Register of the Dominicans at Athenry contains references to benefactors donating lands and money towards maintaining and improving the fabric of the church. For example, one married pair of donors was Nicholas O' Kernie and Sonota Fatyth, his wife, who bestowed money on the monastery to be used on the buildings. Amongst the more notable donors were the de Burghs and in 1404 Ulick Rufus de Burgh and his Gaelic wife, Mornia Ny Cnouhan, granted to the monastery at Athenry a quarter of an acre of arable land on which a chapel was later built in 1451.[479]

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[477] Paul Walsh (ed.), *Leabhar Chlainne Suibhne: An account of the MacSweeny families in Ireland with pedigrees* (Dublin, 1920), pp 66-9.
[478] O' Clabaigh, *The Franciscans*, p. 63.
[479] Archdall, Collections for Monasticon (NLI MS 676, p. 220).

An important aspect to the refurbishments of churches was that the act would aid the benefactors and that the recipients would keep praying for their souls. Thomas Archer, the mayor of Limerick, and his Gaelic wife Joan, the daughter of David Murighagh or Miagh, in 1421 and 1426 built both the eastern front and a window in Limerick cathedral. These were embellished with the arms of both Thomas' and Joan's families. Thus a permanent reminder to worshippers of the beneficence and piety of this husband and wife was incorporated into the fabric of their donation. Perhaps, it was also hoped, that this would incline worshippers to pray for the benefactors' souls. Gaelic wives themselves are also known to have commissioned church plate and decoration. The late fifteenth century processional cross from Lislaghtin abbey in Co. Kerry was donated by Juliana, the wife of Cornelius O' Connor, and a chalice from Kilkenny was commissioned by William and Kathleen Archer around 1500.[480] A ceremonial drinking cup known as the Dunvegan cup was made at the request of Catríona, daughter of the O' Neill and wife of John Lord of Fermanagh, in 1493. This is the only surviving example of such an object commissioned by a woman in her own right.[481] It seems that Gaelic women may have been able to make bequests to the churches of their choice independently of their husbands as well as being able to choose where they wished to be buried as they were not required to be buried with their husbands.[482]

The commissioning of religious literature was another activity pursued by wealthy wives. A married couple Finghin MacCarthy Riabhach and Catherine, the daughter of Thomas eighth earl of Desmond, commissioned the Book of Lismore. In return for this the compilers of the book sought the prayers of all who read it.[483]

'Let everyone who shall read this Life of Brigid give a blessing to the souls of the couple for whom this book is written.'

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[480] Hall, *Women and the Church*, p. 27.

[481] Bhreathnach and Ó Floinn. 'Ireland: Culture and Society' in Rigby (ed.), *A Companion to Britain*, p. 573.

[482] Susan Leigh Fry, *Burial in medieval Ireland 900-1500, a review of the written sources* (Dublin, 1999), p. 172.

[483] Hall, *Women and the Church*, p. 28

Catherine, who died in 1506, was also said to have been responsible for the creation of the castles of Benduff and Dun na mBeann.[484] This was not the only such enterprise carried out by a woman in the early sixteenth century. The book known as the Leabhar Chlainne Suibhne was compiled by a scribe for Máire O' Malley, the wife of Rory MacSweeney chief of Fanad, between 1513-14. It contains one hundred and twenty four pages of literature of a religious nature.[485]

The desire of medieval husbands and wives to save their souls by donating to the church was equal in intensity in both Gaelic and Anglo-Irish society in Ireland. Their religious belief was displayed in similar ways whether it was through a grant of lands to the church or through donations of plate, money, art or literature. Husbands and wives acting in tandem and performing good works is only one version of married life in the later middle ages. The obverse side of the arrangement was one where marital relationships were unhappy and perhaps abusive. Certain wives' desire to correct their marital unhappiness led them to turn again to the church. This time it was to the church courts, through whose processes, they sought actions either to end or to maintain their marriages. Certain wives also used secular courts as a means to enforce judgements concerning their marriages given in the church courts concerning their post-marital property.

11: MARRIAGE CRISES AND SEPARATIONS

Anglo-Irish and Gaelic wives seeking either to end or to enforce their marriages brought cases to the church courts. It may be considered surprising that the Gaelic Irish used the courts despite continuing to adhere strongly to their civil codes concerning marriage, however, the existing registers of the Archbishops of Armagh provide a number of examples of Gaelic Irish petitioners and defendants concerning matrimonial cases in these courts. Members of both societies used the courts but, in general, the reasons for pursuing these cases differed strikingly depending on

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[484] O' Murchada, *Family Names*, p. 54.
[485] Paul Walsh, 'The Book of O' Donnell's Daughter', *I.E.R.*, 33 (1929), p. 561.

whether the women were Gaelic or Anglo-Irish. For example, petitions from Gaelic Irish wives generally complained of having been put away without a reasonable cause. In many cases they were seeking to have their marriages declared valid and force their husbands to return. The church courts were one arena in which certain discarded Gaelic wives could challenge the actions of their husbands and seek redress where possible. In contrast amongst Anglo-Irish wives it was far more common for a wife to appear in court to apply for a separation than it was for her to appeal against being forsaken by an erring husband. [486]

11a: Abductions

Although taking a case to the church courts was one way for some wives to escape from an unhappy marriage, another, more desperate, course was simply to run away, or to arrange for one's own abduction. In an era in which separations were only attainable with a large amount of time, money and effort, some women may have wished to avoid court by persuading someone to abduct them. For women this could be a very difficult path and was probably one that was only undertaken with the backing of wealth or a secure place to go to after the abduction had taken place. The arrangement of her abduction by a wife was an action that was inevitably accompanied by a degree of scandal and possible violence, as the husband and his family and friends could seek to reclaim his wife and punish the abductor. This was the situation that developed in Waterford in 1311, when Stephen le Poer with the assistance of John le Poer, baron of Donoil, abducted Margaret, the widow of Thomas FitzMaurice of Desmond and the then wife of Reginald Russell.[487] During the resulting case it became clear that a handmaid of hers had been corresponding with Stephen and had told him that Margaret and Reginald were to be divorced. She also told Stephen that Margaret would willingly marry him. In a letter Margaret herself asked Stephen to seek for her meaning, presumably, to abduct her. After the

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[486] Simms, 'Women in Norman Ireland' in MacCurtain and Ó Corráin (eds), *Women in Irish Society*, p. 16.

[487] Margaret and Reginald married in 1299 without the king's licence and had to pay a fine of 500l see *C. J. R. I. 1295*-1303, p. 295.

abduction took place Margaret appeared to be reluctant to uphold her decision and changed her mind and John le Poer acted as her protector (having just helped to abduct her). John subsequently assured Reginald that no one had *'dishonoured'* Margaret and she was returned to her husband. The escapade cost Stephen fifty marks, as that was the fine the court imposed on him as punishment for his actions.[488] Stephen was lucky that a fine was all he received; abductions could sometimes result in far worse punishments. In 1356 Aedh, the son of Turlough O' Connor king of Connacht, was killed by Donnchadh O' Kelly in revenge for his abduction of O' Kelly's wife, the daughter of Seonin Burke.[489]

Marital adventures such as this were probably not uncommon amongst the upper classes of medieval Ireland. The Dartas family, however, appear to have cut a swathe through their society in terms of their marital escapades. These began with Margaret 'Jenico' Dartas, the heiress of her family. She had three children, by her first husband, Thomas Barnevale, one of whom, Elizabeth, was abducted from Rathmore on Christmas Eve 1479 by Robert Misset of Bellewstown and married to his son, Edmond. An Act of Parliament was passed in the following year at the request of her mother and stepfather, Lord Portlester, that provided for the punishment of both the Missets and of Elizabeth whose inheritance was to go to her sister Olive. The suspicion amongst the family may have been that Elizabeth was, at the very least, complicit in her own abduction. They may also have wished to direct Elizabeth's lands away from her abductor. In this instance the family were aided by secular law, which sought to punish people who married without parental consent, hoping to deter the young from pursuing such a course.[490] Margaret Dartas' unforgiving demeanour towards her daughter was not a reflection of moral probity concerning such actions on her part. Margaret herself was no stranger to such abductions. After the death of her first husband Margaret 'Jenico' was abducted

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[488] Ciarán Parker, 'Paterfamilias and Parentela: The le Poer lineage in fourteenth century Waterford', *P.R.I.A.*, 95, C, no. 2 p. 97; *C. J. R. I. 1308-14*, pp 189-90.
[489] *A. Conn.*, 1356.2.
[490] Shahar, *The fourth estate*, p. 83.

herself from Dardistown co. Meath by John Dowdall of Brounstoun, an abduction which she declared that she had consented to. Margaret 'Jenico' married, as her third husband, Sir Roland FitzEustace, Lord Portlester after 1473.[491]

Not all abductions were done to facilitate a couple's desire to be together in the face of resistance and some women were also abducted by force against their will. In 1302, for instance, Henry Lyder accused several men of various crimes including killing his son, stealing cattle and of stripping his wife and then abducting her.[492] Another, later, case from Limerick in 1311 saw a man named Adam who was a clerk of the bishop of Limerick accused of having abducted Eddous, the wife of Nicholas Roth. He is alleged to have taken her and kept her with him for six months after which he stole a linen apron, a gown and a tunic worth 3s 4d from her. Adam refused to answer the charges based on his status as a clerk and the result of the prosecution is not known.[493]

11b: Forced and violent marriages

That some wives may have used abductions to escape from unhappy situations comes as no surprise when the evidence concerning the sometimes abrasive and violent attempts to force women into marriage is examined. The church's view was that a marriage contracted under duress could be subsequently dissolved.[494] However, its absolute insistence on mutual consent was sometimes ignored and women were forced into marital situations over which they sometimes later claimed they had no control and to which they had not consented. Some of these women later ended up in the ecclesiastical courts, attempting to separate from their husbands. For example, in 1436, a wife named Catherine McKesky sought a separation from her husband, John, son of Richard Cusack. The witnesses examined in the case stated that Catherine was compelled to marry by her parents who used

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[491] Margaret Dartas' marital adventures and those of her family are recounted by Kenneth Nicholls, 'The Descendants of Margaret Dartas', *Ir. Gen.*, 4 no. 5 (1972), pp 392-6.
[492] *C. J. R. I. 1295*-1303, p. 464.
[493] *C. J. R. I. 1308-14*, pp 207-8.
[494] Helmholz, *Marriage Litigation*, p. 90.

physical force to obtain her assent. All six witnesses who were examined testified to her unwillingness to marry.[495] A case brought in 1488 by Anne Ny Keghurry, of Drogheda, against her husband, John Mceagallogy, detailed her being forced into marriage. She had contracted the marriage due to fear and violence and had not given her consent. The marriage was annulled and both parties were given permission to marry.[496] A later case, concerning the denial of a valid marriage taken by Christina Bernard in 1518 also produced witnesses, including the bride's mother, who described the journey of Christina Bernard from her house to the place of ceremony. Two men, one of whom appears to have been a male relative, led her to the marriage ceremony where she was described as weeping and tearing her clothes.[497]

The testimonies in such cases are vivid and unpleasant, but it must be borne in mind that wives who sought to escape from unhappy marriages could use the charge of being forced into marriage as a ploy and thus not all witnesses were to be trusted. For some couples a canonically annulled marriage or separation, based on the claim of coercion, may have involved some collusion or either spouse may have practised the deceit. Claims of being forced into marriage were taken very seriously by church courts and if witnesses could be produced with a believable story, so much the better. For that reason the application for annulment on the grounds of the use of force and fear against the bride was hedged with obstacles.[498] Hence the numbers of people who actually received such an annulment were kept low.

The dangers of fraudulent claims of coercion are demonstrated in a case from 1460 concerning an annulment, which had already been granted but which was being re-investigated. Jenkyn White and Joan Loweyse secured an annulment on false pretences and were aided in this by Richard Bedlewe de Roche. Richard later

[495]Chart, *Reg. Swayne*, pp 165-6.
[496]Reg. Octavian (TCD MS 557/9, pp 57-8), Mario Alberto Sughi, *Registrum Octaviani*, 2 vols, (Dublin 1999), no. 12.
[497] Murray, 'Reg. Cromer', *J.C.L.A.S.*, 8, no. 2 (1934), no. 93.
[498] Helmholz, Marriage *Litigation*, pp 90-94.

married Joan while Jenkyn married Janet Motyn. In the review of the case the previous judgement of annulment given was found invalid because, firstly, the case was heard and given in the Franciscan Friary near Dundalk which was an exempt location and subject only to papal jurisdiction, so a special licence which had not been obtained was needed to sit in judgement there. Also it had been stated in court that Joan had married Jenkyn unwillingly and under compulsion but it had later emerged that she had contracted marriage freely and willingly lived with Jenkyn as his wife. The previous sentence of annulment was set aside, the marriage of Jenkyn and Joan was declared valid and they were ordered to live together as man and wife. Richard and Janet were declared free to marry again if they wished. All four were to pay the court costs of 10s 6d.[499] A fourteenth century case also displays the effects that telling lies in such cases could have on the protagonists. A man named Nicholas de Inteburge of Tipperary, having been quarrelling with his wife, accused her of fornication with his cousin and obtained a divorce. He later began to be afraid at the many early deaths of witnesses in the case as well as cases of bad luck that he put down to his own deceit in his divorce hearing. He returned to the archbishop's court to obtain a divorce from his second wife in order to return to his first wife.[500]

The use made of false testimony in separation and annulment cases was recognised by the public and satirised by poets during the middle ages, as the following excerpt from a fourteenth century English poem, demonstrates.

' *If a man have a wife*
And he love her not,
Bring her to the consistory court
There truth should be wrought.
Bring two false witnesses with him,
And himself the third
And he shall be separated

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[499] Lynch, 'Calendar of Reg. Bole', pp 172-3.
[500] Hall, *Women and the Church*, p. 32.

As far as he would bide from his wife,

He shall be backed up full well

To lead a disreputable life.'[501]

Such cynical sttitudes were likely to have been common in Ireland also. The dangers of false testimony were also recognised by the church authorities, which tried to prevent such fraud through the threat of punishment. The Provincial Constitutions of the Diocese of Ossory of 1352 stated that

'Since divorces are sometimes obtained for pretended causes and by means of false witnesses those who give or procure false testimony and judges who willingly marry persons who cannot lawfully marry or separate those who are lawfully married are excommunicated'.[502]

However excommunication was used so frequently that it eventually began to lose its efficacy and in many cases it was simply an empty threat.

Being forced into marriage was upsetting and unpleasant but wives could escape their situation by later contesting the validity of the marriage in court. However, it is probable that only a small percentage of women thus affected were able to go to court. On a more private level they could refuse to consummate the marriage, hoping that this would render it invalid. A 1521 case saw Margaret Ny Staly seeking a separation from Patrick O' Hoy on the grounds of force and want of consent. O' Hoy asserted that the marriage had been consummated, which was denied by Margaret. It was stated in court that her refusal to consummate the marriage had been common talk in the area.[503] In the close-knit communities of medieval Ireland, such a development (or lack of it) in a marriage could not be hidden from local gossips. What could also not be hidden was the fact of separation or annulment and some women appear to have chosen to acknowledge this. In a document dating from 1315 Joan, who described herself conventionally as the daughter of John Young of Bristol, then goes on to state that she was *'in her full power after the divorce'* declared

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[501] Marjorie Rowling (ed.), *Everyday life in Medieval Times*, (Great Britain 1968), p. 77.

[502] H. J. Lawlor, 'Calendar of the Liber Ruber of the Diocese of Ossory', *P.R.I.A.*, 27, C (1908), no. 18 (5).

[503] Murray, 'Reg. Cromer', *J.C.L.A.S.* 8, no. 3 (1935), no. 104.

between her and her husband. Such a statement may have been necessary, if she was a trader or merchant, as it was crucial to her business concerns that people know she was in charge of her own affairs again.[504]

Sometimes the exit of a woman from a marriage deemed unsuitable was engineered not by herself but by her family and friends. In Cork, in 1307, Nicholas Crik sued David le Fleming. Nicholas alleged that it was agreed between them that Nicholas should marry Margery, the daughter of David, and that David should give twenty marks for the marriage. In return Nicholas agreed to enfeoff Margery of a carucate of land to hold to her and the heirs of their bodies. Nicholas duly enfeoffed Margery of the carucate and when Margery was seised of it David *'disturbed the marriage'* to the disherison of Nicholas and to his damage of 100l. David countered that he was told that Nicholas had engaged in sex with two cousins of Margery and because of that he did not permit him to sleep with Margery. He cleverly stated that he had not forbidden the marriage and that therefore the fault for withdrawing from the marriage lay with Nicholas, who it would appear, had been out-manoeuvred. A note at the end of the entry states that after this, Nicholas did not prosecute.[505] In other cases the events leading up to and explaining the prevention of a marriage are not outlined and peoples' motives for preventing a marriage are open to speculation. For instance, no explanation is given as to why, in 1518, Magonius O' Congan prevented Isabella Lales from getting married. Magonius confessed to his guilt and was punished but the records do not disclose why he was so anxious to prevent Isabella's marriage to another man.[506]

Some women attempted to escape from unhappy or abusive marriages that posed a danger to their safety. The use of a reasonable level of force within marriage was sanctioned by medieval society but when the violence became excessive or

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[504] The reference to her father and, more particularly, his city indicates a mercantile background, *Ormond Deeds i*, no. 508.
[505] *C. J. R. I. 1305-07*, p. 397
[506] Murray, 'Reg. Cromer', *J.C.L.A.S. 7*, no. 4, no. 10.

dangerous some wives felt they needed to escape from the situation. [507] In 1518 Margery Kelly of Ardee sought and was granted a separation (*a mensa et thoro*) by the archbishop of Armagh's court from Patrick Murghe on the grounds of cruelty and grave fear.[508] Indeed, under Gaelic law, Margery was entitled to a divorce from her husband if his mistreatment of her resulted in a mark on her person.[509] Some women, however, could not escape their violent husbands and subsequently died at their hands, at which point the secular authority could intervene in order to punish the guilty party. In Kildare in 1310 John Malvern was found guilty of the murder of his wife, by striking her with an axe. In 1313 David O' Donegan was found guilty of the murder of his wife, Elena de Carreu, and of throwing her corpse into a mill pool, for which crime he was to be hung. That same year Robert le Blound was charged with stabbing his wife to death during an argument, of which he was acquitted.[510] Not all men who murdered their wives ended up in gaol or hanging from a gibbet, however. For instance, in 1426 Richard Heyne was allowed to purge himself canonically after beating his wife to death.

Some men received no punishment other than the disapprobation of their peers after the deaths of their wives. In 1428 Roger Michyn complained that the townspeople of Dundalk were gossiping about him after he beat his wife to death.[511] The threat of physical violence was not just confined to women; men could also fear their wives. The court of the archbishop of Armagh in 1484 heard and accepted evidence from William Osere of Carrick that he feared for his life as his wife, Matilda Duf, had threatened to kill him and he no longer wished to live with her. They were granted a separation and William had to pay the expenses of the court.[512] It was most unusual for a man to admit to being physically afraid of his wife. Some women, whilst not attacking their husbands themselves, used others to dispose of an unwanted

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[507] Shahar, *The fourth estate*, pp 89-90.
[508] Murray, 'Reg. Cromer', *J.C.L.A.S. 7*, no. 4, no. 9.
[509] Kelly, *Early Irish Law*, p. 74.
[510] *C. J. R. I. 1308-14*, pp 148, 282, 301.
[511] Chart, *Reg. Swayne*, p. 95.
[512] Sughi, *Registrum Octaviani*, no. 289.

husband. James Marwart of Skryne was married, aged two, to a granddaughter of his guardian. This did not develop into a happy match in later years because, as an adult, in 1533 his wife allegedly persuaded Richard FitzGerald to kill James, after which she and Richard were married.[513]

11c: Repudiation of wives and denial of marriage

The cases involving extreme violence within marriages were exceptional. Most people involved in an unhappy or unsuitable relationship simply left it if they could. This is reflected in many of the petitions, which came before the church courts. Of the specifically Gaelic Irish cases that came before the church courts many concerned wives who sought to prove that their marriages were valid, in the face of contrary assertions by their husbands who had deserted them. Abandonment could have severe economic effects on both women and their children and the women used the court system of Anglo-Irish areas in order to reinforce their marriage bonds, despite the fact that they had been repudiated according to Gaelic secular custom. Gaelic Irish women, many of them badly disadvantaged by the ease of divorce available under their own legal system, realised that they could utilise the church's law on marriage to great effect and to their own benefit and that of their children. The casual repudiation of wives and the procurements of divorces through allegations of pre-contract left many Gaelic women bereft of their dowries, which their husbands refused to return to them. It began to be advisable for women to obtain sureties for the return of their dowries in case there was future need to recover them.[514] However, this was not always possible and, if the woman or her kin could not retrieve the dowry, her use of the church courts could be an effective way of forcing her husband to pay her off by returning her dowry or take her back as his wife.

An abandoned or repudiated wife's attempts to secure her husband's return were dependent on a number of factors, including where the husband and wife lived

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[513] Murray 'Reg. Cromer' *J.C.L.A.S.*, 9, no. 1 (1937), p. 37.
[514] Nicholls, 'Irishwomen and Property' in MacCurtain and O' Dowd (eds), *Women in Early Modern Ireland*, p. 22.

(whether it was within an area subject to the writ of the church courts), and how powerful the church was in that area. However, no matter what the verdict, in most cases it would have been impossible for the church to ensure that its judgements were carried out. For example, Isabella Kerulan of St. Peter's parish, Drogheda, lived in one of the main spheres of Anglo-Irish power and in a town in which the Archbishop of Armagh had a residence. Her exposure to Anglo-Irish modes and practice of marriage was wide and she did not hesitate to use the machinery of the church to enforce her marriage when the time came. She sued John Bridin of Ardcath for a declaration that they had been married with words of present consent before several witnesses. John denied the contract but thanks to the testimony of witnesses who attested to the validity of the marriage, the court's decision went in favour of Isabel. This cannot be taken to mean automatically that the original marriage contract was a valid and binding one. The veracity of witnesses in court cases could often be called into question, as could the motivations of those pursuing cases. However in this case the court chose to believe Isabella.[515]

Cases of women suing to prove their marriages are not unusual nor are cases of wives suing to have their husbands return to them. The latter is mainly a Gaelic Irish phenomenon and can be directly related to the ease of secular divorce available in Gaelic society. The church, of course, was against this practice and sought to aid married Gaelic Irish women in forcing husbands who had abandoned them to return. Two cases that came before the court of the archbishop of Armagh in 1427 indicate the type of complaints made by wives and the actions that church courts took to redress their grievances. In May 1427 the vicar of Stabanan parish was ordered to relax the excommunication imposed on Richard Kenan of that parish when he had left his wife, Margaret Ohanraghey. This was because Richard had been brought before the archbishop and had promised that he would in future treat his wife with marital affection. Later that same year, in September, similar admonishments to an erring husband had no effect. It was reported that Manus Ymorchach McDompnalan

[515] Murray, 'Reg. Cromer', *J.C.L.A.S.*, 8, no. 2, no. 68.

had been ordered to return to his wife, Katerina, whom he had deserted in favour of another woman. Manus does not appear to have returned and his wife may have been in financial trouble as it was reported that Manus had 'wasted' certain items belonging to himself and his wife.[516]

Another case of a repudiated wife who used the church courts to try to force her husband to return came around the year 1438 in Clogher diocese. The clergy were instructed to order Connasius Maguire of that diocese to obey a sentence given by the Bishop of Clogher in Connasius' marriage case. The sentence was that Connasius had to take back his wife, Margaret O' Neill, and to treat her as his wife again which he refused to do. He was, by that stage, living with another woman, Catherine Mackartayll, and he was being threatened with excommunication against which Connasius had lodged an appeal.[517] A previous archbishop of Armagh himself had previously come under suspicion of aiding this Gaelic Irish practice of putting away wives. In 1322 the pope ordered the bishops of Meath, Down and Clonmacnoise to enquire into charges made against the archbishop of Armagh. One of these was that he had taken a bribe from a nobleman to remove an interdict under which his land had been placed because he had abandoned his wife to live in adultery with another woman, which it was claimed, '*the archbishop permits*'.[518]

More tenuous claims to marriage were also pursued in court, as were claims to marriages that people would rather forget. In 1520 Kalaghpatrick Kallan of Julianstown sued Henry Fulsagh of Kilclogher for a declaration of marriage between them as she said that they had exchanged words of present consent followed by sex. The circumstances of the marriage were somewhat unromantic. She said that three years previously, she and Henry had been going down to the river to catch some fish and they had contracted a clandestine marriage. Afterwards Henry had given her 3d

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[516] Chart, *Reg. Swayne,* pp 55, 71.
[517] *Ibid.*, pp 175-6.
[518] *C.P.L., 1305-42*, p. 219.

to buy a girdle.[519] However the court found that she had not proven her case and she lost. Sometimes the families of the principals involved resolved the issues privately. In a case that came before the ecclesiastical court of the archbishop of Armagh in 1520, Isabella Ny Edyrn sued Patrick Conlon to prove that they were lawfully married. She claimed that they had been married by words of present consent, which was followed by consummation. Patrick did not deny this, but claimed that they had married on condition that her relatives should give her a dowry. They had not done so and so Patrick was denying the marriage. The record goes on to state that the case was adjourned and when the court was in session again, Isabella's father appeared in court to announce that the case was settled and that the couple were to marry *'in facie ecclesiae'*. They (or Isabella, at least) had learned a lesson concerning the usefulness of a public marriage and the benefits of a prompt dowry payment.[520] The benefits to wives of being part of a legal and church-sanctioned couple were acknowledged and proof of marital status appears to have been applied for and gained by various couples. For instance, in 1460, the archbishop of Armagh's court issued a certificate that Schaglyn Carnele espoused Johanna Rochfort in the house of the certifier (who was unnamed) at Drogheda.[521] Some people went further to ensure that certain marriages were publicised. A merchant of Ross named John Ropp asked, in 1525, that a public instrument be made concerning the marriage of John Ropp (it is uncertain whether this is referring to himself or to a similarly named relative) to Katherine Newell which took place in the parish church of St. Michael.[522]

Not everyone who was involved in Gaelic society turned to the church to aid them in their marital crises. In reality, when a wife was repudiated it often fell to her own family to avenge her. In 1452, for example, the White Earl of Ormond made war upon Henry O' Neill because Henry had put away his wife Gormlaith Kavanagh, the earl's niece, and had married the daughter of MacWilliam Burke who was the widow

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[519] Murray, 'Reg. Cromer', *J.C.L.A.S.*, 8, no. 2, no. 79.
[520] *Ibid.*, no. 76.
[521] Lawlor, 'Reg. Fleming', no. 259.
[522] *Ormond Deeds III*, p. 117.

of O' Donnell. Ormond marched into his territory and forced him to take back his niece as his wife.[523] Ormond's status and power aided Gormlaith in recovering her place as the wife of O' Neill. The fate of the widow of O' Donnell is unknown.

11d: Pre-contracted marriages

The different perceptions people had, as to what contracted a valid marriage, could cause trouble for many people and cause a lot of suffering as both alleged and actual marriages often came back to haunt people embarking upon new marriages. In 1440 a divorce case was heard in the court of the archbishop of Armagh, which was brought by William Beg against his wife, Agnes Hereford. William alleged that Agnes already had a precontract with John Hart whom she had married in Dublin previously. After the examination of witnesses who attested to the previous marriage the court agreed and the marriage between William and Agnes was annulled and her marriage to John Hart was declared valid.[524] The use of precontacted marriages as an excuse for an annulment could sometimes rebound on the applicant. In 1487 Joan Norreys of Termonfeckin, sued for a separation from her husband, William because of a pre-contracted marriage between herself and Robert Sowlegham. However, upon close investigation by the court, it was revealed that Robert and Joan's pre-contract was invalid because of a previous marriage which Robert contracted with Fionnula McMahon. Joan's marriage to William was thus declared valid after all.[525]

The allegation of pre-contract could be used to break up a marital union by an ex-lover either with or without the collusion of his ex, which may have been the case in a court case heard in 1520. In this hearing, it was alleged by Thomas Palmer that he and Anisia Gowin had contracted a marriage using words of present consent and that the later marriage between Anisia and Nicholas Conyll was invalid. Anisia and Nicholas were only married on the Saturday before Thomas lodged his formal

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[523] *A. F. M.* 1452; Simms,' Legal position of Irishwomen', p. 109.
[524] Reg. Mey (TCD MS 557/7, pp 28-30).
[525] Reg. Octavian (TCD MS 557/9, pp 55-6); Sughi, *Registrum Octaviani*, no. 11.

complaint so he may have lodged it as soon as he heard of the marriage. However, Thomas' claim failed and the marriage between Nicholas and Anisia was declared valid by the archbishop's court. Part of the sentence also included the issuing of an order that Anisia and Nicholas were to live together as well as an admonition to Thomas Palmer to abstain from all interference in the marriage. However, another session of the court found that Nicholas had failed to adhere to the terms (i.e. for him to live with his wife) so that some of the source of the trouble came from those within the marriage and not just those outside it. Nicholas was imprisoned for his non-compliance.[526]

There is no doubt that many lay people were confused as to what type of wording and consent constituted a valid marriage and what did not. This could make for extreme difficulties in relationships. For example, in a case dating from 1453-4, the lives of several people were badly affected by their differing beliefs regarding what grounds a marriage could be dissolved on. The case concerned William de Burgo and his wife, Slany O' Brien. William de Burgo had contracted a previous marriage but he (as well as a number of other people) believed that the marriage was invalid. This was because before the marriage he had pursued a sexual relationship with a kinswoman of his then wife. Slany believed the advice given and William, having put away his first wife and received canonical dispensation for his marriage to Slany as they were closely related, married Slany as his second wife and they subsequently had children. However, William was forced to return to his first wife as he had failed to prove his sexual relationship with her kinswoman. His first wife then died, which, Slany and William claimed, they *'had in no way contrived'*. Slany and William now asked that their marriage be considered valid, as it would also serve the purpose of keeping peace between their friends and families, although the suspicion must be that they tacked on this peacekeeping justification as a way to ensure that the marriage would be approved, which it duly was. [527]

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[526] Murray, 'Reg. Cromer', *J.C.L.A.S.*, 8, no. 2, no. 88.
[527] *C.P.L.*, 1447-55, p. 622.

11e: Using consanguinity and affinity to end a marriage

Another area of canon law that people appeared to be confused about were the many prohibitions regarding marriages made where the principals were related due to affinity. As has been seen it constituted a large part of the reason many couples sought dispensations. It is also possible that people were aware of the prohibitions but chose to ignore them until it suited their purpose to declare them, if they wanted to end the marriage, for example. For instance, a petition sent by Katherine Fleming to the Irish Parliament in 1460 regarding her husband's continuing control over her inherited lands, included the fact that she was separated from her husband, James Bathe, because of their affinity. This affinity existed because James told her after they had been married for two years, that he had engaged in sexual relations with her cousin. James claimed that he could not continue with the marriage in *'good conscience'* and advised her to report his actions to the church. This she duly did but later found that her husband's *'good conscience'* did not preclude him from refusing to return all of her goods, chattels and profits relating to her lands as the ecclesiastical court had commanded. Thus she was forced to send a petition to Parliament.[528] James Bathe's actions here, in belatedly remembering an affair and using it to obtain a separation whilst retaining his wife's possessions, was a blatant manipulation of canon law prohibitions against affinity.

Certainly affinity could be used as a way of escaping from an unhappy marriage. Wives who resorted to exaggerations and lies in order to attain a separation or annulment could find that their actions could rebound on them, if the court learned of false evidence. The annulment of the marriage of Walter Cusack and Joan Tuite was revoked in 1364, when the court decided that it had previously heard false evidence. The Archbishop declared their previous marriage valid and children legitimate and ordered them to come together within fifteen days, all of which Joan

[528] Berry, *Statute Rolls Henry VI*, pp 699-701.

refused to do. She was duly excommunicated.[529] Sir Walter Cusack held lands in Gerardstown but his marriage to Joan Tuite in the 1340s brought his family the manors of Killen and Clonee, which she inherited from her brother Richard. She initially separated from Walter and obtained a divorce from the Bishop of Meath on the grounds that before the marriage Walter had cohabited with a woman related to her in the third degree. She then married Sir Henry Ferrers. [530] Walter then suggested to the archbishop of Armagh that their marriage was not illegal and acting on this, the archbishop declared the former marriage legal and ordered Joan to go back to Walter as his wife. Henry and Joan appealed against this to Pope Urban V in 1364. The Pope called for a report on the situation but Joan would not return to Walter and a violent struggle over her inheritance between her two husbands took place over the next few years. The Justices eventually arrested both Ferrers and Cusack and forbade them to fight. Walter, though, ejected Henry and Joan from Joan's estate to the annual value of 600 marks by armed force, took away goods worth 500 marks and assaulted and wounded Henry Ferrers and besieged him in his manor of Clonee until he was rescued by Lionel, duke of Clarence. Henry and Joan were then taken into the King's special protection for one year. Joan died not long after these events and her son by Walter, Luke, inherited Killeen as heir to his mother.

11f: Adultery

Separations due to adultery could be problematic as they could often cause problems not only for the protagonists but also within their communities. For instance an accusation of adultery led directly to an assault carried out in Cork in 1307. Various men including John Don were attached to answer Stephen Oregan, clerk, on a plea that they assaulted him, bound him hand and foot and kept him in prison for a night or more to his personal damage of 1000l. The jurors found that Stephen had been

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[529] Brendan Smith (ed.), *The Register of Milo Sweteman Archbishop of Armagh 1361-1380* (Dublin, 1996), no. 228.

[530] The following information on the Cusack-Ferrers marriage disagreement is taken from Gallwey, 'The Cusack Family of Meath and Dublin', p. 132

having an affair with John Don's wife, Basilia, and John's friends and neighbours had told him what was going on. John forbade Stephen to see his wife or visit his house again, but the affair persisted. John Don and some friends then lay in wait for Stephen and beat him up when he arrived at John's house. The jurors decided that Stephen was to get 20l in compensation. However John Don counter-sued saying that Stephen had caused damage to wines and other goods he traded in. The jurors agreed and stated that John should recover 40s and that Stephen was to go to gaol. [531] An undated case from the late fifteenth century tenure of John Bole as archbishop of Armagh also concerns violence linked with adultery. Donald Oculean, a clerk, was accused of having committed fornication with Benmon Ocoffy, despite knowing that she had contracted matrimony with Patrick McGrath. He was also accused of insulting Patrick and of unlawfully entering a house armed with a knife, in the belief that Patrick was in it. The judgement was that he was to be excommunicated and punished.[532] Anglo-Irish churchmen were also accused of adultery. In 1447 the vicar of the parish of Termonfeckin in county Louth was accused of having an adulterous and incestuous relationship with Elizabeth Bocun.[533]

Women could sometimes be the active party in cases of adultery. for example, in 1369, Agnes Laundey was convicted of being a bigamist; she had married three men all of whom were still alive. Her initial punishment, which was to be beaten around the church annually for seven years, was amended to a fine on appeal.[534] Women like Agnes who constantly remarried were exceptional. Even though there is not a lot of evidence concerning such behaviour it is probable that those women who left husbands for lovers probably simply lived with them in lieu of marriage. These liaisons were only brought to public attention when the couple were accused of adultery. In 1436, for example, the vicar of St. Mary's church in Ardee was ordered to cite Nicholas Fleming and Mariona Gyltard, the wife of Richard Burdane, who

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[531] *C. J. R. I. 1305-07*, pp 376, 398
[532] Lynch, 'Calendar of Reg. Bole', pp 139-40.
[533] *Calendar of Primate Prene's Register by Bishop Reeves* (NLI MS 2689, p. 134).
[534] Lawlor, 'Reg. Sweteman', no. 6.

were *'publicly noised about upon a charge of adultery'*. This was to be done on Palm Sunday, which would ensure that a large number of people would hear it, and it was also stated that, if they did not confess and purge themselves, they would be excommunicated.[535]

The stresses and tensions which adultery could cause in close-knit medieval communities were recognised and even legislated against. In Kilkenny in 1490 various punishments were enacted by the Sovereign and council of Kilkenny, if any man was *'discovered shamefully'* with the wife, daughter or sister of a burgess. If the burgess had served as Sovereign or was then in office, the offender was to pay 20l. Other than that the offender had to pay 10l for the transgression. If the house of a free man was entered and his female relatives were caught with a man then the offending man had to pay 100s. If the servant girl of a burgess was violated then the offender was to pay the burgess 40s and if he violated a wet-nurse, then the fine was 3l.[536] The women do not appear to have had to pay any fines at all. This may have reflected a general feeling that, generally in such cases, women were the passive parties while men were more active as seducers. However, as categorised in the Kilkenny legislation, women's sexuality was viewed as a potentially disruptive force, in that it could provoke or encourage men into committing to adultery, which, in turn, led to social disruption within the community.

In order to partly avoid such scandalous happenings women were deemd to be better off married because, as wives, their entitlement to their conjugal rights could keep them from straying and causing disruption. Women could even use their entitlement to conjugal rights as a means to enforce a marriage.[537] This was the case in 1502, when Catherine Puscon [Preston], a woman from the diocese of Meath, won her appeal to the Holy See regarding an enquiry made into her marital problems,

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[535] Chart, *Reg. Swayne*, p. 164.
[536] Otway-Ruthven, *Liber Primus*, pp 69-70.
[537] Elizabeth Makowski, 'The Conjugal Debt and Medieval Canon Law', *Journal of Medieval History*, 3 no. 2 (1977), pp 110-11.

which centred on her husband, Christopher Plunkett's, refusal to take her back as his wife. She alleged that they had contracted a valid marriage in church with a dispensation granted to them by the Pope. After that they cohabited as a married couple for fourteen years, but that Catherine had been sent away on account of her '*rash conduct*' (which was not elucidated). Christopher then refused to take her back and to show her conjugal affection. She sued him in the courts of the bishop of Meath and then the archbishop of Armagh, asking that she be restored to conjugal affection and enjoyment of the marriage. The archbishop sentenced in her favour and ordered Christopher to pay costs to his wife. Christopher refused, saying that the letters, which he and Catherine had obtained over the dispensation, were invalid and he brought a case before the bishop of Ardagh, whom he said was the judge appointed by the letters. The bishop of Ardagh ruled in Christopher's favour and against Catherine and he declared that they ought to be separated, but Catherine then appealed to Rome. The Pope then commanded the archbishop of Dublin, the abbot of the monastery of the Blessed Virgin Mary near Dublin and the prior of the priory of the Holy Trinity of Dublin to decide what course of action was canonically correct in this case.[538] The marriage would appear to have been validated as memorials were later made of the death of Christopher who died in 1531 (it may have been 1539) and his wife, Catherine Preston, who is recorded as having died some years later.[539]

A claim concerning a denial or an inability to provide conjugal rights could also be used by a woman to end her marriage. In 1426 Joan White was granted a divorce from Thomas Forche of Rathan on the grounds of his impotence.[540] Similarly, the first marriage of Catherine MacCarthy in Cork was ended on the grounds of her husband's impotence and she used this impotence case to procure a dispensation for her second marriage, to a kinsman of her first husband.[541] The difficulty in procuring

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[538] *C.P.L., 1495-1503*, part 1, no. 927.
[539] Westropp, *Monastic Notes* (TCD MS 972/1, p. 40).
[540] Chart, *Reg. Swayne*, p. 46.
[541] *C.P.L., 1447-1455*, pp 608-09.

an annulment based on impotence lay in the obtaining of proof. The canonists suggested several different ways of verifying such a claim, including a detailed inspection of the man or an inspection of the woman's virginity. In England, in some dioceses, a group of experienced women were assigned the task of inciting the man's sexual desires.[542]

Once a marriage was ended, however, the woman could find it difficult to have her goods returned to her by her husband. Two cases that ended up in the secular courts in 1307 bear witness to the fact that life after obtaining an annulment could be difficult for some women. In that year Joan Wisdom sued Philip Appilgard for goods with 67 ½ marks, which, she claimed, she brought with her on the day she married him (her dowry) but that he kept *'after the divorce celebrated between them'*. Philip denied that she had brought any such goods with her when she got married. The jurors finally decided that she had brought goods with her worth forty marks out of which Philip had paid twenty marks to settle her debts and the judgement was that she should recover twenty marks with damages set at sixty marks. Again in that year another women went to court to pursue her goods after her marriage had ended and again the jury awarded the woman a percentage of her goods and an amount in damages.[543]

12: FEMALE OUTSIDERS: WOMEN OF EQUIVOCAL STATUS

12a: Gaelic clerical concubines

Marriage was the normal state of existence for most women but, as has been shown, not all women were married in the same way in Ireland. Some were married in a public ceremony, some were married clandestinely and some married and divorced according to the practices of Gaelic Ireland. Apart from these women there was another class of woman involved in marital relationships in late medieval Ireland,

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[542] Helmholz, *Marriage Litigation*, p. 89.
[543] *C. J. R. I. 1305-07*, pp, 379, 383.

these were the concubines of priests in Ireland. The pre-Norman church in Ireland had long been inured to a tradition of married priests and monks and this did not substantially change throughout the period examined here. These women were classed as priests' concubines by the authorities and there is some evidence to suggest that in Gaelic Irish society a formal contract of concubinage existed between the clergy and their women. Clerical concubines in Gaelic Ireland seem to have been treated differently from lay concubines and were, in fact, treated just as wives were.[544] It may be that clerical concubines, unlike lay concubines, went through some form of clandestine marriage ceremony.

A report to the Pope in 1492 about a vacant church office in the diocese of Derry makes reference to a priest's wedding. The man in question, Philip Oronayn, had contracted marriage with a woman with words of present consent and had consummated the marriage and had children. His office was therefore vacant.[545] The concubines of important churchmen were also accorded a level of respect. The deaths of notable priest's concubines are recorded in the annals just as the deaths of notable noble women were. In 1347 the death of Finnguala, the daughter of Eogan Mac Fingin and wife of Fergal Muimnech O' Duibgennain, archdeacon of Kilronan, was marked in the annals.[546] Sometimes, the status of such clerical wives could be similar to or even equal that of their husbands. The wives of Thomas MacCormaic O' Donnell and Conor MacCormaic O' Donnell, the bishops of Raphoe (1319-37 and 1367-97) were the daughters respectively of MacSweeney and O' Boyle who were two of the greatest lords in the diocese.[547] In general, however, the status of most of the concubines of the clergy in medieval Ireland was irregular. Their families may not have considered marriage to a priest advantageous and they may not have paid over a dowry with the marriage of the women. Similarly, the women's families may not have always have received a *coibche* from their husbands. However, it may be

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[544] Lay concubines were of lower status but did occupy a protected place in the households of the men they were engaged in a relationship with, see Katherine Simms, 'Legal position of Irishwomen', p. 101.
[545] *C.P.L.*, 1484-92, p. 841.
[546] *A. Conn.*, 1318.5, 1347.10
[547] Nicholls, *Gaelic and Gaelicised Ireland*, p. 96.

that, as compensation for their irregular status, these women received a financial endowment from their clerical husbands, rather than bringing one to the marriage.[548]

Bishops and archbishops fulminated against the practice of priestly marriage but it went on in Ireland. The Constitutions of the Diocese of Ossory, issued in 1317, stated that *'every clerk in Holy Orders in Ossory who openly keeps a concubine in his own or another's house shall put her away within a month from publication of this'*. Failure to do so would result in suspension and the loss of a third part of the fruits of his benefice. If the disobedience continued he was to be deprived.[549] At a synod held by the Archbishop of Armagh in 1383 it was ordered that any cleric of Armagh province who kept concubines or a harlot was to expel her within a month, which was then reduced to eight days to comply. If he still refused then he was to be deprived.[550] Despite such strictures (which were generally unenforceable anyway) the clerics of Armagh and throughout Ireland continued to enjoy relationships with women which could sometimes lead to disaster. For example the annals of Connacht record that in 1466 the monastery of Holy Trinity (Loch Key) and the image of the Holy Trinity were burned by a lighted candle carried by a canon's wife.[551]

Sometimes, however, the behaviour of the monks and their concubines became a cause for complaint from within their own religious community. In 1450 a canon of the Augustinian monastery of St. Mary in the diocese of Killaloe complained that he could no longer live as a religious and could not stay any longer in his monastery, because the prior and convent kept concubines and led secular and unlawful lives. He also alleged that the monks no longer wore the regular habit.[552] The lack of discipline in many monasteries and other religious houses can be guessed at also merely by the number of petitions sent to Rome asking for dispensations to enter

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[548] Nicholls, 'Irishwomen and Property' in MacCurtain and O' Dowd (eds), *Women in Early Modern Ireland*, p. 21.
[549] Lawlor, 'Liber Ruber', no. 14 (6).
[550] Chart, *Reg. Swayne*, p. 11.
[551] *A. Conn.*, 1466.29.
[552] *C.P.L.*, 1447-55, p. 465.

Holy Orders, on account of the petitioner's descent from a monk, priest or sometimes, a nun.

A late fifteenth century petition by Edmund de Burgh, the archdeacon of his church at Annaghdown, to be dispensed due to his birth was granted. His father was an Augustinian abbot and his mother was unmarried. Cornelius Macco(n)marra, a cleric of the diocese of Killaloe in 1502 was dispensed on account of the fact that he was the son of a cleric and an unmarried woman of noble birth who were also related in the third and fifth degrees of consanguinity and affinity.[553] In 1447 the Roman court was informed of the transgressions of Dermot, the son of Maurice Yhicki, the perpetual vicar of Athdare in the diocese of Limerick, who had kept a woman as a concubine. He was also the son of a priest and an unmarried woman, as well as being the chaplain of the earl of Desmond who obviously did not object either to his chaplain's family background or to his keeping of a concubine.[554] Ten years later the deceased Diarmait Miclosgay, dean of Derry, was accused of having committed simony and of dilapidating the goods of the deanery for the benefit of his daughters. Diarmait was himself the son of an Augustinian and an unmarried woman.[555]

The relationships between clerics and their wives could lead to harsh decisions for the men. A report on the desperate measures taken by one priest indicates the depth of feeling these couples sometimes had for one another and the lengths they would go to stay together in the face of church opposition. In 1447 Roderick MacLaend, the perpetual vicar of Killenin, was excommunicated but continued to say mass and stayed with his concubine who he *'like a fugitive conveys from place to place and by whom he has offspring still living'*.[556] In general, however, it does not appear that married clergy were forced into such desperate measures, for a priest to have a wife in Gaelic Ireland appears to have been accepted as a natural event. For instance an

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[553] *C.P.L.*, 1484-92, pp 307, 652.
[554] *C.P.L.*, 1447-55, p. 280.
[555] *C.P.L.*, 1455-64, pp 60-1.
[556] *C.P.L.*, 1447-55, pp 357-8.

enquiry, made in 1367 into the exact nature of the relationship between the bishop of Derry and some women who reputedly bore him children found that his goings-on were well known in Derry and thus tacitly accepted.[557]

Concubinage amongst the higher clergy was not an unusual phenomenon in late medieval Ireland. In 1368 Richard O' Reilly the Bishop of Kilmore was excommunicated and fined the massive amount of over 100l because of his repeated sexual offences. These included committing adultery and incest with Edina Oraygill, his cousin and the wife of Maguire. He was also convicted of having committed incest with Edina McGaveran. He was warned that the Archbishop would take over his diocese should he continue to repeat his offences. He had been warned to end all such relations with women since 1366 and had repeatedly failed to do so.[558] The fifteenth-century Bishop Ross Maguire of Clogher produced at least ten children, while his relative Cathal Óg MacManus Maguire of Iniskeen in the Clogher diocese and the compiler of the annals of Ulster had at least fourteen children.[559] Many of these men chose to stay with the women of their choice in the face of repeated ecclesiastical opposition that, admittedly, was often hard to enforce in remote Gaelic areas.

12b: Anglo-Irish clerical concubines

The problem of clerical sexual relationships was widespread in the Gaelic world but it was also not unknown in Anglo-Irish society where such women were not, however, treated as wives. Brother Peter White, the abbot of St. Mary's in Navan, was accused of number of crimes during the visitation of John Bole, the Archbishop of Armagh in 1461. These included dilapidating the goods of the monastery, of granting two acres of corn to John Boys of Navan, two acres of corn to Joneta Boys and four acres of corn to Margaret Boys. The latter were John's daughters. All these

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[557] Lawlor, 'Reg. Sweteman', no. 184.
[558] *Ibid.*, nos 68, 69.
[559] Anthony Lynch, 'The Administration of John Bole, Archbishop of Armagh, 1457-71', *Seanchas Ardmhacha*, 14 no. 2 (1991), p. 53.

grants were made without the consent of the community. He was also accused of having the tithes of corn and other crops, which belonged to the monastery, carted to the barn of John Boys and of giving away clothing and money to Margaret Boys. The reason for this reckless behaviour comes later in the document when he was accused of fornication with that same Margaret Boys. It appears that the Boys family prospered thanks to the abbot's relationship with Margaret.[560]

The moral failures of men like the abbot of St. Mary's of Navan were one aspect of the church's concern that they abandon the women who shared their lives. Another pressing issue, as displayed by the abbot, was of the use of church goods in supporting these women and, in some cases, their children also. Men who committed the double sin of not only keeping concubines but also of using church goods to support their families, incurred the special wrath of the church. In the year 1456-7 John FitzMorris, a priest of the Ardfert diocese, was accused of '*notoriously*' keeping a concubine in his house by whom he had children and, although he was fined, he had still not abandoned her. He was also accused of dilapidating the property and certain movables and also of committing simony.[561] Such sins were also to be found amongst the military religious orders. The sixteenth-century Master of the Hospitaller Preceptory at Kilteel was Richard FitzMaurice, who was an illegitimate son of Maurice FitzRichard. Maurice is said to have had several illegitimate children '*by a woman of the Mors whom he kept*' as well as Richard. Richard was accused of copulation with Margarey Ny Beghan, the wife of Dermot O' Herrall, who lived at Kilteel. Margaret bore a son and Richard later settled land on her and the child. He was also said to have produced another illegitimate son '*by a harlot whom he kept*'.[562]

Of course, for men in religious orders, the path to advancement could be blocked by the presence of a wife or concubine. This may explain the rapid action taken in 1502

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[560] Lynch, 'Calendar of Reg. Bole', pp 138-9.
[561] *C.P.L., 1455-64*, p. 275.
[562] Kenneth Nicholls, 'The Geraldines of Allen', *Ir. Gen.*, 4, no. 2 (1969), pp 93-109.

by John Bouett, described as a cleric of the diocese of Cloyne and warden of the new college of clerics at Cloyne, when faced with an accusation that he had married Joan Vhytt who was a close relative of his. He alleged that Joan and several of her relatives had defamed him by falsely stating that he had married her using words of present consent and followed by consummation. John had insisted that the case be heard in the court of the bishop of Lismore, but the case had been conducted while John was absent and does not appear to have reached a decision favourable to him. The Pope ordered an investigation into the matter.[563] John's chances for continued advancement may well have been contingent on the court's findings, thus his desperate appeals against this marriage.

Despite these examples, the vast majority of sexual relationships and marriages condemned and reported to Rome concerned relationships between Gaelic Irish priests and monks with women who traditionally saw nothing wrong with the practice. This was a custom in Gaelic Ireland that was very slow to change. It should also be noted, however, that the reason many of these complaints were made to Rome was that the accuser wished to take over valuable benefices from the accused and so some at least of these accusations of sexual incontinence may be either exaggerated or untrue. However enough of them exist to give the distinct impression of a strong and continuing tradition in Gaelic Ireland and, in some cases, amongst the Anglo-Irish, of an acceptance and recognition by the laity of clerical marriages as well as more casual relationships. The fates of the women involved in these relationships seems to have been dependant on their clerical husband or lover's status and power as well as the remoteness of his parish or monastery. Strictures on monks and priests to abandon women could not always be enforced in remote areas. Also the status of the wife or even concubine of a high ranking church man such as a bishop or abbot may have in fact been quite secure and thus these women were difficult to dislodge from their positions, even though their partner's rank made them perhaps easier to spot. These were unlike women involved with lower ranking

[563] *C.P.L., 1495-1503*, part 1, p. 811.

churchmen, who were subject to different pressures, such as the priest examined earlier who had to hide his concubine and sneak her across country *'like a fugitive'*.

To be married to a priest or involved in a relationship with one was perhaps not the most desirable path for any woman, Gaelic or Anglo-Irish. It was not as secure a position as marriage to a layman was and it was subject to continual interference from the most powerful influence in medieval life, the church. These women, especially those who engaged in relationships with Anglo-Irish priests or in areas close to areas of strong church influence, were always at risk of being abandoned or forced out by churchmen intent on regularising the relations of clergy with their parishioners as well. Such actions could also have very negative effects on any children, which resulted from the union; their later lives and paths to advancement could be made difficult by the facts concerning their births. The church was strongly motivated to protect its assets that were being unlawfully spent on the upkeep of women and children. No woman, be she wife or lover of a priest or monk, could ever truly be secure in the face of such strong disapproval of them by the church authorities. Even if the church could not always enforce its strictures, it could ensure that the parties involved were aware of its denunciation and for some at least, that alone must have been difficult to endure.

12c: Lay concubines

The practice of concubinage amongst the laity appears to have been quite widespread in medieval Ireland; Anglo-Irish and Gaelic Irish alike practised it at different levels of society but the difference was that in Gaelic society, as opposed to Anglo-Irish practice, concubinage was sanctioned in the Gaelic law codes.[564] However, concubinage was not an option which many women would have chosen voluntarily, as in both traditions it had its drawbacks. For example, these women were of inferior status and were not eligible for the same rights and protections accorded to wives under the two traditions. Their children could also have less

[564] Cosgrove, 'Marriage in medieval Ireland', pp 33-4.

chance of succeeding to lands and honours within both Gaelic and Anglo-Ireland.[565] However, depending on the woman's status, life as a concubine and after it could vary. For instance, life in the late fourteenth century for Katherine of Desmond (d. 1420), the concubine of the third Earl of Ormond, was likely to have been substantially different from that of the concubine of a lower-ranking man. The relationship between the earl and Katherine took place before his eventual marriage to Anne Welles, but in the time they were together they produced four sons and three daughters, all of whom were well provided for by their father. Of the three daughters, all married well and into Anglo-Irish families. Katherine herself was later married to John FitzThomas of Waterford.[566] An incident concerning Katherine's becoming the earl's concubine demonstrates her non-identification with English ways, which may partly account for her ease at life as a concubine. The incident in question is supposed to have happened when Katherine made fun of the Countess of Ormond's clothes. Katherine referred to them as *'foreign duds'* and stated that,

'For ye the earls of Ireland (as I opine) deem that in Ireland ye find not women to suit yourselves; whereas I hold that, in the way of a countess, I myself am better than yon Geraldine hag which thou hast'.[567]

Katherine's discounting of the English countess may be apocryphal but it serves perhaps to illustrate the growing identification of the Anglo-Irish elite with Ireland, rather than England.[568] However, her outburst may also be ascribed, in part, to simple jealousy. She, despite her best attempts[569], had been unable to marry the earl

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[565] Jaski, *Early Irish kingship*, pp 146-148, the law tracts in question seem to differentiate between the sons of betrothed concubines (who were eligible for the prerogatives of lordship) as opposed to the sons of non-betrothed concubines who may have been perceived as being less eligible. Amongst the Anglo-Irish the children of concubines were illegitimate and deemed ineligible for succession.

[566] Butler, 'Seneschals in Tipperary', p. 368.

[567] Magrath, John Mac Rory, *Caithréim Thoirdhealbhaigh*, ii (London, 1929), p. 173.

[568] Lydon, 'Nation and Race' in Forde et al (ed.), *Concepts of National Identity*, pp 103-124.

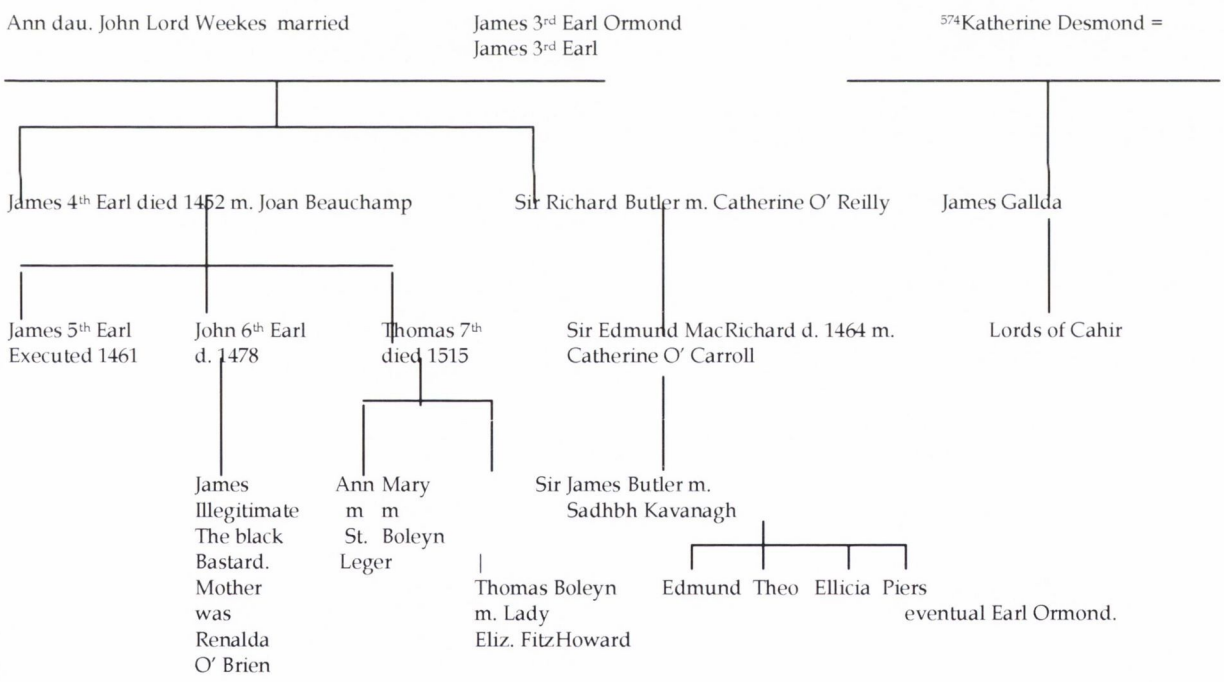
[569] An example of her efforts to be made Countess can be found in 1399 when, after the earl had made her a gift of 200 pounds silver of annual rent to be held for her life she made a deed stating that she was willing to have that grant annulled if

'the Earl at once with all diligence and at his own costs sends to the Roman Curia to obtain a dispensation between herself and the Earl that he may marry her, which dispensation if it is obtained and if in virtue of it the earl marry Katherine lawfully and the said marriage and espousals continue during her life and the Earl's

and was discarded in favour of a legitimate, foreign wife who continued the Ormond tradition of marrying into the English nobility.[570]

Despite this, Katherine's effect on the Butler family was long lasting. Her relationship with Ormond possibly started the long feud between the Cahir Butlers (the descendants of James Gallda Butler, their natural son) and the McRichard Butlers. The reason for the war is uncertain but it may have included a claim on Katherine's part to the manor of Carrick.[571] This may also have led to the demonisation of Katherine by Piers Butler in the sixteenth century by his commissioning of derogatory poems about her. This was due to his feud with her descendants, the Cahir Butlers.[572]

Fig. 1.3 Descendants of 3rd Earl Ormond[573]



without impediment or divorce being moved or raised by the earl (unless a defect is found in the said Katherine which can be rightfully proved, whereof she cannot rightly excuse herself) then the above charter of gift of an annual rent together with the distraint shall be annulled and for ever cease'.
Ormond Deeds ii, pp 243-4.

[570] Beresford, 'The Butlers', p. 38.

[571] C. A. Empey, 'The manor of Carrick-on-Suir in the Middle Ages', *Journal of the Butler Society*, 2 no. 2 (1982), p. 211.

[572] Empey, 'Piers Butler', p. 308.

[573] Kehoe, 'Margaret FitzGerald', p. 838.

[574]Empey, 'Piers Butler', p. 304.

Cocubinage continued to be practiced amongst the family of the earl of Ormond. In 1401 reference is made to a contract drawn up between the earl of Ormond, James le Botiller, and Theobald de Burgh. Thomas le Botiller, the son of the earl, was given permission by the earl *'to communicate and converse with Johanna the daughter of Sir Theobald as long as shall please him'*. It was claimed that this agreement was drawn up by the Earl of Ormond and Joan's father, Theobald de Burgh, to foster *'the good love and concord between the earl and Theobald and others of his nation'*.[575] This contract appears to imply that the couple were about to embark on a concubinous relationship.[576]

Lower down the social scale, life was probably more difficult overall for concubines and their children, especially when it came to any inheritance rights they wished to pursue amongst the Anglo-Irish. For example, after the death of Henry, son of Jordan, in 1305, his son, John, was stated to be his heir by his dead wife, Mabilia Aylward. However objections were raised by his other son, David as well as David's uncle, Stephen le Poer who claimed disseisin. Their objections seem to have centred on the fact that after his first wife's death Henry wanted to marry Olivia, the sister of Stephen le Poer and eventual mother of David. Henry enfeoffed Olivia of a certain carucate of land and was betrothed to her but they never actually married, as Olivia and Mabilia Aylward were cousins.

Nevertheless Henry maintained her as his concubine for many years. Henry enfeoffed their son David of two carucates (which fact was seemingly ignored by the legitimate heir) and Oliva also enfoeffed her brother, Stephen le Poer, of the carucate that Henry had granted to her which the heir seems to have claimed was not a valid grant. Olivia granted her carucate away because, as the jury pointed out, she held her land until the day before Henry died and when she realised that he would not

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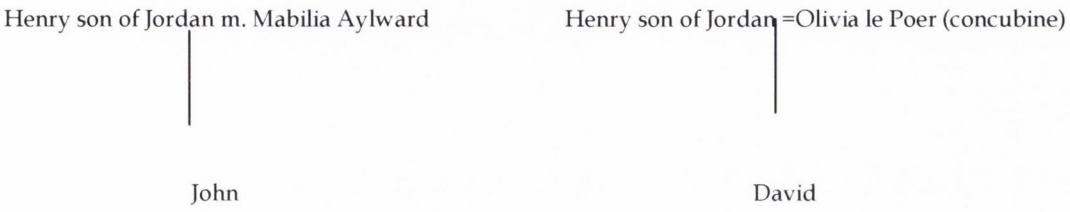
[575] *Ormond Deeds ii*, no. 352.

[576] Thanks to Dr. Katharine Simms for pointing out that this agreement is more of a concubinage arrangement than a marital one.

recover and she did not possess enough money to give him a fitting burial she sold the carucate to Stephen, to obtain the money she needed, but she did so without licence and verbally delivered seisin to him. The Escheator subsequently removed Stephen but as to what happened to the lands given to David, the illegitimate son of Olivia and Henry, it is not stated.[577]

Fig. 1. 4 FitzJordan children of wife and concubine



The distinct lack of rights concerning lands that characterise the children of concubinous unions in Anglo-Irish areas was a source of concern to their mothers and fathers. Some mothers took steps to ensure that their children from such unions would inherit something after their deaths. For instance a case heard in Louth in 1306 found Peter, the son of Peter le Petit, prosecuting his father's concubine over lands that he claimed he was the heir of. The juror's verdict did not agree with Peter's version of events. They stated that the concubine, Matilda Malet, held the tenements in fee and enfoeffed Peter le Petit senior of them subject to an agreement they had made between them concerning the child she was then carrying. The agreement was that Peter would enfeoff that child of the tenement and she bore a child called William. Matilda died when the child was aged three and Peter duly enfeoffed William and maintained it in his name until he (Peter senior) died. The legitimate heir was then trying to usurp an inheritance that the illegitimate child had been granted. Unfortunately, the verdict in this case is unknown.[578]

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[577] *C. J. R. I. 1305-07*, pp 112-114.
[578] *Ibid.*, p. 181.

The case of William, the illegitimate son of Peter le Petit, is not the only one where a concubine made a concerted effort to ensure a portion of inheritance for her child after her death. In a case heard in Dublin in 1306 a group of people including a man named Richard Athelarde were accused of disseising John de Hacche of lands he held in Fingal and Palmerstown. Richard Atherlarde was John Hacche's stepson and John Hacche claimed that Richard was the illegitimate son of his deceased wife, Alice who had enfeoffed her son of the lands in question and that Richard had demised them to John and Alice for the term of their lives in return for an annual payment of 20s. Immediately after the death of Alice, John claimed that he was forcibly disseised by Richard and others. Richard 's counter argument was that he had entered on the lands in order to comply with his mother's last wishes. His mother, he stated, had been very anxious that if Richard did not hold seisin of the lands immediately when she died then the overlord, Benedict de Hauberge, would take them into his hand as an escheat because Richard was illegitimate. Therefore, Richard stated he had entered on the lands in order to safeguard the grant made to him by his mother and also in compliance with her wishes. Again, unfortunately, the resulting judgement in this case is unknown.[579]

The examples found of concubinous relationships amongst the Anglo-Irish indicate that the practice certainly went on but sometimes at a high price for the children of those relationships. For many couples it may have been too high a price to pay and the benefits of a public or even a clandestine marriage would have been recognised by the majority of adults. Public disapproval of concubinous and extra-marital sexual relationships would also have impacted on some people's attitudes towards undertaking such steps. Disapproval of extra-marital relationships was demonstrated by such measures as the following one taken by the Archbishop of Armagh after his Visitation of Meath in 1377 when Maurice Broun and Felicia Aleyn were convicted of living in fornication for seven years and were required to purge

[579] *Ibid.*, pp 311-12.

themselves of their guilt publicly.[580] Such disapproval of extra-marital relationships was also evident in the civic arena. In 1378-9 the archbishop of Dublin complained of the citizens' plans to build a prison for fornicators, arguing that it would lead to disputes between the archbishop and the city. The archbishop, presumably, felt that the civic authorities were usurping his authority in such matters.[581]

Lay concubinage was also practised by the Gaelic Irish but it was probably far more widespread than it appears in official records when mentions of it occur only when the principals were being admonished as their irregular relationship had been discovered. For instance, in 1411, Arthur O' Neill was ordered to put away a woman he had conhabited with for many years, under pain of excommunication.[582] Most Gaelic lay concubines escaped the close gaze of the church. Indeed many members of the church in Gaelic areas seem to have indulged in concubinage themselves and so it was not in their interests to draw attention to such habits in their areas. Mentions of Gaelic clerical concubines appear far more frequently where the relationship was held up for criticism. The lack of references to lay concubinage may indicate that in relation to clerical concubinage it was not particularly widespread. However, considering the appearances of lay concubinage in Anglo-Irish sources where such behaviour was probably more generally disapproved of and disadvantageous to women, it seems that Gaelic lay concubinage was likely to have been more prevalent than the records suggest.

13: DEATH AND BURIAL

As has been noted the lives and deaths of prominent clerical concubines were often noted by the annalists who also brought to attention the deaths of more conventional and often, influential, women. Between 1000 and 1500 the native Irish annals recorded the burial of nineteen women. All were of high status and all but four were

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[580] Lawlor, 'Reg. Sweteman', no. 158.
[581] Connolly, 'Irish material in the P.R.O', p. 38.
[582] Lawlor, 'Reg. Fleming', no. 160; Katherine Simms, 'The archbishops of Armagh and the O' Neills 1347-1471', *I.H.S.*, 19 (1974-5), p. 42.

native Irish women.[583] The first exception was the daughter of the earl of Ulster and wife of Milo de Angulo. Her burial in the monastery of Boyle is recorded in 1253 in both the annals of the Four Masters and the annals of Connacht.[584] The other three Anglo-Irish women were Desideria FitzMaurice (d. 1345) who was the daughter and heiress of Gerald FitzMaurice. She was buried in the friary of Ardfert to which she had been a benefactress.[585] The death of Joan de Burgh, Countess of Kildare (d. 1359), was recorded in the Anglo-Irish annals of St. Mary's Dublin.[586] The annalists also noted the death of Siobhan, the daughter of Garret the earl of Desmond, in 1428. She was the wife of Tadhg MacCarthy and was buried at Tralee.[587] Tralee was where the family of Desmond were traditionally buried and this appears to be the case with Siobhán, who may have chosen to be buried there before she died.

The deaths of prominent Gaelic wives were also noted in the annals. The Annals of Ulster, for example, noted the death in 1268 of the generous Christina, *'daughter of Ua Nechtain, wife of Diarmait Mac Diarmata the Midian, the woman that was of best shape and generosity and piety that was in one time with herself and that gave most to the Grey Order, rested in Christ'*.[588] In 1296 the Annals of Connacht recorded the death of Derbforgaill, daughter of O' Flynn of Ess, who was buried in the monastery of the canons at Ballintober.[589] These obituaries often noted the charitable efforts of such women. After Mór the daughter of Maelsechlainn MacCaba and wife of O' hAinglige [Nangle] died in 1527 she was eulogised thus:
'Mor daughter of Maelsechlainn Mac Caba, wife of O hAinlige [O' Hanly], the best woman who ever lived in Cenel Dobtha, foster-mother to the poets and exiles of Ireland, a re-incarnation of Mor Muman for good repute and piety and virtue, the greatest bestower of alms and charitable gifts of food and clothing to God's poor and needy and to all who stood in

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[583] Susan Leigh Fry, *Burial in medieval Ireland*, p. 172.
[584] *A. F. M.*, 1253.
[585] Nicholls, 'The FitzMaurices of Kerry', p. 32.
[586] Gilbert, *Chart. St. Mary's*, ii, p. 393.
[587] *A. I.*, 1428.1.
[588] *A. U.*, 1268.
[589] *A. Conn.* 1296.8

need thereof, died in her own residence at Port Locha Leise and was buried in the monastery of Elphin under the protection of God and St. Francis'.[590]

When Una, the wife of Maguire, died in 1395, the Annals of the Four Masters recorded that she died in childbirth.[591] The deaths in 1464 of Melaghlin O' Farrell and his wife More, the daughter of James O' Kennedy, were all ascribed to plague. That same year the annalists also noted the deaths of Murtough the son of Art O' Melaghlin and his wife the daughter of O' Coffey and three others, all of whom died in one day from *'having seen a horse that had perished of the same spasms'*.[592]

After their deaths, Gaelic and Anglo-Irish wives were buried either in accordance with their husband's family burial practices or with their own birth family's, which would appear to have been less frequent.[593] Papal legislation from the first half of the thirteenth century stated that if a woman so chose, she did not have to be buried beside her husband. However many wives appear to have chosen to be buried with their husbands.[594] A stone inscription of sorts could mark the burial of a wealthy woman. The earliest surviving Anglo-Norman headstone would appear to be that of a woman. It was found in Wexford, is inscribed 'ISABEL: LAEGN' and dates from soon after 1220. It was traditionally throught to mark the grave of Isabel, the daughter of Strongbow, but this is unlikely as she was buried at Tintern in Monmouthshire.[595]

Men and women could be buried together and sometimes this was requested. The Register of the Dominicans at Athenry records the internment in the Chapel of the Virgin Mary in 1363 of William Wallace of Dublin who was interred in a stone tomb

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[590] *A. Conn.*, 1527.20
[591] *A. F. M.*, 1395, note r.
[592] *A. F. M.*, 1464.
[593] Hall, *Women and the church*, p. 38.
[594] Shahar, *The fourth estate*, p. 89.
[595] Fry, *Burial in Medieval Ireland*, p. 144.

with his wife and children.[596] Quin abbey in Co. Clare includes a tomb near the altar that contains the remains of Patrick Nash and his wife, an O' Carroll, whose inscriptions states that they died in 1341. Quin also contains the tomb of Hugh MacNamara and his wife, Constantine, which dates from 1433.[597] The Creagh tomb in the Franciscan friary of Ennis, an O' Brien foundation, was built by Mór O' Brien for herself and her husband in 1479.[598] The 1434 will of John Lyttle, a citizen of Dublin, stated that he wished to be buried in the church of St. John near Alienora Comyn, his first wife.[599] Such a preference to be buried near a favoured spouse could also be expressed by women. Maud Plunket, whose tomb lies in Malahide church, was first married to a Hussey but she chose to be interred next to her second husband Lord Talbot de Malahide.[600]

13a: Anglo-Irish wives' wills

If a wife wished to be buried in a certain place, this wish could be expressed in her will. Under the common law married women could only make wills with the consent of their husbands. However custom in Ireland or, more specifically, Dublin[601] appears to have been more influenced by the dictates of canon law, which held that a married woman was entitled to make a will.[602] The surviving sources regarding wills made by women are scarce in Ireland but certain insights regarding them and the women who made them can be gleaned from what remains. For instance, the Dublin diocese contains the majority of surviving wills and most of those surviving wills were made by married women, which testifies to the extent of the actual rights they exercised in disposing of their property, in contradiction to

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[596]Ambrose Coleman, 'Regestrum Monasterii fratrum praedictarum de Athrnry', *Archivium Hibernicum, I* (1912), pp 206-7.
[597] Westropp, *Monastic Notes* (T.C.D. MS 971/1, p. 93; 971/2, p. 50).
[598] J. Hunt, Irish medieval figure sculpture 1200-1600: A study of Irish tombs with notes on costume and armour, I (Dublin and London, 1974), p. 121.
[599] Robinson, 'Parish of St. John Dublin', no. 112.
[600] Westropp, *Monastic Notes,* (TCD MS 972/1, p. 44).
[601] The vast majority of surviving married women's' wills date from fifteenth century Dublin.
[602] Conlon, 'Women in medieval Dublin', p. 179.

their official limitations under the law.[603] One indication of how prevalent will-making was by married women in Dublin came in 1347, when the citizens of Dublin complained to the king that *'contrary to the usage of the city'* married women had been making bequests and wills of *'their husbands' goods without licence'* and that those husbands who tried to prevent this were excommunicated by ecclesiastics. The king ordered this practice to stop.[604]

This may have reduced wives' ability to make wills or as seems more probable, it may have made them more careful of gaining their husbands' permission. For example, in 1475 Jacoba Payn stated that she had made her will, *'by leave of my said husband'* and, after bequeathing items to her family, she left her executors to dispose of what was left *'for pious uses'*.[605] Even so it seems that many of these women had relatively little to dispose of except movables as the shared matrimonial property was still held by their husbands. However, it was in both parties' interest for a wife to make a will, as to die intestate was undesirable and could make for legal problems and delays. For example, in 1370, a letter of administration had to be granted to Henry FitzRow, a burgess of Dundalk, for the goods of his wife who died intestate.[606]

In the seventy two wills contained in the only surviving register of wills in Ireland, that of *the Register of Wills and inventories of the diocese of Dublin in the time of archbishops Tregury and Walton* which covers a limited time span in the fifteenth century, it is estimated that over half of the women whose wills survive were married women. This means that out of a total of twenty-nine women whose wills survive, fifteen may definitely be identified as married women.[607] This percentage of married testatrices may have been unusual as, by the middle of the fifteenth century,

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[603] *Ibid.*, p. 178.
[604] Gilbert, *Ancient Records*, i, p. 145.
[605] Berry, *Reg. Wills*, pp 156-8
[606] Lawlor, 'Reg. Sweteman', no. 95
[607] Women's wills comprised 30.77% of the total wills in the Register, see Conlon, 'Women in medieval Dublin' in Duffy (ed.), *Medieval Dublin IV*, p. 179, note 41.

married women's will appear to have been a rarity in England, for example.[608] For that reason alone, added to the fact that the Dublin situation appears to have been unusual, these surviving wills may be unrepresentative of the situation concerning women in general in Ireland. Despite this all of these women's' wills display certain attributes in common, one of which is a common anxiety over the fate of their soul.

In order to alleviate their sufferings after death, the married women of the wills considered here, made all sorts of arrangements from donations to the church through to private, charitable donations to named individuals. In 1472 the will of Alice Cassell, who was the wife of John Calff off Lusk, co. Dublin, specified large grants to be made to the priest of her parish to say mass for her after her death. She asked that her body be buried in her parish cemetery.[609] Also made in 1472 the will of Agnes Bourke, the wife of Thomas Hassard of Balscaddan, reveals the pious concerns of a fairly prosperous woman. In her will she wished to be buried in the church at Balscaddan and she bequeathed to that church 12s and 12d to the vicar. These payments were to be made by her executors who were her husband and son.[610] Wives nearly always seem to have appointed their husbands as one of their executors, thus indicating the husband's implicit assent to his wife's bequests.[611]

Some women, as they were dying, planned their own wake that, depending on their economic resources, could last from a couple of days to nearly a fortnight.[612] Ellen Kymore, the wife of John Bulbeke, specified the bread, ale and fish that were to be served at her funeral feast.[613] The concerns of these dying women were not always centred solely on themselves or the church and its clergy, often they sought to reward those who had served them or tended them through their lives. For example

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[608] *Ibid.*, p. 179, note. 43.
[609] Berry, *Reg. Wills*, pp 51-53.
[610] *Ibid.*, pp 45-6
[611] Berry's collection of wills indicates that husbands were the favoured executors for wives and vice versa
[612] Fry, *Burial in Medieval Ireland*, p. 190.
[613] Berry, *Reg. Wills*, pp 102-3.

in the will of Martha Vyss she left 20d to the woman who looked after her in her last illness. Martha left some valuables behind her also. Her list of goods included a golden cup, amulet and ring, a silver cup and six silver spoons, most of which were bequeathed to family members.[614]

Some married women also used their wills to provide for their servants through deathbed bequests. For example, the will of Joan Dansay, the wife of Nicholas Duff of Dublin, stated that Margaret, her only maid, was to receive two coats and a pair of blankets.[615] Wives could often use their wills to bequeath items to their daughters. The majority of surviving wills are by the Anglo-Irish or English but Gaelic Irish women living in Anglo-Irish areas or married to Anglo-Irish men must have made wills which have rarely survived. One such will was that made by Graniota Ny Wey, the wife of Peter Boylan, of Drogheda. Her daughter, Katerina Ny Wolan and James Keting (who may have been Katerina's husband) were appointed as her executors.[616]

13b: Gaelic wives' wills

Within Gaelic Ireland, it may be that some upper class wives made wills, prompted by the clergy, but according to the law codes the disposal of her property after her death was strictly regulated and so wives may not have needed or been encouraged to make wills.[617] If she was a wife of equal status to her husband who had borne sons to him, her natal family were entitled to one-third of the assets with the other two-thirds going to her sons. If they were minors, her husband would act as guardian of them. Where there were no sons, the woman's natal family were entitled to one-half of her goods and the other half went to her husband. However, it was also stated that if a woman possessed land and had no sons, then her daughters

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[614] *Ormond Deeds ii,* no. 437.
[615] Berry, *Reg. Wills,* pp 142-44.
[616] Murray, 'Reg. Cromer', pp 269-70
[617] See Thurneysen *et al, Studies,* pp 181-2

could inherit a life-interest from her in that case.[618] Perhaps in cases where the only surviving children were female then the mother's wishes, as expressed in a will or verbally expressed preferences, had a bearing on the disposal of her possessions amongst her daughters.

Where she was not a wife of equal standing, that is if she brought less goods to the marriage than her husband but her marriage was recognised by her kin, then the rule was equal division between her sons and her own family. When she was not formally betrothed but her union was later recognised by her family then they were to take two-thirds, the remaining third going to the children of the marriage. If she had been abducted and married without the consent of her family, then they were entitled to all of her assets at her death. No matter what her marital situation was at her death, the woman's family always retained an interest in whatever she owned and she always remained a member of her own kin or *fine*. Whether or not all of the above rules applied to women during the later period is debatable. Certain factors may have ameliorated these conditions, such as exposure to common law and the rising influence of the church in Gaelic Ireland which sought to promote the rights of married women concerning disposal of their property at death.

Married women: Conclusions

Gaelic and Anglo-Irish women, when they became wives, found themselves with new freedoms and prohibitions, which they had to live by. As they entered upon marriage, brides from each tradition expected a smooth transition cushioned by gifts from both sides of the newly joined families. It is likely that noble brides in particular from each society, had little or no say as to who their marriage partner would be. Noble and wealthy brides from each society could be said to have had least control of the disposal of their persons, when entering into a contract of marriage. Lower down the social scale, on both sides, women probably exercised slightly more choice. Once married their lives differed substantially. Legally, the

[618] *Ibid.*, p. 136.

Anglo-Irish wife was subject to her husband, with some safeguards, to protect her and her property, which was administered by him. Gaelic wives administered their own goods and property and, the wives of chieftains could often become politically very powerful as well as disruptive enemies of the crown or the enemies of their husbands. However they could not themselves become chieftains or hold power in such a formal and official fashion. Despite their political influence these wives were still subject in some ways to the influence of their kin. For example, many noble Gaelic women were buried in churches established by their own families and not with their husbands, thus indicating a continuing and unbreakable link with their own families. After her marriage ended the Gaelic Irishwoman was once again subject entirely to the will of her own family. Many of these Gaelic women married into the new colonial aristocracy and so traditions and habits cross-fertilised, in an informal way, from both sides. Some Gaelic families became more Anglicised and vice versa and the impact of intermarriages on these developments was crucial and, indeed, was recognised and feared by various kings and parliaments.

The influence of intermarriage regarding different practices and ideas concerning marriage practices and traditions was one development during this period, another was the rising influence of the church on Gaelic Ireland and especially on Gaelic women who began to utilise the power of the church to retrieve faithless husbands. The church appears to have had more difficulty in enforcing the right of Gaelic Irishwomen to make wills as very few survive today. The early Irish laws stated that a woman was entitled only to hold a life-interest in land belonging to her own family or in lands that her husband had settled on her.[619] However, it is likely that these strictures had been somewhat eroded by the later middle ages and so it is possible that women did bequeath inherited property, as the restrictions were gradually eroded during the later middle ages.[620] The rise in influence of the Franciscans especially coincides, to a large extent, with an apparent rise amongst the Gaelic Irish

[619] Thurneysen *et al*, *Studies*, p. 184.
[620] Simms, 'Legal Position of Irishwomen', p. 106.

of applications to regularise their relationships, through dispensations from Rome. As Anglo-Irish influence spread and the common law was later extended the value of a legitimate marriage, which secured legitimate succession, slowly began to be recognised by the Gaelic Irish. Women, as both wives and as religious devotees, were at the forefront of these social developments during this period. These developments would be spurred on by innovations such as the extension of the Reformation to Ireland and the introduction of the policy of surrender and re-grant in the sixteenth century.

Before this, however, the example of James Butler and Sadhbh Kavanagh and their disinherited sons served as a warning to both Gaelic Irish leaders and the Gaelicised Anglo-Irish. This rise in religious fervour also contributed to widespread patronage of religious establishments by Gaelic and Anglo-Irish husbands and wives. However this rise in piety did not stamp out all the irregularities of the Gaelic Irish attitude to relationships. In particular the marriage of priests continued well into the modern period and was routinely condemned. It was not, however, until the social upheavals of the sixteenth century in Ireland attendant on the Tudor Reformation and conquest of Ireland that many of these practices of the Gaelic world began to die out. The revolution in religious and landholding practices in Ireland enacted in Henry VIII's parliaments of 1536-41 as well as the legislation concerning marriage and its dissolution in Ireland transformed the nature of society and of marriage in Ireland.[621] The Irish parliament of 1540-41 passed the 'Act for marriages' based on an English statute of the previous year. It provided for the following, that a solemnised and consummated marriage should supersede an unsolemnised and unconsummated one. This would affect clandestine marriages using words of consent and not followed by consummation. The same act also addressed matters regarding consanguinity and affinity and declared that papal regulations on such

[621] MacCurtain, 'Marriage in Tudor Ireland' in Cosgrove (ed.), *Marriage in Ireland*, p. 52.

matters were not binding and only the prohibitions contained in Leviticus 18 were to be adhered to.[622]

The ability of a Gaelic Irish wife to control her own affairs enabled many of these women to act as valuable patrons of the arts and of poetry in particular. An Anglo-Irish wife wishing to act in a similar way as a patron was more dependant upon the goodwill of her husband. This was not necessarily the case in Gaelic Irish society where many poems survive today written for wealthy and notable Gaelic Irish wives. Their actions served a number of needs, both political and social and covered a broad range of subjects. A poem could be composed to aid a woman in her grief for a dead child, for example, or to praise her physical attributes, but many of the poets were paid by the wives themselves and were duly eulogised for it. The extent and depth of these womens' formal education is generally unclear during the middle ages and only begins to become clearer in the sixteenth century when the education of Gaelic Irish noblewomen began to improve.[623] Aside from formal education, however, noble Gaelic Irishwomen were likely to have been knowledgeable about and appreciative of bardic poetry simply by virtue of their exalted class and position. That there were also some documented highly educated wives in later medieval Gaelic Ireland is apparent from an annalistic entry dating from 1490. The entry refers to Margaret, the daughter of James son of MacBalront and the wife of Glasny O' Reilly who was murdered in that year. She was said to have been educated in Latin, English and Irish. Also noted that year was the murder of Mór, the daughter of Owen O' Neill and wife of O' Rourke, who was killed by a soldier of her own people who was subsequently burned to death for his crime.[624] The extent of Gaelic Irishwomen's influence on their children's education, however, is also unclear as is that of Anglo-Irish women. Developments in vernacular reading may be surmised to have affected Anglo-Irish women in Ireland as it did many of their contemporaries in

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[622] *Ibid.*, pp 53-54.
[623] Simms, 'Women in Gaelic society' in MacCurtain and O' Dowd (eds) *Women in Early Modern Ireland*, p. 35.
[624] *A. F. M.*, 1490, note o.

Western Europe. Similarly the traditions of the transmission of learning from mother to children, a feature of western medieval society, must also have been current in Anglo-Ireland where possible. The shared experience of noble mothers from both traditions of an early separation from their children was common, however.

Similarly, for the women of the two traditions, complications could follow on a marital separation. In the Gaelic Irish tradition of marriage the repudiation of spouses was common and this could have a serious economic effect on wives, especially if they had children. If their kin were unable or unwilling to effect the return of her husband, a Gaelic wife had recourse to the church courts which she could use in an attempt to force her husband's return. This was one facet of church law and administration that Gaelic wives learned to use extremely well. Of course Anglo-Irish wives used the courts as well but they do not figure as commonly as Gaelic women in applying for the return of errant husbands. Many Anglo-Irish wives, appealed to the curch to end unsatisfactory marriages. In general, however, the courts could be expensive and time-consuming and those factors often dissuaded people from using them.[625] Also the judgements, which were promulgated, were often ineffective against husbands who did not care about excommunication and who could be too firmly entrenched amongst Irish enemies for the church to reach.

One of the ways in which Gaelic society was more flexible in regards to the rights of the wife was when it came to ending a marriage, which could be initiated by a wife for a number of reasons. In Anglo-Irish areas, divorces were obtainable through the church courts in areas subject to the bishop's court and where the judgements were enforceable. These divorces were, in fact, either legal separations or annulments as marriages validly entered into were theoretically indissoluble. Couples could be legally separated by a decree of 'a *mensa et thoro*' by which they could live apart but not remarry. There were three causes for this type of separation, which were

[625] Cosgrove in 'Marriage in medieval Ireland', p. 39, states that in the fifteenth century the church court's normal fee was 10s 6d at a time when a carpenter's daily wage was 5d and that of a mason was 9d.

adultery, spiritual fornication (i.e. heresy) and cruelty. However, the marriage bond remained intact and it appears that in some cases the obligation to support one's wife was left intact.[626] Or they could obtain an annulment '*a vinculo*' in which the bond was broken, the marriage was dissolved and parties were allowed to remarry.

Annulments were rarely granted in the church courts but they could be obtained for a number of reasons, including pre-contract between one of the parties and a third party or the impediments of consanguinity or affinity between the parties. The Fourth Lateran Council of 1215 reduced the prohibited degrees of consanguinity from seven to four but it also tightened the rules regarding witnesses to claims of consanguinity, stating that more than one witness was needed.[627] Amongst the Gaelic Irish who had recourse to these courts, wives who sued to have their husbands return to them under threat of excommunication brought most of the cases. Their husbands, who had abandoned these women and often their children, defended themselves by questioning the canonical validity of the marriage. Such an action may have been the last resort for many Gaelic Irish women where pressure from friends and family had failed to restore a husband, then the action of the church courts may have been used to force his return.[628] Another swathe of cases brought by the Gaelic and, in some cases, Anglo-Irish were applications for dispensations having co-habited, married or had children within the prohibited degrees of consanguinity. However, in most cases, amongst the Gaelic and Anglo-Irish, when a marriage ended, couples are likely to have separated by agreement between themselves and began new relationships, without recourse to any outside agencies. Deviation from the accepted church norms was by no means confined to the Anglo-Irish.

Not all marriages ended or were retrieved in the church courts, however. Thanks to the harshness and violence of life in late medieval Ireland, many women found

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[626] Helmholz, *Marriage Litigation*, pp 100-101.
[627] Cosgrove, 'Marriage in medieval Ireland', p. 27; Helmholz, *Marriage Litigation*, pp 74-5.
[628] Simms, 'Legal position of Irishwomen', p. 100.

themselves embarking on the next stage of their marital journey alone, as widows. Here again, changes in their status and power awaited them.

WIDOWS

Introduction

Anglo-Irishwomen, who had lived as unmarried single women, then married and survived their husband(s) entered into another and very different stage of their lives as widows. They were single women once more and had similar rights to the ones they had before marriage such as the legal ability to act as *femmes soles* but their lives, this time around, were very different in many ways. Most importantly, they had protected rights to a portion of their husband's property and goods under the common law, known as their dower, which could aid in sustaining them. In Anglo-Irish practice the dower was set at a standard one-third of the deceased husband's lands or possessions. The dower could be decided upon at marriage where it was publicly declared or, if a husband did not assign a dower to his wife then at a later stage it was assigned to the widow from her husband's holdings after his death. Dower lands were protected under the common law and could not be demised or altered by the husband without the formal agreement from his wife in the form of a fine.[629]

If her husband had alienated her dower land, a widow could apply to have his grant revoked. For example, in 1384 Alice, the widow of Adam Crik, sued Richard Roth McConmar over a *solarium* in Clonmel. Alice claimed the room as her right and claimed that her dead husband had previously let it to Richard when *'she was unable to say yes or no'*. Richard did not appear at court and the room was awarded back to Alice.[630] Besides the protection afforded to her by her dower, a widow was also entitled to administer her own lands and goods which she may have inherited as well as her dowry. Apart from this she was also entitled to enjoy her jointure, if one had been arranged for her.[631] In certain cases widows could also continue to run

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[629] Pollock and Maitland, *History of English Law,* p. 408.

[630] *Ormond Deeds iii*, no. 268.

[631] Tina Stretton, 'Widows at Law in Tudor and Stuart England' in Sandra Cavallo and Lyndan Warner (ed.), *Widowhood in Medieval and Early Modern Europe* (Essex, 1999), p. 199.

their husbands' trades and businesses after their deaths, which also guaranteed an income. Of course all of these were not a complete defence against poverty, but certainly many widows could be said to have been in a better financial position than, for instance, many never-married single women. Widows also tended to have a higher and more respectable profile in the community than single women who had never married. They were also accorded Church protection since they were classified among the oppressed of society whom the Church were obliged to protect.[632]

Once again laws surrounding women at this stage of their lives differed greatly between Anglo-Irish and Gaelic society. The biggest and most important difference was that under Anglo-Irish law a widow was entitled to her dower, her life-share in part of her husband's freehold lands to sustain her after his death.[633] Gaelic widows had no such explicit and legally protected provision made for them from their husbands' property after his death. However, although they were not entitled to a dower, Gaelic widows could retain their spréidh (dowry), which then probably became the responsibility of their male guardian after the death of their husband. Thus the measure of independence afforded Anglo-Irish widows was not reflected in the Gaelic tradition. At all stages in a Gaelic woman's life she had a legal guardian, who could be her father or another male relative as an unmarried woman or her husband when married.[634] As a widow the identity of her legal guardian depended on whether or not she had adult male children. Early Irish law regarded a widow as being under the tutelage of her grown-up sons, if she had any, failing which her own kin took responsibility for her.[635] However, it is possible that over the hundreds of years since those laws were committed to writing the realities of life for widows in Gaelic Ireland may have changed somewhat. Intermarriage with the colonists and the establishment of family networks with them as well as interaction with Anglo-

[632] Shahar, *The fourth estate*, p. 93.
[633] George H. Haskins, 'The development of common law dower', *Harvard Law Review*, 62 (1948-9) pp 42-55.
[634] Thurneysen *et al*, *Studies*, p. 180.
[635] *Ibid.*, p. 80.

Irish widows and observation of their circumstances may have altered life somewhat for Gaelic Irish widows. The exposure of women to such influences, however, was likely to have been dependent on their geographical location as the closer they lived to settled areas, the higher the chances of intermarriage and exposure to a very different way of life were for Gaelic widows.

Intermarriage with an Anglo-Irishman was probably the single most important determining factor in a change of circumstance for Gaelic Irish widows. However, as a Gaelic Irishwoman, a widow was excluded from the benefits of the common law as relating to widows and this caused a degree of conflict between Gaelic and Anglo-Ireland. The Gaelic Irish expressed the perceived injustice of the denial of dower rights to the Gaelic widows of Anglo-Irishmen in both 1277 and 1317, as part of their general requests made for an extension of English law to them on those occasions. In 1277 money was offered by the Irish, up to 10,000 marks, to induce the king to grant the privilege of having, '*common law which the English have and use in Ireland and to be treated as these English are treated, alive and dead, in body and in real and personal property*'.[636] The call for dowers to be provided for the Gaelic Irish widows of Anglo-Irish men also found its way into the Remonstrance of the Irish Princes made to Pope John XXII in 1317, in which protest was again made over the denial of a dower to these women.[637] However, the attempts of the Gaelic Irish to gain a general extension of the common law all over Ireland ultimately failed and Gaelic Irishwomen probably had to apply for a grant of English law to be made to them to qualify for the benefits of the common law due to widows. It is likely that such requests were made through their husbands while they were married and before the time came to claim dower.

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[636] Otway-Ruthven, 'The Request Of The Irish For English Law', p. 269.
[637] Also J. R .S. Phillips, 'The Irish remonstrance of 1317: an international perspective', *I.H.S., 27* (1990-91) pp 112-129.

14: ANGLO-IRISH WIDOWS

14a: Assigning dower

For many Anglo-Irish widows a redeeming feature of widowhood must have been the existence of their dowers, despite the trouble these sometimes led to within the family circle and the fact that they could not bequeath them, as they held only a life-interest in them.[638] If a woman (or her family) were astute enough, she would ensure that her dower was awarded to her in public at her marriage ceremony by charter with plenty of witnesses to attest to its validity, if this was later questioned. A dower was assigned to a woman in a variety of ways. Occasionally, the dower consisted of chattels or money, but nearly always it was land, which was a far more secure option for the woman. By the later twelfth century a husband could assign his new wife named holdings at marriage, a '*dos nominata*'.

By the end of the thirteenth century, however, widows who had been given a nominated dower at marriage and did not want it in the form in which it had been granted could elect to receive common law dower.[639] There was also the dower that consisted of lands which the father or other ancestor of the groom was seised of but which the ancestor agreed to be named by the heir as dower. This was the dower '*ex assensu patris*'. A form of this type of agreement appears to have occurred in Cork in 1305. At that time an agreement was made between two fathers, which seems to refer to such a dower arrangement. In the agreement Philip de Barry agreed to marry his daughter, Juliana, to John, son of Thomas. As part of the deal, Thomas granted a dower to Juliana, which came into effect if his son died before him.[640]

Alternatively dower could be specifically named as being part of lands that the husband would acquire during the marriage. It seems that a public marriage with a

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[638] Nicholls, 'Irishwomen and Property' in MacCurtain and O' Dowd (eds), *Women in Early Modern Ireland*, p. 18.
[639] Joseph Biancalana, 'Widows at common law: The development of common law dower', *Irish Jurist*, new series, 23 (1988), p. 257.
[640] *C. J. R. I. 1305-07*, no. 15.

pledge in the form of the wedding ring took the place of the delivery of seisin in this instance. Gradually the distinction between inherited and acquired lands, when it came to a widow's share, began to lessen, largely thanks to the royal justices and their interpretation of the law concerning a widow's rights. Dower came to mean both a share of a husband's land at marriage and a share of his acquisitions.[641] The courts also began to insist on a public celebration of marriage at the church door as a requirement for claiming dower of all types, a move that was in line with the church's teachings that marriages should be celebrated publicly. [642] However, if a husband did not explicitly name a dower before he died, he was taken to have endowed his wife automatically of her share of the lands that he had held at the time of marriage. The share varied according to the type of holding he had. For example, the traditions of customary tenure on manors could mean that the widow's share, her freebench, was more or less than the common one-third. Unfortunately the lack of manorial records from late medieval Ireland restricts any understanding of differences concerning the widow's customary rights from manor to manor.[643] In other instances regarding dower, a widow could claim up to a half in socage lands and the whole of lands held by one of the unfree tenures.

In Ireland the custom concerning socage land was different from that followed in England and serves to illustrate that Ireland did not always slavishly follow the dictates of the common law exactly but sometimes amended it according to preference. In Ireland the custom was that the lord held the wardship and marriage of his tenants in socage, whereas Bracton, for example, stated that the incidents of feudal wardship and marriage were dependent on knight service and not on the doing of homage, which was sometimes done for lands held in socage, instead of simple fealty. The magnates of Ireland defended this custom in Ireland and the difficulties such a custom could cause in the lives of widows is demonstrated in a case concerning the widow of a tenant who held in socage. The widow's name was

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[641] Biancalana, 'Widows at Common law', pp 280, 283.
[642] *Ibid.*, p. 259.
[643] Stretton, 'Widows at Law' in Cavallo and Warner (ed.), *Widowhood*, p. 199.

Mabel Comyn and after her husband was killed by a lay brother of the monastery of Holy Trinity near Dublin in 1277 she entered into a long legal battle with the prior of Holy Trinity over her husband's holdings at Kinsealy.[644] According to the common law, his widow should have had wardship of his lands and marriage of the heir, but homage had been done for Comyn's land and, based on this, the prior claimed that according to the custom of Ireland this meant that he was entitled to the wardship and marriage and not the widow. In the first court case regarding this point of law Mabel lost, but she successfully sued again and after an Inquisition held in 1284 was finally given the wardship of the lands in 1285.[645] However, the prior was not beaten and in 1294 the judgement favouring Mabel was overthrown on appeal by the prior. The Comyn case ultimately weakened this Irish custom but it did not kill it for in 1331 the king expressed a wish that in this matter (of socage tenants) the law and custom of the realm be followed and not the custom of Ireland.[646]

In general, references to and examples of dowers are fairly common in the available records and these can be illuminating both as to the types and position of lands received by widows and as to the tensions such awards could cause within families. Some dowers, especially ones belonging to the widows of tenants-in-chief, are very detailed and some of less importance are merely mentioned in passing in documents. In 1292, for instance, after the death of Miles Talbot of Malahide, an Inquisition revealed that he held lands both in Malahide and in Cork. The manor of Malahide was worth 35l 11s 4d of which his widow, Eleanor, received a third. Likewise the manor of Balytandeny was worth 24l 10s 4d and a third was again made over to his widow.[647] The lands of a great landholder could yield a large dower for his widow. In 1300, two years after the death of Thomas FitzMaurice, his wife Margaret, a cousin of the king, held the castle and manor of Dungarven, which was worth 200 marks a year as a jointure. Apart from this Thomas' holdings in Ireland were worth 360l 11s

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[644] Gilbert, *Chart. St. Mary's'*, i, pp 1-4.
[645] *C.D.I. 1252-84*, nos 2128, 2150, 2190, 2191, 2193.
[646] Detailed information on the Comyn case is in Hand, *English Law*, pp 178-185.
[647] *Cal. Inq. P.M.*, vol. iii, Edward I, no. 59.

6 ¼d, of which certain manors worth 120l 3s 10d were assigned to his widow.[648] The wardship and marriage of her son, Thomas, were granted to Thomas de Berkeleye, a creditor of his father, who owed large sums at the time of his death. Thomas died before he attained his majority, however.[649]

Lower down the social scale widows also benefited from the allocation of their dowers to them. For example, in 1316 Walter de la More, who held lands of the archbishop of Armagh in Termonfeckin, died. The Escheator stated that his wife, Alice, had her dower.[650] In the same report for that year the Escheator also submitted a detailed report on the holdings of Robert de Nottingham in Lucan and Humcastle, co. Dublin, which were worth 20l 2s ½d. His widow, Eglentina, was also stated to have her dower.[651] Roger de Nottingham may also have held at least a curtilage in Dublin city that was granted to him from her dower by a widow named Johanna de Mosthpoulyn in 1303. However, it is not stated if such lands made up part of Eglentina's dower.[652] There is another mention of the manor of Lucan in connection with a woman named Eglentina in 1339 when Thomas Colchester released all lands to John, son of Matthew Bathe, and Eglentina his wife that they held in Dublin of her heritage. He also released the manors of Lucan, Merrion and Mareschalsrath to them.[653] It is possible that this is the same Eglentina still holding onto her dower lands over thirty years after they were first granted to her, especially considering the fact that she may have been very young at the time of her first marriage. The Nottinghams seem to have been a powerful family in Dublin. Robert

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[648] *Ibid.*, 596.
[649] Henry F. Berry. ' The Manor of Mallow', *J.R.S.A.I.*, 4 pp 15-16; also see Desmond genealogy in Herbert F. Hore, 'Extracts from the Irish Correspondence In H. M. State Paper Office', *J.R.S.A.I., 5*, part 2 (1859), pp 357-9
[650] Extracts from Pipe Rolls compiled by Sir William Betham (NLI MS 760, p. 381).
[651] Ibid., 382.
[652] Robinson, 'Parish of St. John', no. 13.
[653] *Ormond Deeds i*, no. 728.

de Nottingham was mayor of the city on seven different occasions in the early fourteenth century.[654]

Dowers could consist of lands spread over fairly wide and diverse areas. For instance, the lands belonging to Amaury de Sancto Amando upon his death in 1311 were spread all over England and Ireland. The Inquisition carried out into his holdings after his death found that he held lands in Dublin and Meath in Ireland and in England he held lands in Berkshire, Derby, Bedford, Buckingham, Devon, Gloucestershire and Wiltshire.[655] A widows' dower taken from so dispersed a range of lands would have been very difficult to administer and priority was likely to have been given to the extraction of dower from the extensive lands held in England. At least one previous Sancto Amando widow had made provision for securing her Irish dower lands from where she lived in England. In 1287 Lucia, the widow of Guy de Sancto Amando, appointed two men to sue and take seisin of her dower in Ireland.[656]

The dispersal of landholdings across countries was not an unusual occurrence amongst the Anglo-Irish nobility. It may, however, have made life more difficult for widows in the collection of the profits accruing to their dower lands, especially if they were difficult to get to or engulfed by war. For example, in the Inquisition held into the lands of Thomas de Clare in 1321, his various lands in Ireland were listed, as were some lands he held in Dorset. Part of his lands lay in Kerry and a portion of them, comprising a cantred, had been assigned in jointure to Emmeline de Longespee. According to the Inquisition, however, the desmesne lands *'lay uncultivated on account of the war'* as many of the tenants had fled.[657] Within Ireland de Clare's lands were spread mainly over Munster and Connacht, areas of which could be quite hostile and unsettled.

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[654] Watt, 'Dublin in the Thirteenth Century' in Coss and Lloyd (ed.), *Thirteenth Century England*, I, p. 157.
[655] *Cal. Inq. P.M.* vol. v Edward II, no. 272.
[656] *C.P. R. 1281-92*, p. 280.
[657] *Cal. Inq. P.M.* vol. vi Edward II, no. 275.

The dower lands granted to Elizabeth de Burgo, the widow of John de Burgo, for example, consisted of many different listed manors. After Richard de Burgo died in 1326 William, his grandson succeeded him.[658] A couple of years later William accounted for his lordship of Ulster. Excepted from this were the manors of '*Autrum, Coulrath, Droumtarsy, Portheros, Portkamen, Dunsomery, Typeraght, Stristelaueras, Esclon, Brounrath, Strothir, Kilcolgyn, Glancoskery, Kynaleth and Lomesque*', which were held by Elizabeth his mother and the widow of John de Burgo.[659] Not long after this account was made William was murdered in 1333 and a survey again had to be made of his holdings. Part of these holdings, namely Carlingford and Balydongan, were handed over to his wife, Matilda, as part of her dower. These were estimated as being worth 211 8s. However, other allocated lands were not so profitable. During the same account mention was made of other dower land belonging to Matilda. This was the manor of Wastyn in co. Meath. It was worth nothing because it was claimed that after the earl's death and before the lands were delivered to his widow, the Gaelic Irish had laid them waste.[660]

Other lands given to Matilda as dower were listed in an Inquisition made after her own death. In this several witnesses swore that she was endowed by the death of her husband in the cantreds of Tyrraulyf, Orrus, Tirremoy and Conegdonmor. This and other sources indicate the extent of dower lands the widow of a powerful man could expect to hold in Ireland. However, whether or not the collection of such profits was always feasible or safe is uncertain.

'*There were in the cantred of Tyrraulyf on the day of the earl's death 14l, 8s. 8d. of annual rent from the cantreds; also 26s. 8d. of annual rent from Castledonuchy;110s yearly rent from a townland in Carrewe; also pleas and perequisites there per annum 4s; also 13l. 12s. 8d. yearly rent in the cantred in Orrus; also 7l 8d. yearly rent from the cantred in Tyrremoy. Also 40s. yearly rent from three townlands in Dotoghy; also 13l. 6s. 8d. yearly rent from the*

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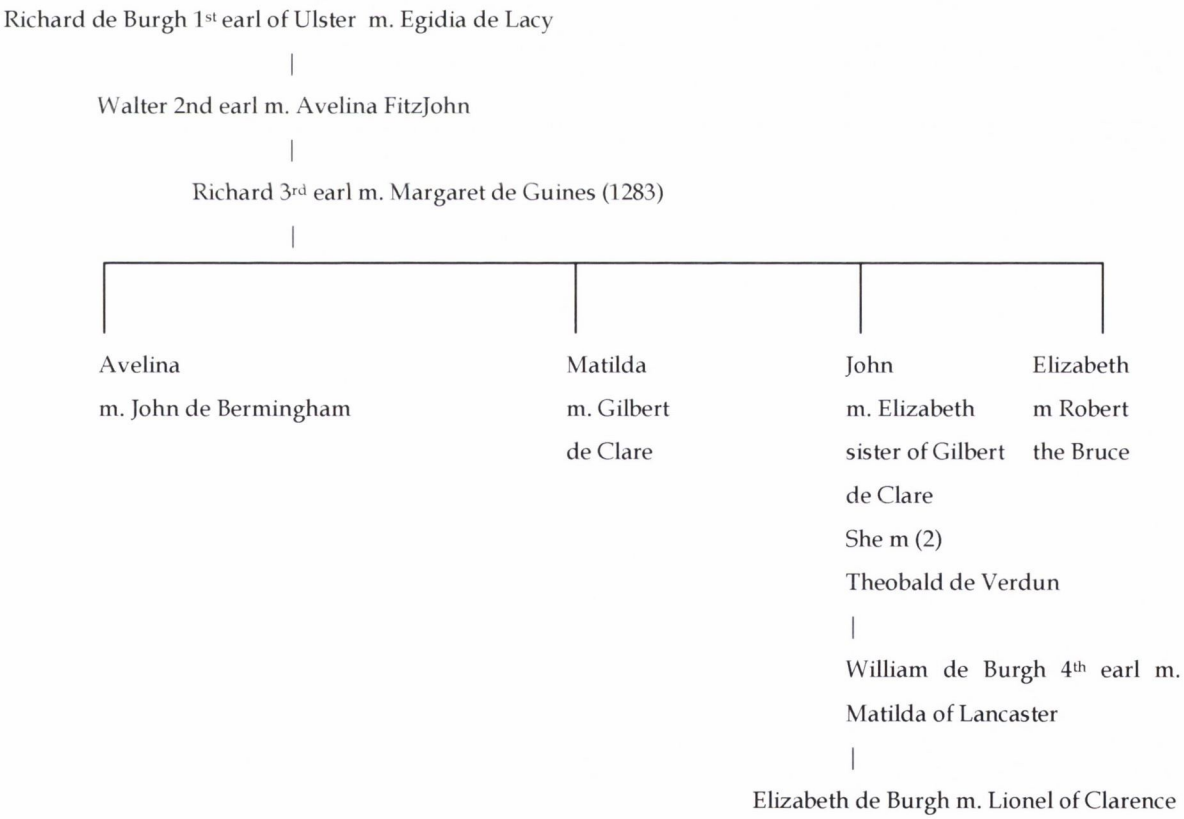
[658] McKenna, *Aithdioghlum Dana*, i, p. 144.
[659] *P.R.I. rep. D.K.* 43 (1912), p. 24.
[660] *P.R.I. rep. D.K.* 44 (1912), p. 35.

cantred in Conegdonmor; also 4l. 10s. yearly rent from three townlands of Leghuyll; also 20l. yearly rent and so on…'.[661]

Matilda wished to have her dower lands taken from her husband's holdings in England as, it was claimed, she feared for her life in Ireland. In 1334 it was ordered that her dower was to be taken from her husband's holdings in England as she stated that she could not live in Ireland *'without great danger of her person'*.[662] Safely settled in England Matilda then set about trying to bring her husband's murderers to justice by offering a reward of 100 marks for anyone who captured Richard and Gyle de Mandeville.[663]

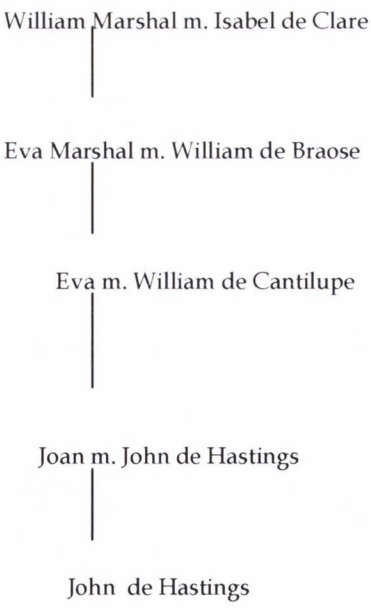
Fig. 1.5 De Burgh widows



[661] *Ormond Deeds ii*, pp 333-4.
[662] *C.C.R. Edward III 1333-1337*, p. 248.
[663] *C.C.R Edward III 1337-1339*, p. 170.

Certain women who held dowers in Ireland held those dowers *in absentia* and perhaps rarely, if ever, visited the country. At various times widows can be traced either applying for permission to go to Ireland or nominating attornies there. For example, in 1287, Lucy, the widow of Guy de St. Amand, nominated two men to receive seisin of her dower in Ireland.[664] Another example occured in 1335 when Anne, the widow of Edmund le Despenser, appointed *'her trusty valet Roger de Euways as attorney for all her lands in Ireland, to receive all accounts etc. of all her reeves, bailiffs and all others her ministers in Ireland and commands all her tenants, free and serf to be intendant and respondent to the said Roger in all things touching her'*. Women whose dower lands were spread over different countries may have found it difficult to visit Ireland at all. For instance, Isabel, the widow of John de Hastings, whose dower lands were spread over Ireland, England and Wales, in all probability never lived in Ireland.[665] The Hastings lands in Ireland came to them through their descent from Eva, one of the Marshal heiresses amongst whom the lands of William the Marshal were divided in 1247.[666]

Fig. 1.6 Hastings - Marshal descent



[664] *C.D.I. 1285-92*, no. 353.
[665] *Inq P.M.* vol. V Edward II, no. 412.
[666] G. H. Orpen, *Ireland under the Normans*, iii (Oxford, 1968), chapter xxvi.

Heirs could find themselves dealing with the demands of widows who did not live in the country as well as with generations of long-lived widows who all claimed profits from their family lands. The widows of the Kildare Geraldines provide a few instances of widows continuing to draw on family lands as dower long after their husbands had died. For instance, the dower assigned to Blanche, countess of Kildare, after her husband's death in 1316 included the third part of a mill in Maynooth. That was not all, however. For, as befitted her status as widow of one of the leading magnates of fourteenth century Ireland, Blanche's dower was large and was designed to generate an income befitting her status. Her dower lands were spread all over the country from Munster up to Carlingford. Blanche also held lands in jointure to sustain her in her widowhood. One such grant appears to have been made to her and her husband in 1307 by John de Monte Alto who granted to the couple one messuage and all his lands in Tymore, which were to descend through the male line of the family.[667]

Also in that year a similar grant was made to Blanche and her husband, which also included their son, John, by William and Egidia le Poer.[668] Blanche died around 1329-30, approximately thirteen years after the death of her husband and her dower lands were returned to the earl of Kildare.[669] However, at around the same time (1331) Kildare lands were again awarded as dower[670], this time to Joan de Burgh, the widow of Thomas FitzGerald, the second earl who had died in 1328. In 1329 Joan remarried to Sir John Darcy[671] and she and her new husband continued to enjoy the profits from her Kildare lands for decades as Sir John lived until 1347.[672] Joan survived him (and must also have enjoyed a dower from his lands) as an entry in the

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[667] MacNiocaill, *Red Book of Kildare* , no. 108.
[668] *Ibid.*, no. 111.
[669] G. E. Cokayne (ed.), *Complete Peerage of England Scotland Ireland Great Britain and the United Kingdom*, vii (London, 1929), p. 221
[670] MacNiocaill, *Red Book of Kildare*, no. 127.
[671] Stephen B. Barnwall, 'The Darcys of Platten, co. Meath' *Ir. Gen.*, 6, no.4 (1983), pp 403-422.
[672] Lodge's *Peerage*, i, p. 121.

annals states that the Lady Joan de Burgh, Countess of Kildare, died and was buried beside her husband in the church of the Friars Minor in Kildare in 1359.[673] Her death was also remembered in the Book of Obits of Christ Church Cathedral.[674]

14b: Multiple dowers

Multiple dowers imposed on large estates were not an unusual occurrence in an age when war and disease could produce several widows at one time in a family. In 1292 in an Inquisition made into lands owned by Robert de Cruys following his death his mother Isabel, the wife of Reginald de Sancto Bosco, held the following in dower from Cruys owned lands, one hundred and seventy three acres of arable land, meadow, a mill, an orchard. She was also entitled to four hundred eels of the issue of what was called Robert's lake as well as holding rights to the commons of various pastures. Robert's widow Helen was also assigned a third of the remaining lands as dower, which probably didn't leave much for the heir.[675] The impact on family holdings must sometimes have been very severe if more than one widow was siphoning off profits for her own and sometimes-another husband's use.

The manor of Inchiquin that included the town of Youghal also provides an example of the type of fragmentation that could attend generational dower claims. The manor was partitioned in 1351 between Margery the wife of William lord Roos of Helmsley, Maud the wife of John de Vere earl of Oxford and Elizabeth, the wife of John lord Tiptoft. This partition reflects the position created by the dowers, which had been in existence on the manor at various times in the previous sixty years. In the course of inheritance and succession from 1288 to 1351 several dowers had come into being, namely those of Emmeline Longespee, the widow of Maurice FitzMaurice, Isabel the widow of Gilbert de Clare, Joan the widow of Richard de Clare and Elizabeth, the widow of Giles de Badlesmere. Emmeline Longespee's dower was probably 52 of the

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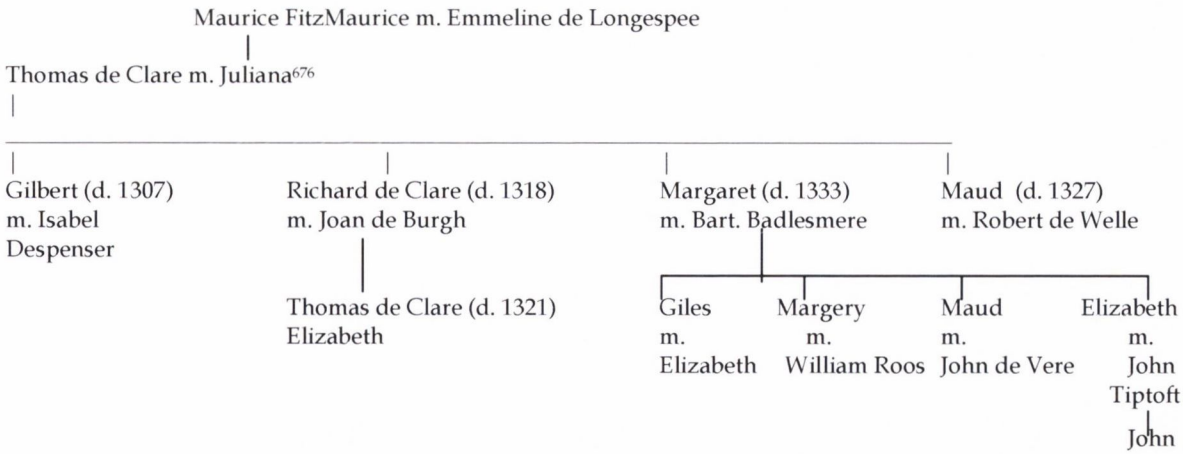
673 Gilbert, Annals of Ireland 1230-1351 in *Chart. St. Mary's*, ii, p. 393; Susan Leigh Fry says that her death took place in 1357, see Fry, *Burial in Medieval Ireland*, p. 176 and Lodge's *Peerage*, i, p. 121 states that she died in 1359.

674 Refaussé and Lennon (ed.), *Registers of Christ Church*, p. 20.

675 *Cal. Inq Post Mortem*, vol. III, Edward I, no. 48.

158 burgages in Youghal, leaving 106 for Gilbert de Clare. On Gilbert's death in 1308 his widow received 35 burgages as her dower leaving 71 for Gilbert's brother and heir Richard. His widow, Joan, obtained 24 burgages for her dower leaving 47 for Richard's heirs. All of these dowers were in existence in 1327 but at some time before the death of Giles de Badlesmere in 1338 both Emmeline and Isabel died and the reversion of their dower left him in possession of 134 burgages with 24 in the hands of his uncle's widow. His widow, Elizabeth, got 44 burgages as her dower and there were 90 left to be partitioned among the co-heiresses. In the partition settlement of 1351 each of the Badlesmere co-heiresses received 22 ½ burgages. Margery got 33s 1d a year rent, Maud received a rent of 84s 1d and Elizabeth received 24s 1d a year. The burgages of John, the son and heir of Elizabeth, the wife of John lord of Tiptoft, were held at 24s 1d. Of the dowers outstanding in 1351, those of Joan, the widow of Richard de Clare, and Elizabeth, the widow of Giles de Badlesmere, were as follows - Joan had a yearly rent of 32s 8d from 24 burgages and Elizabeth had 48s 1d rent from 44 burgages.

Fig. 1.7 Youghal widows and heirs

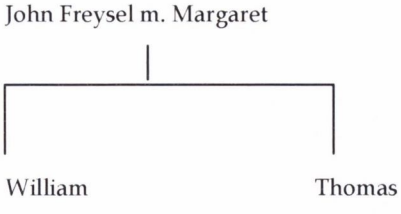


[676] *C.D.I. 1285-92*, no. 1142.

14c: Dower difficulties

Certain widows appear to have experienced a great deal of trouble when it came to collecting their dowers. Widows could find themselves at the centre of legal disputes over their dowers with their lords, who were not always willing to see part of their inheritance denied to them. In 1276 Anna, the widow of John de Cogan, was forced to sue Edmund de Rupe for a third of two carucates of land as her dower. Edmund was refusing to hand it over as he claimed that her husband had not held the lands as freehold and so he could not endow her of it.[677] Clashes over dower also occurred with the heirs. In Cork in 1297, for example, a widow had to defend her dower against the fraudulent claims of her son. A jury was asked to decide whether John Freysel, the father of William Freysel, was seised of thirty-two acres in Balaghath of which Thomas, son of John Freysel, held twenty-seven acres and Margaret, the widow of John, held five acres. It appears that William Freysel was trying to prove that his father was not seised of the property and so his mother and brother were not entitled to hold their shares of it. He also appears to have claimed, based on the counter-arguments of his brother, Thomas, that he (William) was the son of a different woman. Both his mother and his brother denied these charges and the jury concurred with them. William's fraudulent claims were dismissed.[678]

Fig. 1.8 Freysel lawsuit - chart of descent



Widows often had to sue to retrieve their dowers from reluctant heirs. Medieval Ireland's most infamous widow and reputed witch, Alice Kyteler, took her stepson, Richard de Valle, to court regarding access to her dower after the death of her third

[677] Ferguson Transcripts of the Exchequer (NAI 2 446 1, p. 18.).
[678] *C. J. R. I. 1295*-1303, p. 159.

husband, Richard de Valle senior, in 1316. After Richard's death she married Sir John le Poer, whose children raised the accusations of sorcery and *maleficium* against her around the year 1324, in which her other stepchildren joined. By that stage Alice was rich on the income from her accumulated dowers alone, a fact of which her accusing stepchildren were well aware and included in their list of accusations, saying that she had acquired her wealth through bewitchment and murder.[679] However this was not Alice's first experience of trouble due to her marriages and intervening periods as a widow. Her marital career stretched back to 1280-5 during which time she married her first husband, William Outlaw. By 1302 she was married to husband number two, Adam le Blund of Callan, and it was around that time that charges of murder and other crimes were first levelled at her.[680] Alice was a powerful woman in Kilkenny, mainly thanks to her wealth, as well as having some important relatives and friends.

Disputes within families over dower arrangements were fairly common, especially amongst the higher orders of society. The stakes were higher and so heirs and widows could often engage in prolonged legal in fighting over their rights. Such a dispute broke out between Basilia de Cogan, the widow of Nicholas de Verdun, and her brother-in-law, Theobald de Verdun, who was the principal tenant of her dower lands, in 1279-80. Theobald was disputing Basilia's claims concerning the size and extent of her dower. She claimed that her dower consisted of a third part of the manor of Loughsewdy, except the advowson of the church, the manors of Inchelefyre and Kells except 8 ½ marks worth of rent, Coolock, except 10 marks worth of rent, the new and old vills of Dundalk and several other manors. Theobald objected to this. The disagreement centred on how her dower had been awarded to her and under what terms. It appears that Nicholas and Basilia had been married when they were under-age and so their fathers had worked out the dower

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[679] See Bernadette Williams, 'Alice Kyteler: A woman of considerable power' in Meek (ed.), *Women in Renaissance and Early Modern Europe*, pp 67-83, for a treatment of the causes and consequences of the accusations against Alice and her co-accused.
[680] Neary, 'Kilkenny Witchcraft Case', pp 333-350.

arrangements. Basilia stated that Nicholas had endowed her with a third part of all lands held by John de Verdun, with his father's consent, *'ad ostium ecclesie'* when he married her, thus indicating a free and open arrangement. Theobald, however, produced a deed whereby John de Verdun and John de Cogan (Basilia's father) agreed that de Verdun would endow her of one hundred librates of land in the manor of Loughsewdy. The justiciar was ordered to make inquiry into the matter at Loughsewdy, where the marriage took place, to see what was the true nature of the dower arrangement in this case. [681]

When dower was denied to a widow, it could sometimes be a matter of extreme urgency for her to obtain access to it. For example, in 1374 Joan de la Hyde petitioned the chief governor over the seizure of her dead husband's goods because of debts he owed. She complained that he was killed in the king's service, leaving her with six children to look after. She asked for restitution of his goods to aid her in the support and maintenance of his children.[682] Even the most wealthy and powerful women could face difficulties in obtaining their dowers. Added to this also was the often fractious and politically troubled nature of the Irish lordship where, for some women, obtaining possession of their dowers was impossible due to the impact of war and other disputes. In 1399 Eleanor, the countess of Ulster complained to the king of her difficulties in gaining control of her dower lands in Ireland. The king ordered that her officers be allowed to collect the revenues and not to be troubled by others. The Mortimer holdings were large and varied and in that same year the Escheator in Gloucestershire and the march of Wales was ordered to give Eleanor of Ulster livery of her dower in England, Wales and the Marches.[683] Other widows went further and asked to be relieved of their Irish dower lands. In 1308 Alice, the widow of Roger Bigod, earl of Norfolk, asked the King to exchange her dower lands

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[681] *C.D.I. 1252-84*, no. 1635.
[682] Elizabeth Dowse and Margaret Murphy (ed.), 'Rotulus Clausus de anno 48 Edward III', *Anal. Hib.*, no. 35 (1992), p. 152.
[683] *C.C. R. 1396-99*, pp 445, 451-2.

in Ireland for comparable lands in England.[684] Wealthy widows like Eleanor and Alice, as well as other less prosperous widows, had to be both forthright and willing to appeal to the courts in order to protect or alter their dower rights. However, it was not only their dower rights which widows were prepared to go to court over. Their jointures could also be placed in jeopardy, a situation for which they occasionally needed to seek legal redress. In c. 1305 Emma, the widow of John de Kent, in an appeal to the king, enclosed the charter in which Ralph Pippard granted the manor of Disard in Ireland jointly to her and her dead husband in tail. Emma had previously petitioned for a restoration of that manor, which was recovered by Ralph for non-payment of rent and was subsequently granted to him by the king. Obviously Emma was disputing the non-payment or at least her part in it and maintained that she was entitled to the manor in question.[685]

Sometimes husbands were extra anxious to provide for their wife's needs after their own deaths to avoid, perhaps, the need for the widow to go to court to enforce her rights. To this end dower arrangements for wives can sometimes be made explicit in their husbands' wills, such as that of Thomas Suterby of Dublin in the later fifteenth century. He wished that his second wife, Katherine Nangle, would receive a third part of his lands in Ardee for her life, when he died.[686] Similarly, the will of Richard FitzWilliam in 1528 contained instructions that his wife was to receive her widow's third. He also used a third party grant to provide an extra ten marks a year to her for her life.[687] The 1476 will of Peter Higely, a merchant and citizen of Dublin, listed his wife's dower as follows: '*I leave the residue of the term which I hold in and of forty acres of land near Killeigh from the baron of Skreen and the third part of all common goods acquired between us to Millane, my wife, during her life*'. The Higeleys were a wealthy couple; the inventory of their goods lists various items, the sum of which came to 85l 11s.

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[684] Roger Bigod, earl of Norfolk, held lands in Ireland through his inheritance from Matilda Marshal who married Hugh Bigod. Matilda was assigned the Liberty of Carlow when the Marshal lands were divided in 1247; For Alice's request see Connolly, 'Irish material in the P.R.O.', p. 6.
[685] *Ibid.*, p. 100.
[686] Lawlor, 'Liber Niger', pp 76-7; His first wife was Joan St. Leger see *Christ Church Deeds*, no. 298.
[687] Griffith, *Cal. Inq. Ireland*, p. 23.

Debts they owed came to 17l and they were owed 57l. Therefore a third part of their goods in common would likely ensure that Millane continued to live in a comfortable style.[688]

When a husband did not assign a dower to his wife before his death, then the heir performed the task, where possible. However, the assignment of dower in this way could cause problems for the women involved. For example, in Tipperary in 1309 Adam le Blound and Walter de Cantewell ended up in court due to a disagreement over a farm of fourteen acres. Walter had ejected Adam from the farm as Walter claimed that his brother William had granted the farm to him. Claiming that Adam thus owed him (Walter) rent for the land, which Adam denied, Walter took two of Adam's cows. It appears that Walter had to assign dower to his sister-in-law, Matilda Harold, and, as the jury stated, *'out of malice,'* he assigned to her one and a half acres of land which were held by Adam and sown with corn and oats'. Adam thereby lost his crop. Matilda was also assigned a curtilage of Adam's land in which he was growing flax.

The judgement was that Adam was to be compensated by the award of 40s and that Walter should go to gaol. Whether or not Matilda kept her dower lands where they were awarded to her is unknown, as she is not mentioned again.[689] Joan Talbot, the widow of Robert Burnell, found serious problems when it came to enjoying her dower lands in early sixteenth century Ireland. Her son, John Burnell, had, by a deed assigning her dower, granted her his half-share of various rents and messuages in certain manors, as well as the right to take half a pound of pepper and 20s head rent every three years from his own lands and tenements. Part of her dower also included a house in Coolock and a house in Malt St., both in Dublin. Unfortunately, he was attainted for treason in 1534 and the authorities unjustly seized his mother's

[688] Berry, *Reg. Wills*, pp 128-33.
[689] *C. J. R. I. 1308-14*, pp 122-3.

dower as the lands involved were deemed to be his. The investigation into this was still ongoing in 1537, which must have made life very difficult for his mother.[690]

Even if it was her child who assigned her dower to the widow, the process could still often be a protracted one and the widow had sometimes to be amenable to changes in her circumstances. For example, in 1298 Theobald Butler V assigned dower to his mother, Lady Joan Butler, whose husband, Theobald Butler IV, had died in 1285. Theobald V died shortly after in 1299 and was succeeded by his brother, Edmund who granted Ballygarven to his mother as dower in 1303, when a new understanding between heir and widow may have arisen as to her dower.[691] Another, late, Butler widow also came to an agreement with her son concerning her dower lands. In 1383 Elizabeth Butler and her co-executor signed over all their rights in Butler lands, as well as the goods, chattels, gold and silver which had belonged to her late husband, James Butler, to her son, James. He then granted to his mother as dower the manor of Torvy with some lands in Fingal, as well as a third part of the prise wines of Ireland. He also granted her 400 marks for her portion of the goods and chattels.[692]

Sometimes a person from outside the family (usually the Escheator) would perform the task of assigning the widow's dower. This did not always benefit the widow as the rate of official business could be very slow at times and the assignment of her dower could be delayed. Also the authorities could use the assignment of dower as a bargaining tool to persuade widows to comply with official wishes. For example, in 1325 the king's officials assigned dower to Elizabeth, the widow of Theobald de Verdun. Before this was done, however, she had to render suit for two castles, which she held as dower, those of Blathac and Drogheda.[693] Elizabeth was Elizabeth de Clare, previously the widow of John de Burgh, and she was abducted from Bristol

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[690] Griffith, *Cal. Inq. Ireland*, pp 55, 57.
[691] Newport B. White (ed.), *Red Book of Ormond* (Dublin, 1932), nos 49, 15.
[692] *Ormond Deeds II*, no. 265.
[693] Edward Tresham, *Rotulorum patentium et clausorum cancellarie Hibernicae calendarium* (Dublin, 1828), no. 181.

castle in 1316 by Theobald de Verdun whom she later married.[694] He died that year while his wife was pregnant with their daughter, Isabel.[695] In 1317 Elizabeth was forced by the king to marry Roger Damory who had bought the custody of the lands and heiresses of Theobald. It seems that after this marriage had taken place, Elizabeth's de Verdun dower was assigned to her, as was her share of the de Clare inheritance, which the king had been reluctant to hand over until she was married off to Roger Damory, one of his supporters.[696] After her last husband died in 1322, Elizabeth took a vow of chastity, which prevented any more marriages, and became an active patron of the arts, an activity funded by a combination of her own de Clare inheritance in England and Ireland (she was the co-heiress of her brother Gilbert de Clare[697]) and the profits from her dowers.[698]

14d: Urban dowers

Widows in the towns were also entitled to their dowers, which could take different forms from those claimed by women whose holdings were rural. A land deal made in 1530 between Piers and Margaret Butler on one side and Katherine Brewer, the widow of James Benet of Ross on the other, details what Katherine could expect in return for giving up her dower lands. Piers and Margaret agreed to pay Katherine or her assigns 3l yearly during her life for the title to lands that her late husband was seised of both within and without the town of New Ross.[699] Lands in towns held by widows could be a valuable resource, which they sought to exploit, and the leasing of widow's holdings was a way for them perhaps to enjoy a steady cash return on their holdings. For example, in 1363, Agatha Chomirlayn [Chamberlain], the widow of John Gernoun, demised to Walter Kerisley, who was described as a burgess of

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[694] Frances A. Underhill, *For her good estate: The life of Elizabeth de Burgh* (New York, 1999).
[695] Theobald had three daughters from a previous marriage and these four girls divided up the de Verdun holdings in Ireland between them in 1332, see A. J. Otway-Ruthven, 'The Partition of the De Verdon Lands in Ireland in 1332', *P.R.I.A.*, 66 C (1968), pp 401 - 445.
[696] Some of her dower lands are referred to by the Escheator in 1336 see, *Extracts from Pipe Rolls* (NLI MS 760, p. 349).
[697] Robin Frame, *English Lordship in Ireland 1318-1361* (Oxford, 1982), p. 62.
[698] Frances A. Underhill, 'Elizabeth de Burgh: Connoisseur and Patron' in June Hall McCash (ed.), *The Cultural Patronage of Medieval Women* (Georgia, 1996), pp 266-287.
[699] *Ormond Deeds iii*, no. 153.

Dundalk, all the lands, tenements and meadows that she possessed in dower in both the New and Old Towns of Dundalk. These were to be held by him for the duration of Agatha's life for 7s a year.[700] Lands within towns could be valuable business premises and could be leased from widows as shops and workshops. In 1337 Elena Prodome leased to William de Kemesye, a 'glazewright', her right in a third part of land with its buildings in Thomas St.[701] It is likely also that amongst artisans, such as glazewrights, the membership of a guild and close contact amongst members many have facilitated such agreements.

These agreements were made throughout Ireland, wherever widows held land or buildings sought by their neighbours. In the fourteenth century in Dublin the widowed Auda de Chidton released to John de Ashton, a brewer, her claim of a dower in a messuage in the suburbs of Dublin.[702] Many widows continued the commercial ventures of deceased spouses in trade, ship owning or retailing. Where these ventures were organised in partnership with others, however, some widows may have been left in the position of a 'silent partner' whose control over business decisions was rather limited.[703] In 1367 Agnes North granted to John Foyl the tenements bequeathed to her by her late husband, except a tenement in Skinner St.[704] It may be that Agnes was continuing in her husband's trade or pursuing her own business and needed the premises in Skinner's Street for that purpose, or perhaps, as seems likely, that was where she was living.

Because the family relationships of the grantors and grantees are often unknown, it is impossible to determine if, and to what extent, they were related to each other. It is

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[700] *Dowdall Deeds*, no. 228.
[701] Henry F. Twiss, 'Some ancient deeds of the parishes of St. Catherine and St. James Dublin 1296-1743', *P.R.I.A.*, 35 C (1919-20) no. 6.
[702] *Christ Church Deeds*, nos 541, 542.
[703] John C. Appleby, 'Women and Piracy in Ireland: From Gráinne O' Malley to Anne Bonny' in MacCurtain and O' Dowd (eds), *Women in Early Modern Ireland*, p. 54. The study refers to women's lives beyond the compass of this study but the evidence is there to support widows' continued involvement in their dead husbands' businesses in later medieval Ireland.
[704] *Christ Church Deeds*, no. 703.

possible that widows sought to use their dowers or their own personal holdings to benefit not only those they were related to through marriage, but also members of their own families as well as perhaps close friends. As sole femmes there were no restrictions on those to whom they could grant their lands. For example, some of the grants were in return for a nominal rent which may indicate that the person to whom the widow was granting the land was perhaps, related to her or was a friend and that the arrangement was beneficial to the widow in some way, other than purely financial. In a deed dating from 1347, for instance Isabella, the widow of John Calf, sold to Annota, the daughter of Laurence White, a messuage with appurtenances in the New Town of Dundalk. For this Annota and her heirs were to render the rent of a rose at the feasts of the Nativity and of John the Baptist.[705] Widows who owned lands independently of their husbands also took the opportunity to administer them freely when they were widowed. Control of their inherited lands reverted to them and they could demise those lands. Records of grants of unspecified lands from widows are relatively plentiful in town records, where widows were often a noticeable part of the workforce and sometimes also employers.

Wealthier widows were also expected to play their part in town defences. The Records of Dublin contains notices that, *'widows with property shall contribute towards the watch and ward proportionately with their neighbours'*. They also provided for the intervention of the Mayor to settle property claims between widows and heirs.[706] Whilst Kilkenny provided against neglectful widows by ruling that if property held in dower within the town was damaged and the widow in question did not mend it then *'the lord of the same lands shall have the said particle or particles which is not repaired free unto himself'*. Presumably this meant the heir to the lands who could seize neglected dower lands.[707] Such a situation may well have been a recurring problem,

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[705] *Dowdall Deeds*, no. 164.
[706] Gilbert, *Ancient Records of Dublin*, i, p. 223.
[707] McNeill, *Liber Primus*, p. 144.

which this legislation sought to remedy.[708] Whilst they sought to punish neglectful widows and thus protect the rights of the heir, towns also strove to protect the widows' rights. For example, in 1291-2 the king confirmed the liberties of the citizens of Limerick and these included the right for widows to marry without the licence of their lords. It was also stated that lords were not to have custody of widows.[709] In Limerick, at least, widows were free to go about their business, which was often that of their late husbands, as were certain of the widows of Waterford, who were also eligible for citizenship after the deaths of their freeman husbands.[710]

In towns and cities the widows of guild members could carry on their husbands' businesses after their deaths. This may have been the case for Agnes de Tuttebury who in 1359 leased seven shops and a messuage from her son, perhaps to carry on or expand a business.[711] This may also have been the case with Juliana Loveyn, the widow of Geoffrey Parker. In 1423 she, along with John Warying, a merchant, leased from Christ Church, Dublin, two cellars under the church, a stone house, a garden and a mill. Church cellars were often used as taverns, so this may have been the aim of John and Juliana in this instance.[712] Some widows appeared to have continued on as merchants after their husbands' deaths. In 1277 the widow of Vincent Taverner was paid for the use of a ship that the Justiciar used to cross to England, while in 1284 Eleanor, the widow of Hugh de Kerseye, was paid 2l 6s 8d for two tuns of wine.[713] The widows of guild masters who continued their husband's business were accorded the most extensive guild privileges available to women. These advantages included the provision of a supervised workshop, the ability to take on apprentices[714] and journeymen and women and the right to participate in social and religious

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[708] In general, widows were prohibited from allowing dower lands to 'waste', as it was prohibited in the Statute of Westminster. See Rothwell (ed.), *Eng. Hist. Docs.* 1189-1327, p. 490.
[709] *C.D.I. 1285-92*, no. 1041
[710] Gearóid MacNiocaill, *Na Burgeisi*, ii (Dublin, 1964), p. 359.
[711] *Christ Church Deeds*, no. 679.
[712] *Ibid.*, no. 886.
[713] Connolly, *Irish Exchequer Payments*, pp 14, 98.
[714] Certain cities forbade the training of apprentices by widows of masters who continued to work in their husbands' trades as there was a perceived danger of adultery and fornication, see Shahar, *The fourth estate*, p. 199.

occasions. It has been estimated that active guild widows constituted two to five per cent of guild membership across Europe. They could not, however, participate in guild politics by voting for officers or serve as officers, for example.[715] Guilds in Dublin also provided retirement homes for widows of their members.[716] Some town widows acted as landlords, even to the government, in order to maintain a cash income. For instance, in 1331 Alice, the widow of Roger de Wyleby, was noted as being owed 2l 10s for the rent of a house in which the Exchequer and the Pleas of the Exchequer were heard. She continued to receive rent for her house until 1337, after which the record is silent. Another widow, this time Roesia Wogan, who was the widow of Nicholas de la Wythe, was owed 10l for the rent of her stone house in Cork, which held the King's prisoners from 1324-6.[717]

14e: Jointures

The dower was not the widow's only means of survival, however as jointure agreements also came into force for many women in widowhood. For example, Joan, the widow of Robert St. Laurence the lord of Howth, was described in the early sixteenth century as receiving a rent from her husband's lands as her jointure, which was apart from her dower. However, in this case two-thirds of this rent was being taken into the king's hand as punishment due to her continuing absence from her land.[718] Joint grants made to husbands and their wives could be enjoyed by the widow after the death of her husband. It is not always clear, in many cases, whether or not grants of lands jointly to husbands and wives occurred at the time of marriage (i.e. at the ceremony itself) or at some later stage during their married lives. In 1321 a tripartite indenture was entered into by the earl of Ulster [the Red earl], Sir Hugh Despenser the father (Hugh Despenser the son was married to Eleanor de Clare, the sister and heiress of Gilbert de Clare) and Roger Damory who was married to Elizabeth de Clare, the widow of John de Burgh. As part of the terms of the

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[715] Kowaleski and Bennett, 'Crafts, Guilds and Women' in Bennett, Clark et al (ed.), *Sisters and Workers*, pp 11-38.
[716] Clark and Refaussé (eds), *Dublin Guilds*, p. 11.
[717] *Ibid.*, pp 338, 316.
[718] Griffith, *Cal. Inq. Ireland*, p. 1.

agreement Sir Hugh was to hold the manor of Stepul Claydon of the earl and the earl was to grant to Sir Roger and Elizabeth his wife the reversion of Whaddon manor forever. If the earl thought that this was excessive Sir Roger and his wife were willing to grant him the manors of Lyssethorethragh and Escalon and also the manor of Grallagh (all in Ireland) to hold for the term of the earl's life. This was provided that these manors returned to Elizabeth at the earl's death. If the earl did not agree he was to give 500l silver to Sir Roger for Stepul Claydon manor.[719]

This land deal may have been linked with lands given to Elizabeth as jointure by the earl's dead son, John de Burgh.[720] In a later appeal to the king (in 1327) Elizabeth asked for the restoration to her of manors, which were granted to John and Elizabeth for the life of Elizabeth by John's father Richard, the Earl of Ulster, who then leased them back. After the Earl's death in 1326 Elizabeth had entered on those lands but was ousted by the king's ministers.[721] Elizabeth was one of the sisters of Gilbert de Clare and after his death in 1314 she, along with her two sisters, Eleanor and Margaret, became a wealthy heiress.[722] John de Burgh was her first husband but the de Burghs and de Clares were also connected through the marriage of John's sister Matilda to Gilbert de Clare.[723]

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[719] *Catalogue of Ancient Deeds in the Public Record Office* , i (1896), pp 44-5.

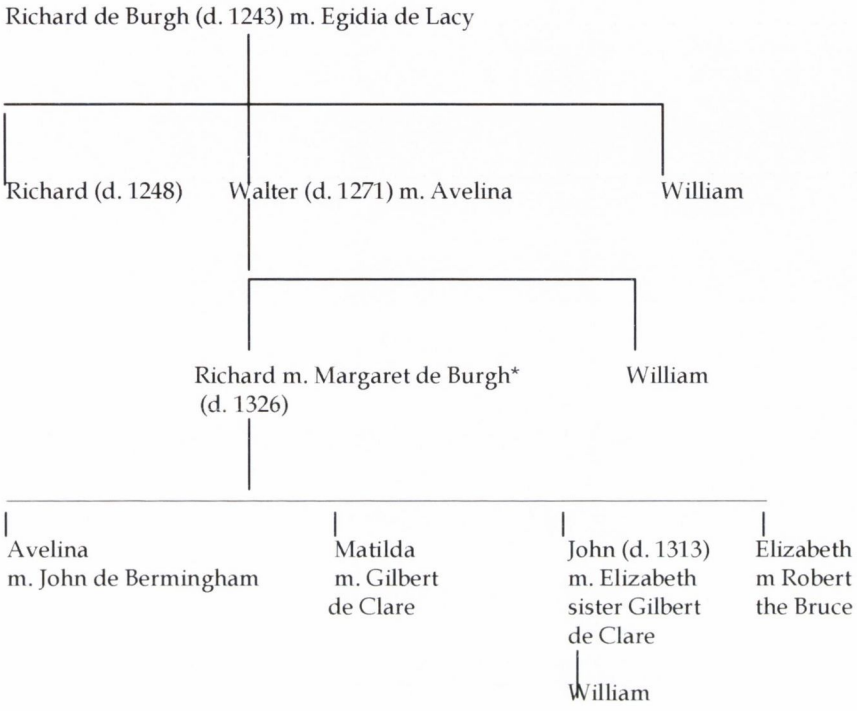
[720] A deed dated 3 Edward II concerns certain lands in Ulster and Connacht, which were jointly held by Elizabeth and John de Burgh. See James Hogan, 'Miscellanea of the Chancery, London', *Anal. Hib.*, no. 1 (1930), p. 196.

[721] Connolly, 'Irish material in the P.R.O.'p. 47.

[722] Otway-Ruthven, *Liber Primus,* pp 121-3 for a division of the lands of Gilbert de Clare between his three sisters and their husbands; *Cal. Inq. P.M.*, vol. V, Ed. II, no. 538

[723] William Corrigan, 'The Graces of Courtstown', *The History and Antiquities of the Diocese of Ossory,* 3 (Dublin, 1905), pp 49-50.

Fig. 1.9 De Clare-de Burgh marriages[724]



* Margaret de Burgh also known as Margaret de Guines (see fig. 1.5)

Elizabeth went on to marry Roger Damory, Margaret married Hugh d'Audley while Eleanor married Hugh Despenser the Younger.[725]

There are various examples in the Irish records of lands granted jointly to husbands and wives with, more often than not, a clause indicating future inheritance by legitimate heirs of the couple. For example, in 1337, the sheriff was ordered to ensure the delivery of the manor of Inesken to John, the son of Peter de Haddesore, whose inheritance it was. The original terms of the grant had stipulated that Inesken was to be held by Richard Haddesore and his wife, Margary, and their heirs. By that stage, in 1337, Richard and Margery had died and so John was their next heir.[726] Like

[724] *Complete Peerage*, xii, part 1, pp 171-177.
[725] *C.P.R. 1317-21*, p. 531
[726] Lawlor, 'Reg. Sweetman', *P.R.I.A.*, 29 C (1929), no. 28.

all other land dealings widows could also experience trouble when it came time to claim their jointures. Sometime between 1317 and 21 Agatha, the widow of Adam de Carmathen, appealed against the taking of her jointure lands in Limerick into the king's hand by Roger Mortimer. Agatha claimed that the lands had been held jointly with her husband and were to be inherited by her son, John de Carmathen, but they had been taken because of John's outlawry and granted to the archbishop of Cashel, which meant that Agatha could not enjoy them either.[727]

14f: Land transactions

When a woman received a land-based dower or acceded to jointure holdings she may have been unwilling or physically unable to see to their administration. A number of widows in the available records, for example, appear to have made over their dowers to their adult children, perhaps as a form of pension. Widows with dower lands that they were unable or unwilling to manage could grant these lands to their children. In return, the children may have been expected to provide proper sustenance for the widows, who may or may not have been their natural mothers. The distinction between natural and step-parents is not always made in such documents, although, in 1336 when Anne Mandeville released all her rights to her son, her relation to him was made clear. He was described as her *'welbeloved sonne'*, Walter de Mandeville.[728] In some cases widows may also have granted their own, inherited lands to children before their death. In 1437, for example, Cristiana White, a widow, of Whitestoun in Cooley granted to Thomas Dowdall, her elder son, all the messuages, lands etc that she held in Whitestoun. These were granted to him and his heirs and assigns, apparently forever. Whatever Cristiana received in return for this grant is not stated.[729]

Another charter from 1416 saw Alice, the widow of Richard FitzRichard, release to Launcelot FitzRichard, Richard's son and heir, all her dower rights in all lands,

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[727] Connolly, 'Irish material in the P.R.O.', pp 18-19.
[728] Nicholls, 'Mandeville Deeds', p. 29.
[729] *Dowdall Deeds*, no. 434.

tenements, rabbit-warrens, dovecots, rents and services in Calyaghstoun and Glaspystall. It is unclear whether she was the natural mother of Launcelot.[730] What is clear is that the lands at Glaspystall assigned to Alice as dower were probably generally used as part of the dower (and possibly jointure lands) for FitzRichard wives. In 1457 another Alice, this time Alice Talbot who was the widow of Launcelot FitzRichard, complained that John FitzRichard along with some Irish enemies and English rebels seized her dower lands from her. Alice complained that she was seised of the manors of Glaspistol, Baggotstown, Priorstown and the tenement of Kylsclatric, which her husband had held. She was ousted from her manor she complained and she also claimed to have been '*utterly destroyed*'. It was ordered that Alice was to get her lands back.[731]

However it was not only to their children (or step-children) that widows granted their lands. They granted their various types of holdings to people who may not even have been family members. An arrangement made in 1278 saw Eleanor, the widow of John de Verdun[732], grant a tenement out of her dower lands to John d'Avesnes and his wife, Agnes (de Valence).[733] In return she was to receive a cash sum with financial penalties if John and Agnes should default. The agreement went badly as it ended in a court case between them with John and Agnes accused of disseisin.[734] Other such transactions appear to have gone smoothly, however, such as the one made in 1310 when Christine de la Keyne who was the widow of Archebald de Valle, quitclaimed all her dower rights (which consisted of half a mark's worth of rent) in the vill of Durant [Durhamstown] to Edmund le Botillere. Twenty five years later Felicia, the widow of John Eyverok, granted to Richard

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[730] Ibid., no. 391.

[731] Berry, *Statute Rolls Henry VI*, pp 545-7.

[732] John de Verdun was the son of John de Verdun and Margaret de Lacy, the heiress of Hugh de Lacy, see Dennis Murphy, 'The de Verdons of Louth', *J.R.S.A.I.*, 5, (1895), p. 322; *Complete Peerage*, xii, pp 247-9.

[733] John d'Avesnes was Agnes de Valence's third husband who also left her widowed when he died in 1283, see Cormac O' Cléirigh, 'The Absentee Landlady' in Meek and Simms (ed.), *The fragility of her sex*, pp 101-103.

[734] *C.D.I. 1252-84*, nos 1459, 1461.

Coterel her right to a third part of a house with a garden in Kells.[735] What these women received in return for these grants is unknown, as their side of the bargain is not revealed. It is likely, however, that the women received an annual money rent taken from the profits of the lands in question. Many widows would have found it difficult to carry on a husband's farming practices or business and may have welcomed a cash exchange for those duties. Perhaps her distance from lands she held in Dublin was what prompted Joan de Mosthpoulyn, the widow of Thomas le Blount of Kinsale, to release lands in Oxmantown in Dublin to William and Katrine de Berdefeld in 1303. She also released a curtilage in that area to Roger de Nottingham, which, she stated, *'came to her on her husband's death'*.[736] Studies of late medieval England have found that in the period leading up to the Black Death many of the elderly who contracted pension agreements made them with their own kin. After 1350, however, there was a noticeable rise in arrangements made with both distant and non-kin. This development may also have been reflected in Ireland at that period.[737]

Large landholders could often take advantage of some widows' reluctance to engage in the arduous task of overseeing their lands. The Prestons of Gormanston, for example, acquired some dower lands from widows in the fourteenth century. In the first, undated charter Mariota, the widow of Robert FitzLeones, released to Robert de Preston all her right to lands in the manor of Nynche that formerly belonged to Robert. Another charter, this time dating from 1363, finds Margaret Howth, the widow of Walter Hauberge, releasing to the Prestons all her right in one messuage and fifty-two acres of land with their appurtenances in Stameen, which had belonged to her husband.[738] Later that century, in 1396, Dame Joan Preston, the widow of Robert de Preston, released to Christopher Preston all her right in lands, which would descend to Christopher as heir. She also released to Christopher and the

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[735] *Ormond Deeds i,* nos 448, 673.
[736] Robinson, 'Parish of St. John', p. 182, nos 12, 13.
[737] Razi, 'The Immutable English Family', pp 26-7.
[738] *Cal. Gor. Reg.*, pp 32, 41.

executors of her late husband's will all her right and title to his goods and chattels.[739] This was the end result of a series of writs and documents about Preston's lands. The Prestons may have been accumulating these lands to consolidate farms and increase the profits accruing to them from their estates that, after all, could only be enjoyed for the length of the widow's life. Some of these land deals involving widows are quite detailed. In 1354, for example, Matilda, the widow of Roger Smeth, held various lands as dower in Smethstoun which were due to revert to John Naptoun. Instead of waiting until Matilda died, John struck a deal with her. In return for a yearly payment to Matilda of 45s 8d, she granted him the lands he wanted.[740] The Naptouns owned the land held by Matilda as dower in Smethstoun because as far back as 1339 a letter sent to Matilda Smeth directed her to be '*intendent*' to John de Naptoun for lands she held in Smethstoun.[741]

14g: Widows and their children

The widows so far surveyed are from the better-off sections of society, those whose land ownership ensured them a mention in the legal documents of their day. For the poorer widow, the situation, which was often presented to her after her husband's death, was a frightening one. The death of a husband and father was a devastating blow for most families, especially poorer ones. The husband was the primary breadwinner and, depending on his wealth and status (or lack of it) his widow and children might have had to face various difficult situations. In the case of the death of a tenant-in-chief, the wardship of children could be granted outside the family with his widow having no rights over her children. Some widows applied to keep their children in their custody whilst not always keeping the profits of their children's lands, which could be granted outside the family. Sometimes, however, a widow received custody of both the child and their lands. For example, in 1392-3 Leticia Rede, the widow of Henry White of Clonmel, was granted custody of the lands and the person of Theobald, the heir of Henry and her son. She promised to

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[739] *Ibid.*, p. 22.
[740] Dowdall Deeds, no. 207.
[741] Naptoun family deed (NLI D 15, 572).

'tenderly administer the said wardship' as he was her natural son. Also that year Joan, the widow of Nicholas, and an unnamed Bishop, who may have been Nicholas' brother, applied for and were granted the wardship and marriage of the son of Joan for which they had to pay a fine of 20s 6d. Joan was also to take the two other parts of the inheritance as dower. As part of the deal they were responsible for the upkeep of the tenements and sustenance of the heir. In this instance Joan appears to have ended up with the administration of all of her dead husband's lands and not just her one-third.[742]

The proper sustenance of children was always a concern when their welfare was being discussed. After the death of the Earl of Ulster in 1333 his widow and his daughter, Elizabeth, who was also to prove to be his sole surviving heiress (she had two sisters who appear to have died young) returned to England. She was a ward of the king but her mother had custody of her person. The king authorised several large grants of money towards the upkeep of this small girl, in response to pleas made by her mother. In 1334 the king granted an extra fifty marks a year to her mother for the upkeep of the child, beyond the one hundred marks a year, which he had already granted to her. It was stipulated that this should only continue as long as the heiress stayed with her mother.[743] Another very wealthy widow in fourteenth-century Ireland was Eleanor, the countess of Ormond. She was granted lands by the king towards the maintenance of her son, James, who *'on account of his tender age dwells with his mother until he attains his full age'*.[744] Medieval people were well aware that, if a widow were to remarry, the quality of care for children from her first marriage could decline and measures such as those stated above were safeguards against such eventualities. Sometimes these agreements concerning the upkeep of children by their widowed mothers could be quite detailed. In 1435 Joan Sport agreed with the Archbishop of Armagh that she would pay him 33l 16s 7d for the

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[742] Graves, *King's Council Richard II*, nos, 14, 1.
[743] *C.P. R. 1330-34*, p. 490; *C.P.R. 1334-38*, pp 31, 245.
[744] *C.P.R. 1338-40*, pp 160, 161.

guardianship of her children during their minority. She undertook to provide them with food, drink, linen and woollen clothing *'as fitting for such youths'*.[745]

14h: Peasant widows

In rural areas the lives of poorer medieval widows and their children could be ones of extreme poverty after the death of a husband and father. It comes as no surprise then that there are some examples of peasant widows continuing to live and work on manors in Ireland after the deaths of their husbands. A rental of the lands of Holy Trinity, Dublin taken in 1326 lists the tenants, giving their status and rents due and included among these are some widows. Customary rents included performing suit of court, ploughing the lands, hoeing, reaping and carting the corn, saving the hay and furnishing hens at Christmas and geese at Michaelmas. There are women described as widows on the lands, one of whom was a woman known as *'Eva the widow'* who was a cottier. Cottiers paid on average from 6d to 1s for a cottage and croft and 1s per acre for land. Another widow, this time known as Cristiana the widow, held land at Grangegorman; she was the only woman listed amongst the cottiers there. At Grange town Isabella, the widow of Gilkenyn (who may have been a Gaelic Irishman), held a cottage and a curtilage at a rent of 3d and with the usual services. At Balyscadan, Anabila the widow was listed as being a farmer there.[746]

Two years after this rental was taken, in 1328, the assignment of dower to Joan de Burgo the countess of Kildare was accompanied by a list of tenants on lands in Maynooth. One of the tenants was named as *'Juliana vidua'*; her lands were worth 12d and she was classed as a betagh.[747] Working widows of all classes were probably not unusual on manors throughout Ireland. Doubtless they could find life difficult at times, but for whatever reason the women referred to above had remained as widows and appear to have been successfully carrying out the duties their dead husbands once had. There are references in these records to women, who may or

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[745] Chart, *Reg. Swayne*, p. 153.
[746] *Christ Church Deeds*, no. 570.
[747] MacNiocaill, *Red Book of Kildare*, no. 120.

may not have been widows thanks to the fact that they are mentioned singly as workers on the estates. The fact that they are not described expressly as widows militates against their inclusion here, but it does indicate that a number of women of single status whether not-married or widowed did live and work on the documented manors of late medieval Ireland.

Not all poor widows worked successfully after the deaths of their husbands. The death of a husband especially while his children were still young was a catastrophe that plunged many medieval families into crisis. Despite the fact that her right to her free bench was enshrined in law, the peasant widow's rights could be ignored and she could find herself ejected from house and home and stripped of status and resources. It is not inconceivable that many widows and children were plunged into abject poverty by the death of a father and husband. Added to this was that fact that widows; and especially young widows', social situation could be precarious. In general, medieval communities offered scant support for isolated women who lacked male protectors, except for the few who became nuns. Widows were vulnerable to threats against their persons and children as well as their property. Remarriage would end most threats to person and property as well as fears of extreme poverty and loneliness, but it was not always an option for the woman, in many cases the choice depended on the wealth, age, rank, family connections and physical attractiveness of the woman.[748]

15: WIDOWS AND CRIME

If all else failed then economic necessity could mean a move into crime for some poor widows. There are plenty of examples of widows breaking the law in the extant Justiciary rolls. Their crimes were mainly to do with petty offences such as receiving stolen goods rather than more serious crimes. A case from 1295 saw Juliana, the widow of Henry le Blound, charged with receiving Thomas Slatere who had stolen

[748] James Brundage, 'The Merry Widow's Serious Sister: Remarriage in Classical Canon Law' in Edwards and Ziegler (ed.), *Matrons and Marginal Women*, pp 33-4.

wool from a church at Cnocbrec, several other men all named le Blound were also charged with receiving the stolen goods. The le Blounds may have become caught up in that affair unwittingly by allowing the accused felon access to their house without knowledge of his crime. That appears to have been the case, as they were found not guilty.[749] Similarly in Tipperary in 1302, the Sheriff was ordered to distrain Sibilla, the widow of John de Clinton, who had received a stolen cow worth 5s. The Sheriff took ten acres of wheat worth 3s and an acre of land from her in recompense.[750] A more serious crime occurred in Offaly in 1295 when a variety of Irishmen, along with Eddous Moyl, were accused of the murder of Walter Sweyn, serjeant of the king. Eddous' mother, Agnes, the widow of John Moyl, as well as another woman called Nevok Inyn Oconoyl were also accused of aiding them in the crime, although the charge against Agnes was eventually dropped.[751] Widows could find themselves inadvertently caught up in the midst of the crime and warfare that was rife in late medieval Ireland. For instance at a trial in Carlow in 1311 the jurors returned that various Irish men and some English men burned the house of Betoun, the widow of John de Valle at Arbrystyn and also killed Thomas de Valle and Philip de Valle, as well as stealing animals and other goods. This was in revenge for an attack made upon the O' Tooles.[752] The crimes allegedly committed by women were rarely violent and in most cases they concerned stolen property or attempts at land fraud. As might be expected widows appear to make up a small percentage of those accused of crimes and, in the main, are accused of crimes relating to property rather than to attacks on the person.

Apart from appearing in court as the perpetrators of crimes, widows could also find themselves there as the victims of crime. For instance in 1455, Anne Dowdall, who was represented in court by her second husband, Robert, claimed that previously as a widow she had held the castle and manor of Rathcoffey on which she held various

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[749] *C. J. R. I. 1295*-1303, p. 3.
[750] *Ibid.*, pp 376-7.
[751] *Ibid.*, p. 187, Dianne Hall, 'Women and violence in late medieval Ireland' in Christine Meek and Catherine Lawless (ed.), *Pawns or Players?* (Dublin, 2003), p. 139.
[752] *C. J. R. I. 1308-14*, pp 173-4.

cows, sheep and pigs to the value of 300 marks. In 1454 William Butler attacked the manor and took it, imprisoned Anne and stole all her animals. Parliament ordered that the animals were to be returned to her or their holders would face court proceedings.[753] As Anne Dowdall experienced, widows could be the targets of aggressive behaviour on the part of those who were aggrieved at their hold on particular lands. In Dublin in 1308 a man who came to the assistance of a widow was charged with assault in his defence of her rights. The quarrel grew out an arrangement between Gilbert Bercelmewe and Nicholas Skibyas. Gilbert demised to Nicholas some land in Finglas for twelve years at one penny a year. Nicholas died that year and bequeathed the farm to Mabilla, his wife. The next year Gilbert had the meadow forcibly mown, selling part of the hay while the rest of it was heaped up in cocks in the meadow. Mabilla, confronted by this, called on the assistance of David le Wodeword to carry home the hay and retrieve some part of what she was entitled to. Thereupon a fight developed between David and Gilbert and David hurt Gilbert with his sword. However, the jury dismissed Gilbert's claims and backed Mabilla.[754]

A widow could make powerful enemies in her pursuit of her rights both within and without her family. In 1458 Janet Besbell, the widow of John Whiteacre, complained to Parliament that she was ousted from the lands which her husband held around Drogheda and in Meath and which were granted to her for the term of her life. The man who had dispossessed her of her lands was Bartholomew Bath, who she claimed, was so powerful, rich and influential and whose actions had impoverished her to such an extent that she could not afford to sue him at common law. Parliament ordered Bath to appear before the king's council and account for his actions, which he failed to do. Following that it was ordered that Janet was to get her lands back.[755] Women like Janet, who felt that their cases could not be fought in the common law courts, exercised the option of appealing to Parliament. The number of private bills introduced into the Dublin Parliament increased significantly during the

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[753] Berry, *Statute Rolls Henry VI*, p. 337.
[754] *C. J. R. I. 1308-14*, pp 65-66.
[755] Berry, *Statute Rolls Henry VI*, pp 701-5.

fifteenth century. Women petitioned Parliament alone and with their husbands over their rights as heiresses and widows, while married women could sue for divorce there. After Poyning's Law was passed in Ireland in 1494, however, Irish courts were updated so that the court of chancery established an equity jurisdiction and took over much of the judicial business, which had previously been dealt with in Parliament.[756]

Despite such examples it would, however, be wrong to assume that widows were always the ones sinned against in such land matters. Widows, like anyone else, could defraud others over their rights to land. In 1384 a jury was asked to decide whether William Kilranyn and Petronilla his wife, aided by John Vin, unlawfully disseised Robert, the son of Walter le Poer, of his free tenement in Rathgole. The jury announced that Walter le Poer was seised of the tenements in question and that after his death they were taken into the king's hand because Arnold, the son and heir of Walter and brother of Robert, was underage. Meanwhile Walter's widow, Petronilla, sought her endowment of a third of all Walter's lands and tenements, which she was granted. As part of this grant Petronilla claimed that the tenement at Rathgole was part of her lands and took it despite the fact that it must have been assigned to Robert le Poer. The jury, however, decided that the tenement had never been granted to her and they assigned it back to Robert who was also awarded 10s in damages.[757]

Whether Petronilla was Robert's birth or stepmother is not detailed. The ties of blood did not, however, preclude acts of deviousness and fraud between relatives when it came to land holding rights. In 1459, for example, a man named John Burton claimed that Joan Burton along with William Butler and his son Richard disseised

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[756] Mary O' Dowd, 'Women and the Irish Chancery Court in the late sixteenth and early seventeenth centuries', *I. H. S.*, 31, no. 124 (1999), p. 482.
[757] *Ormond Deeds ii*, no. 268.

him violently of one messuage and sixty acres in Tipperary.[758] Widows could be both the active and passive parties in acts of land seizure and fraud.

16: DEATH AND BURIAL

It could take months, if not years, for a widow to organise her husband's burial and the accompanying masses, dispense his last bequests and attend to the debts both owed to him and by him. A burial could be a very expensive business. For example, in 1332-2 John Darcy and his wife, Joan, were granted a sum of 10l 11s 2d to offset some of the expenses incurred by Joan whilst burying her previous husband Thomas FitzJohn, the earl of Kildare. This sum was what was due to her from an original grant of 66l 13s 4d made to aid her.[759] Thomas FitzJohn had died in 1328 and she had married John Darcy in 1329.[760] The death of Roger de Hakenshawe saw his widow, Joan petitioning the governor and council of Ireland for a restitution of Roger's goods. She claimed that Irish enemies and rebels killed him while he was in the king's service. After this, all of his lands and chattels were seized into the king's hands so that *'she has nothing with which to bury him or to continue her own life'*. For the burial expenses the king granted ten marks worth of goods and chattels to her and her new husband, Richard Minot.[761] The differences in the amounts granted to the two widows are enormous, but serve to demonstrate the importance, to the widows of men of all classes, of a proper burial for their husbands and the differing types of expenses incurred.

Added to this was the fact that many women wished to see their husband's last wishes honoured, which would include his place and mode of burial. That there was mutual affection and respect for the dead spouse's wishes is evident from the effort some widows put in to trying to follow the wishes of their husbands concerning their last rites. For instance, in 1420, Joan, the widow of David Wedir, a burgess of

[758] Berry, *Statute Rolls Henry VI*, p. 623.
[759] Connolly, *Irish Exchequer Payments*, p. 354.
[760] Otway-Ruthven, *Medieval Ireland*, p. 245 for death of FitzJohn; Barnwall, 'The Darcys of Platten,' pp 403-22 for the remarriage and its implications for the Darcys.
[761] Dowse and Murphy (ed.), 'Rot. Claus. 48 Edward III', p. 127.

Athenry in Galway, transferred his remains from Bristol to Athenry with enormous expense. She also imported a tombstone from England to mark her husband's grave. That was an expensive outlay so, sensibly, Joan also decided to bury her second husband, Robert Gardiner, under that same tombstone in 1440.[762] After Ralph de Ufford died in Ireland in 1346 his wife conveyed his body to England for burial, also at enormous expense, as the body was transported in a lead-lined coffin and he may have been partially embalmed.[763]

After they had buried their husbands many widows then moved on to their next task that of acting as an executrix of their husbands' wills, a role husbands increasingly chose for their wives.[764] Of the wills, which were made by married men, in the fifteenth-century registers of archbishops Tregury and Walton, all but one of them opted to appoint their wife as an executrix.[765] This leads to a number of conclusions, namely that the wives were familiar with their husband's business dealings and could be trusted to administer them after his death. It also demonstrates that they were educated well enough to keep proper accounts, as it was illegal in Dublin, for example, to appoint as executor, a person who was unable to render an account.[766] As his executrix the widow pursued those who owed debts to her husband's estate and sought thus to safeguard the inheritance of her children. In the Irish colony the rule of succession entitled the wife (if there were children) to a third of the moveable goods on her husband's death, after the payment of debts and of his funeral expenses, while the children were entitled to another third, and the husband could freely bequeath only the remaining third. If there were no children, the wife's share rose to half. This remained the law of Ireland until abolished by statute in 1696. The custom may also have been that the wife's share rose to one-half, not only in the absence of children but also when the children had been previously 'preferred', that

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[762] Coleman (ed.), 'Reg. Mon. Athenry', pp 205, 207; Fry, *Burial in Medieval Ireland*, pp 116, 149.
[763] Fry, *Burial in Medieval Ireland*, p. 119.
[764] Stanley Chojnacki, 'The Power of Love: Wives and Husbands in Late Medieval Venice' in Erler and Kowaleski (ed.), *Women and Power in the Middle Ages*, p. 132.
[765] Conlon, Women in medieval Dublin', p. 182.
[766] McMorrow, 'Women in medieval Dublin', p. 207.

is to say, dowered or set up in life by their father.[767] It was important, therefore, for a widow to recover debts due to her husband, which could offset any sums which she would have to pay on his behalf to settle his personal debts or which she wished to divide up.

Chasing debtors could keep widows very busy in the courts. The case of Isabella, the widow of Gilbert Shank, is one such example. She was one of three executors of her husband's estate who in 1303 successfully prosecuted eleven debtors who were ordered to pay their debts to her husband's estate.[768] Likewise in 1309 Sibilla de Sale complained that two men owed her husband's estate, respectively, twelve shillings and one hundred and ninety two shillings.[769] Also in 1309 Alicia de Valle and Richard, her husband, charged Henry Leftan with unjustly detaining a letter sealed by Hugh, Philip, Robert and Thomas Purcel stating that they owed money to Alicia's deceased previous husband, Adam le Blound. The sum owed was substantial, one hundred and forty marks, the judgement went in Alicia's favour, and it was ordered that she was to receive the letter.[770] Widows also made sure that fees owed to their late husbands were paid. In 1324-5 Alice, the executrix (along with his son John) and widow of Robert de Bristol, late justice of the king's bench, was awarded a part payment of 10l 13s 4d of fees he was owed.[771]

Widows were also anxious to settle their late husband's outstanding accounts. A deed made in Dublin in 1380, for example, saw Geoffrey Galtan acknowledge to Walter and Johanna Foyll, executors of the will of John Foyll (and presumably the deceased man's widow and son) that all debts owed to him by the dead man had been paid.[772] Widows were often entrusted by their husbands to see to their specific

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[767] Nicholls, 'Irishwomen and Property' in MacCurtain and O' Dowd (eds), *Women in Early Modern Ireland*, p. 18.
[768] *C. J. R. I. 1295-1303*, pp 458-60.
[769] *C. J. R. I. 1308-14*, p. 123.
[770] *Ibid.*, p. 122.
[771] Connolly, *Irish Exchequer Payments*, p. 301.
[772] *Christ Church Deeds*, no. 743.

last wishes. For example, the 1438 will of Richard Codde, a baker of Dublin, granted what was left of the terms his apprentices still had to serve to his wife, Joan, as well as part of *'his term and estate in the bake-house'*, which he held. She was his executrix along with a man named John Chillam and they were entrusted to give a *'reward'* to Walter his nephew, to whom he left all his lands in Cloyne in Cork. Other bequests attended to by widows were of a religious nature. One example is from Dublin in 1450 when Joan, the widow of John Stafford, a baker, and David Rowe, both his executors, placed the religious guild of St. Anne in seisin of two tenements and various other messuages in Dublin, which John Stafford had bequeathed to the guild.[773]

When a wife was appointed as an executrix, sometimes her husband preferred for her to act as co-executor with one of their children. For example, the will of Richard Rede made in 1478 specified that his wife and son were to be his executors.[774] Christopher Dowdall of Dundalk, whose will was made in 1485, also instituted his nearest and dearest as his executors, this time two women. He appointed his wife, Margaret Plunkett, and his daughter, Katherine Dowdall, as co-executors. Katherine was her father's heiress, but this appears to have been disputed in a series of hearings, which began some fifteen years or so after her father's death and continued intermittently into the second decade of the sixteenth century. Stephen Dowdall who opposed Katherine's inheritance first requested the hearings. However all witnesses called stated that Christopher wished that his daughter Katherine, be his heir. If she died without heirs, then the land would remain with his wife for her life and after her death pass to the sons and heirs of John Dowdall, forever. In 1514 at the request this time of William Fleming and Joneta Tathe, his wife, another hearing was assembled concerning Christopher's last wishes and the part played in them by his

[773] Berry, 'Guild of St. Anne', pp 48-50, 80.
[774] Smyly, 'Old Deeds V', *Hermathena*, lxxi (1948), no. 180.

wife and daughter. The witnesses again stated the same story as had been recorded previously and so Katherine's inheritance was confirmed.[775]

Some widows, perhaps for the quicker resolution of financial matters regarding their husband's estates or for the chance of a profit, granted or sold holdings soon after their husbands' deaths. It is not always made clear what the nature of the landholding agreement was with regard to these properties, i.e. whether they were held as dower or as jointure or as neither. It may have been possible for certain widows to dispose of some of their husband's property, especially if they were sole executrix and/or the heirs were either children or not living in the area. Whatever the nature of the grants in question, in many cases widows may have been aided in their dealings by new husbands. For example, in 1379 the co-executors of Thomas Smothe's will were a married couple, John FitzWilliam and Christiana Pembroke, who was Thomas' widow.[776] The couple conveyed a messuage and seven shops to Roger Bekeford. Thomas' heir, Richard, the son of Adam Clerk, ratified the grant, which may have been done to clear debts owed to the grantee or to increase the income of the properties.[777]

Another case of a widow aided by a new husband in the disposal of her dead husband's property came in 1396 when Walter Staunton of Dublin and Juliana his wife, the widow and executrix of John Holme, sold two shops with their buildings to two chaplains. These premises were then granted to Juliana to hold for her lifetime.[778] The motivations behind the property dealings in most of these cases are unrecorded. However, in 1317-18 the sale of some property was rushed through by a widow in order, it seems, to aid her husband's eternal salvation. The widow was Agnes le Scherman, whose husband, William, had made her co-executor along with two men. He left the messuage in which he lived with his wife to be sold after her

[775] *Dowdall Deeds*, nos 499, 507, 517, 533.
[776] She is described as such in a grant (made to Adam Clerk and Richard his son), of a messuage on the quay in Dublin in *Christ Church Deeds*, no. 250.
[777] Robinson, 'Parish St. John', nos 54, 55.
[778] *Christ Church Deeds*, nos 781, 783.

death and the proceeds were to go to charity. However, *'fearing the danger of delay and for the more speedy help of his soul, the executors decided to sell the messuage'*.[779]

One disadvantage to being nominated as an executrix was that the widow was liable to be sued for her husband's debts. As a means of avoiding this some widows refused to act as executrix or they denied all responsibility for their husband's debts. This was a common tactic among the widows of debt-ridden husbands. A widow who wanted to distance herself from her husband's creditors needed to take care. If she used any part of her husband's estate, she was liable to be regarded as the administrator of his property, a role similar to that of executor, and therefore assumed to carry responsibility for the payment of his debts.[780] However, some widows were unable or unwilling to pursue this tactic and found themselves pursued in court for the payment of their husband's debts. For example, in 1460 Dame Maud Gernon, as executrix of her husband Sir John Hadesore, was sued by Thomas Barby, a merchant of Dublin, over a debt of 3l that Sir John owed to Thomas. She was ordered to appear in court but did not do so. Because of her non-appearance her surety, a man named Piers Couloke, was fined 6l 6s 8d and he appealed to Parliament over Dame Maud's behaviour. He was, therefore, allowed to enter and distrain in all the lands that she held in Uriel for the amount owed. Dame Maud was warned that if she tried to hinder him, she would be fined 5l.[781]

Examples of widows being pursued over their husband's debts can be found throughout the Irish records. In another such case from 1340, Elizabeth and David de Carreu owed 2l 18s thanks to the activities of her previous husband, Reginald Staunton, while in 1343 Beatrix, the widow of Roger de Asshebourn, accounted for 5l to the king owed as rent by her dead husband.[782] In 1305 Geoffrey de Morton, a citizen of Dublin, complained that Robert le Decer, deceased, owed Geoffrey 100l.

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[779] Twiss, 'Parish of St. Werburgh', no. 1.
[780] Fleming, *Family and Household*, p. 85.
[781] Berry, *Statute Rolls Henry VI*, pp 755-757.
[782] *P.R.I. rep. D.K.* 44 (1912), pp 56, 20.

The people called upon to pay it were Alan le Clerc and Cecilia, his wife *'to whose hands a great part of his [Robert's] lands and tenements came'*. However, they did not pay it at once and Geoffrey had to wait some time, but he eventually won and they were ordered to pay him his money.[783]

As the examples of executrices in debt above demonstrate, a number of widows remarried after the deaths of their husbands. Many widows must have found it difficult to cope with administering lands or running a business or in trying to earn money in innumerable other ways. More personal problems such as loneliness, a failure to cope, the demands of fatherless children and economic uncertainty were factors that caused many widows to remarry. The married life was the preferred lifestyle for the vast majority of women in the later middle ages and when the principal breadwinner died, many women must actively have sought his successor, especially if they were still able to attract another husband and there were children to look after. Legal freedoms as widows came second to an instinct for survival in the minds of many of these women. Only the wealthiest of women could afford to choose to stay widows and live comfortable lives.

17: REMARRIAGE

The degree of a widow's wealth and status often influenced whether to not she remarried and, to whom and widows at the upper levels of society ironically were often those who had least control over their marital destinies. Tight controls could be put in place to ensure that the wealthy widow of a powerful man did not marry again without the king's knowledge and permission, thus restricting the choices the widow could make. However, a wealthy widow did not always experience the economic pressures to remarry, which poorer widows did. For example, amongst the widows of villeins in England, the majority of them remarried, as such widows were regarded as a means by which men could acquire land. Also, in economic terms, widows were almost certainly less profitable tenants than men and the

[783] *C. J. R. I. 1305-07*, pp 8-10.

practice of their lords may have been to compel them to remarry as quickly as possible. Intervals between marriages for peasant widows were generally shorter than for noble widows. However, tenure had a strong influence upon a peasant widow's decision to remain a widow or to remarry. If widows held by gavelkind, for example, they were less likely to remarry than if they held by customary tenure (that is through the payment of rents rather than the rendering of labour services). It was more difficult for women to meet the obligations of customary land than those of gavelkind.[784]

A widow could pay a fine so as not to marry again or to choose her partner, if she was able. She could also refuse a marriage partner provided for her by her lord if it meant disparagement.[785] Theoretically, a widow was not to be forced into remarriage provided she gave security not to marry again without her lord's consent.[786] Despite such legal safeguards, in reality lords could effectively blackmail and pressurise widows into agreeing to marry a man approved of by her lord or not to marry at all without his approval. For example, in 1299 Robert Ufford, tenant in chief of the king, died and the king's first concern was to have his widow, Joan, swear that she would not marry again without licence. At this stage, Joan had not been dowered and to decide what she was to be dowered with, the justiciar, John Wogan, was ordered to make an extent of her dead husband's lands which the king had automatically taken into his own hand. After a survey was made of the land assets of Robert, the Escheator gave his report. Robert held nothing except one hundred marks of rent, so a third part of the rents was offered to Joan as her dower provided the king approved, which he did as Joan had kept her side of the bargain. Similarly in 1307 Joan, the widow of James de Bohun who was a tenant in chief, swore an oath before the king that she would not marry again without first obtaining

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[784] Much of the above was taken from, Peter Franklin, 'Peasant Widows' 'Liberation' and Remarriage before the Black Death', *E. H. R*, 39, 2nd series (1986), pp 186-204.
[785] Douglas (ed.), *Eng. Hist. Docs. 1042-1189*, p. 401.
[786] Rothwell (ed.), *Eng. Hist. Docs. 1189-1327*, p. 22.

a licence. Once this was done the king commanded that Joan was to have her dower from James' lands, which had been taken into the king's hand.[787]

If a widow married without a licence from her lord, then the repercussions could be disagreeable. Margaret, the widow of Thomas FitzMaurice did just that in 1299 and had her lands seized for her folly. She had married Reginald Russel without the king's knowledge and her lands in Waterford, Cork and Kerry were seized until she paid a fine of 500l. to the king by four instalments over two years. Only then was she to be replevied of her own lands and her dower.[788] Once married her new husband had the right to administer his wife's dower from her previous marriage, as her legal rights were again very much reduced as a wife. Second husbands could find themselves enjoying the fruits of the lands of their predecessors or deciding what to do with those lands. If those lands were of great value, economically or strategically then the widow's lord had every reason to be interested in who controlled those lands. For example, in 1526 Alison FitzWilliam, the widow of Christopher Ussher a Dublin merchant who held lands in chief of the king, had to watch as all of her dead husband's property was taken into the king's hand because she had remarried without the king's licence.[789]

Such punishments were used against erring widows, as it was a means whereby their lords could enforce a measure of control regarding their marriages. Generally, however, most widows probably remarried to a man who agreed with their overlords and their families. As widows they were entitled to a host of legal freedoms, which some may have experienced as single women before marriage but which were denied them as married women. However, there were many women in Ireland whose experience of widowhood was very different from the ones examined above. While Anglo-Irish widows were busy acting as executrices, going to court, working and remarrying, another, very different, group of widows were

[787] *C.D.I.*, 1302-07, no. 654.
[788] *C. J. R. I.* 1295-1303, p. 295.
[789] Griffith, *Cal. Inq. Ireland*, p. 15.

experiencing a very different type of widowhood. These were Gaelic Irish widows whose lives were ruled by the laws and customs of Gaelic Ireland.

18: GAELIC WOMEN

18a: Widows outside the common law

For many Gaelic widows life was very different to that experienced by their Anglo-Irish counterparts. In Gaelic Ireland it seems that the widow was not entitled to any lands after her husband's death unless they had been either pledged for that purpose or purchased.[790] Gaelic widows' subsequent conduct after their husband's death is difficult to ascertain as are their rights concerning the administration of their goods. There is information relating to women in the early law tracts which, although they relate to an earlier time, provide a valuable basis upon which to assess jurists' attitudes to the fundamental legal rights of women in Gaelic Irish society. According to these tracts, as a widow a woman was single again, and so guardianship of her was handed over to her own family, or, to her grown up sons, if she had them. At no stage in her life, legally, was a Gaelic Irish woman free from the influence and guardianship of her close male kin. However, during marriage, women appear to have had relatively more freedom of action than at any other time. Widows retained their dowry (*spréidh*), which they had brought with them into marriage and which probably consisted mainly of cattle or other goods. After her husband's death control of this wealth was likely to have been vested back into her guardian's hands, as the woman's legal status was now that of a dependant single woman again.

The woman's status sank once she was widowed but one option for some widows, perhaps to try to avoid such circumstances, was to enter a convent. If entering a convent was not a viable option then the desire to remarry on the part of Gaelic Irish widows was likely to have been strong. Evidence of the desire of some widows to remarry occurs in poetry of the period. Widows in Gaelic Ireland eager to marry again could commission poems about themselves, which emphasised their physical

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[790] Nicholls, *Gaelic and Gaelicised Ireland*, p. 76.

attributes. These may have been a way of advertising themselves as possible marriage partners.[791] For example, a poem written in the fourteenth century and addressed to Gormlaith, the daughter of Brian Magauran and widow of Matha O' Reilly, appears to suggest that her husband is dead whilst also praising her physical beauty, her hair in particular, perhaps to attract another husband for her.[792] For most Gaelic Irish women commissioning poetry was out of the question and remarriage was likely to have been decided by economic necessity as well as their reluctance to return to an unmarried status. The state of being a widow was more unusual and less desirable at all levels of Gaelic Irish society than it was in Anglo-Irish society in general.

18b: Widows in the annals

It is towards the end of the period examined here and in the years after that Gaelic women begin to appear more often in official records. As the old Gaelic order was dissolving in the sixteenth century and women had more access to education, Gaelic women became more accustomed to using the facilities of the Anglo-Irish legal system to pursue their rights.[793] Even before that there are certain references, however, in particular sources to the activities of Gaelic women after the deaths of their husbands during the middle ages. These allusions to Gaelic widows most often occur in the Annals and are generally found in the women's obituaries. For example, the entry in the Annals of Connacht concerning the death of Gormlaith, the daughter of Mac Diarmata listed her marriages and her attributes. She was described as follows,

'wife for a time of Magnus son of Domnall O Conchobair, tanist of Connacht, and after his death queen of Ui Maine as the wife of Conchobar O Cellaig, and [lastly] queen of Leyney as the wife of Fergal O hEgra, the best woman of her race for good report and bounteous bestowing of gifts, died after a triumph of repentance'.[794]

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[791] McCauley, *Female Patrons*, pp 35-6.
[792] McKenna, *The Book of Magauran*, pp 312-6.
[793] O' Dowd, 'Women and the Irish Chancery Court', pp 470-487.
[794] *A. Conn.*, 1327.3

The description of her generosity and pious death is a fairly standard description given after the deaths of noblewomen in the annals.

The obituaries of Gaelic Irish widows in the Annals are useful for what they reveal about the pattern of marriage alliances facilitated by those women during their lives, as in the following instance from 1343 where a previous marriage between a Gaelic Irish woman and an Anglo-Irish man is referred to. In that year, Slaine, the daughter of O' Brien and wife of Turlough O' Connor, died and the entry concerning her in the annals of Connacht stated that she was previously married to the earl of Ulster's son.[795] Turlough and Slaine were married in 1339, but for this to occur it meant that Turlough had to 'put away' his current wife Dervla, the daughter of O' Donnell, who had outlived her purpose. This was done and the new marriage was entered into the records. [796] Turlough's new wife was also his aunt; however this did not present a problem to O' Connor who, like many Gaelic Irish nobles, chose to ignore the consanguinity prohibition when it suited him. The unsettled state of the Connacht region during the mid to late 1330s when Turlough O' Connor was at war with the de Burgos may have inclined him to consolidate his position by marrying into the O' Briens who appear to have joined in with his attacks on de Burgo.[797] The fact that the O' Donnells did not object to the abandonment of their family member was also advantageous, although perhaps not so for Dervla. However, the O' Donnells made other, more successful, strategic marriages using their women, evidence of which can be extracted from the annals. For example, the death in 1353 of Gormlaith, the daughter of O' Donnell, was noted by the annalists, who also stated that she had been married to Donal O' Neill. She was interred at the Franciscan friary in Armagh.[798]

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[795] *Ibid.*, 1343.3
[796] *Ibid.*, 1339.7
[797] Otway-Ruthven, *Medieval Ireland*, especially chapter viii.
[798] *A.L.C.*, 1353; Archdall, *Monasticon*, i, p. 50; Dermot F. Gleeson, 'The Annals of Nenagh', *Anal. Hib.*, no. 12 (1943), p. 163.

Only the most notable women of powerful families were included in the annals. For example, in 1421 a woman named Mór, described as the daughter of Brian O' Brien and the wife of Walter Burke, died. She had been the widow of Tadhg O' Carroll and her obituary in the Annals of the Four Masters described her as, *'the most distinguished woman in her time, in Leath Mogha, for knowledge, hospitality, good sense and piety'*. She was also known by the honorific *'Mor-Mumhan-na-Muimhneach'*.[799] It was not only the Gaelic Irish widows of notable men who were remembered in the annals. Occasionally the deaths of women who either married into or were born into families who were Gaelicised to a degree were also noted. For example, the death of Eleanor, the countess of Desmond and daughter of the earl of Ormond, was noted in the annals of the Four Masters in 1392. She was the widow of Gearóid Iarla, the earl of Desmond, an Anglo-Irish lord who wrote poetry in Irish and whose court was greatly influenced by Gaelic Irish practices. Like the obituaries of some Gaelic Irish women, Eleanor's noted her generosity and hospitality, two traits particularly admired by the Gaelic Irish and attributed by the annalists of the Gaelic world to this Anglo-Irish countess.[800]

18c: Remarriage

Gaelic Irishwomen who made (and survived) multiple marriages also appear in the pages of the annals. The nature of the easily dissoluble marriage bond within the Gaelic world means that the women's marital status, i.e. as divorced woman or widow, is not always clear. However one woman who did bury several husbands was Cobhlaigh Mór, the sister of Rory O' Connor, king of Connacht. She died in 1395 and was interred in the monastery of Boyle which was the traditional burial place of her own family.[801] She was known as Port na dTrí Namhat (port of the three enemies) as she was the wife, successively, of three sworn enemies.[802] These were, firstly, Niall O' Donnell, then Hugh O' Rourke and finally, Cathal, the son of Hugh

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[799] *A. F. M.*, 1421.
[800] *A. F. M.*, 1392; Lodge's *Peerage*, i, p. 9 puts her death at 1404.
[801] Fry, *Burial in Medieval Ireland*, p. 174.
[802] Nicholls, *Gaelic and Gaelicised Ireland*, p. 73.

Briefneach O' Connor.[803] Her second marriage, in particular, was used to settle a grievance. Her marriage to Hugh O' Rourke was likely to have been made to end a feud, as her brother had killed Hugh's father, Ualgharg. Her marital history was one defined by continuing violence, however. Her second husband, Hugh, was killed in 1332 by the man who was to become her third husband, Cathal O' Connor.[804]

The richer and more influential Gaelic widows could perhaps marry again (by advertising their attributes through poetry, perhaps) or enter a convent. However, other and poorer women's ways of dealing with widowhood are hidden from view. They did not merit inclusion in poetry or in the annals and it must be supposed that they found widowhood difficult. Their possible return to life under their father, brother or adult son's rule on top of the loss of a husband and primary provider must have made life very difficult for them for a while. If there were small children, then they were the responsibility of the dead husband's kin, which must have been a further wrench for the widow, as she had to leave them with her husband's family whether she returned to her own kin or remarried unless, her marriage was to a close relative of her dead husband. Her kin, however, also had some influence in how her children were educated and fostered and were legally able to prosecute her husband's kin in order to enforce those rights for her children.[805] Such strictures and rights are contained within the law tracts but by this period, it is doubtful, except in the case of important families and their heirs, that those laws were closely followed. It is possible that, as English influence spread through Ireland, then some Gaelic widows may have continued to live and work alone as widows and continued to care for their children, if there were any. However, such developments remain matters of conjecture, as the evidence is not there to support this latter possibility. It is unlikely that all Gaelic Irish widows were forced to adhere strictly to the early Irish laws regarding the rights of their kin over widows.[806] The reality may have been a

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[803] *A. F. M.*, 1395.
[804] Betty MacDermot, *O' Ruairc of Breifne* (Leitrim, 1990), p. 18.
[805] Thurneysen *et al*, *Studies*, pp 185-6.
[806] *Ibid.*, p. 223.

middle ground where Gaelic tradition met Anglo-Irish practice, especially in Gaelic areas close to the colony.

18d: Gaelic Irish widows of Anglo-Irishmen

The Gaelic Irish widow of an Anglo-Irishman was at a disadvantage when her husband died. If she had not applied for and been admitted to the benefits of English law, then at her husband's death she was not automatically entitled to her dower or any other grants made to her. This left many widows at a disadvantage and caused a lot of resentment, which was first voiced in the petition of 1277. If a Gaelic Irishwoman was admitted to English law and received a dower after her husband's death then legally, she could act as a femme sole, like her Anglo-Irish contemporaries. To apply for and be granted such laws was only useful to her if she lived in an area subject to English influence and the rule of the common law. Many of the extant grants of English law made to the Gaelic Irish generally state that the grant is made to the petitioner (a man) and his children to use English law. The rights of the wife, as subject to her husband, must have been implicitly included in such grants. For example, at the end of the thirteenth century, a number of grants were made in which the wives of the men in question were not mentioned.

In 1291, the right to use English laws was granted to Thomas Omelalith and his children as well as to Patrick and Nicholas Ocathel and their children. A year later, Hugh Kent, a burgess of Galway, petitioned the king for a grant of English law to be made to him and his children.[807] Some decades later, in 1334, John and Adam Obrodir, were granted the following concessions; *'that they and their posterity, legitimate or not legitimate, as well in life as in death, may for ever use and enjoy in Ireland, English laws and customs provided that they bear themselves well and faithfully towards the king and his ministers in Ireland'*.[808] It is possible, but unlikely, that all the wives of the men referred to were dead. It is more likely, however, that the inclusion of the wife

[807] *C.D.I. 1285-92*, nos 1002, 1004, 1174.
[808] C.P.R 1334-38, p. 3.

and thus her right to a dower may have been implicitly understood in the grants. A wife was subject to her husband under the common law and thus the extension of English law to her may simply have come through the grant made to her husband.

However, this is not entirely certain, as sometimes, wives are referred to and explicitly included in grants of English law. For example in 1285 the laws of England were granted to the following people. Mariota the daughter of Mairochti and wife of Ralph Burgess, as well as to Roesia, the daughter of MacMolisii and the wife of Peter de Repentenny.[809] A grant of English law does not seem to have been dependant upon marriage to an Anglo-Irish spouse. A concession to use English law made in 1401 was given to a Gaelic Irish man and a woman. Their marital status is not made clear as they were named as Thomas Ohynnonan and Roesie Ynyh ynwhyrty.[810] They were living under the jurisdiction of the common law and it made sense for them to apply for an extension of it to them. Whether a majority of Gaelic women applied for and obtained a grant of English law in order to claim dower or whether a grant of dower to the Gaelic widows of Anglo-Irish men developed as a custom in certain areas remains unknown.

19: WIDOWS AND THE CHURCH: ANGLO-IRISH AND GAELIC WOMEN

19a: Widows' piety

For both Gaelic and Anglo-Irish widows who did not wish to remarry or continue to live as a laywoman one option for them was to join a nunnery. However, entering the religious life was not to everyone's taste and some widows instead developed a very close relationship with the church without entering a religious order. One such case concerned Alice, the widow of John Keppok, who in the later fourteenth century, applied for and was granted the right to hear mass in her own home.[811] Many widows felt a strong compulsion to support the church by making grants to it. Sometimes the grant was made to provide for the widow's needs also, for instance

[809] McNeill (ed.), Harris' *Collectanea*, pp 317, 318.
[810] Tresham, *Rot. Pat. et Claus Cal.*, p. 196.
[811] Lawlor, 'Reg. Fleming', no. 11.

when her land was yielded up in return for a cash sum as a pension to sustain her. This was the case with Matilda de Yvielt in the early fourteenth century. She is described in the Register of the Hospital of St. John the Baptist as a widow who donated a burgage with edifices and appurtenances in the suburbs of Dublin. In return for this she was to receive money for her sustenance, which amounted to 31s 8d.[812] The early fourteenth-century Kilmainham Register also provides examples of widows donating to the church in return for fixed provisions made for them. For example, in 1339 when Eglentina, the widow of William de Rocheford, granted to the prior and brethren of Kilmainham all the lands, which she had held as her dower from the lands of her husband, she received in return twenty marks in silver per year.[813] Both sides obviously benefited from such arrangements; Eglentina, for example, did not have to worry about the maintenance and administration of her lands, whilst the Priory of Kilmainham could work them and pocket whatever excess profit they made after paying her what was due to her until her death.

Such was also the case in 1404 when Cecilia Hargreve granted to Christ Church, Dublin, her life-estate in various premises in the city of Dublin which must have constituted her dower or jointure lands or both in the city. For this the church granted to Cecilia a rent of twenty marks for her life.[814] It was not unusual for the church's representatives to enter into business arrangements with widows, which were of benefit to both parties. For example, in 1334 the Priory made an arrangement with Elena, the widow of John Fot. She was granted one messuage with appurtenances in the vill of St. John near Tilaghe to have and to hold to her and the male heirs lawfully begotten of her and John. For this she had to pay to the Priory at their house in Kilbergy four shillings each year in silver and perform the required services and customs. Shortly after that the Priory granted to Christiana who was the widow of Henry Say the custody of a mill for ten years. Running a mill could be a very profitable and safe business. For this she and her heirs had to,

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[812] Brooks, *Hospital of St. John the Baptist*, no. 26.
[813] Kilmainham Register (R.I.A. MS 12B 1, pp 24-5).
[814] *Christ Church Deeds*, no. 268.

'support that mill at their own proper expense and at the end of that term the mill is left in a sufficient state and in the meantime cause it to be served by a fit person in the same mill in a sufficient way . For that Christiana and her heirs receive the whole profit of the mill (toll-in-market fee alone excepted)'.[815]

Not all of the transactions concerning land made between widows and church authorities are quite so obviously designed for mutual benefit and sometimes grants could be made by either party simply on the grounds of charity. A reward for past service may have been the reason for a grant made by the Priory of Kilmainham to Katherine Chaumbre, the widow of Richard the Cook who was granted a messuage in their holding at Any. She was to hold this for the rest of her life provided she resided in the messuage.[816]

Some widows appear to have made grants to the church without receiving any obvious financial benefit. The reasons for making a grant in such instances were complex and made more for spiritual than financial gain. Like, for instance, the quitclaim made to the Hospital of St. John the Baptist in Dublin in 1347 by Joan FitzLeones, the widow of Simon de Geneville, of her rights in Cnocmark, which amounted to one acre of arable land with appurtenances.[817] The fact that the deed was drawn up in 1347, the year that she died, indicates that this was probably a deathbed grant.[818] She was interred at Trim beside Nicholas de Geneville, son of Sir Simon.[819] Similar concerns about her own soul as well as of those she loved may have contributed to Katherine Fot's grant to the Hospital of St. John the Baptist in 1300 of 8d rent annually from two and a half acres of land. In the deed it was explicitly stated that the grant was made to benefit her soul and the souls of her mother and father as well as William Pigas (her dead husband).[820] A grant to the abbey at Duiske in Kilkenny by Sibyl Bremyl and her unmarried daughter, Susanna,

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[815] Kilmainham Register (R.I.A. MS 12B 1, pp 65-6, 71).
[816] *Ibid.*, pp 24-5
[817] Brooks, *Hospital of St. John the Baptist*, no. 269.
[818] Gilbert (ed.), Annals of Ireland in *Chart. St. Mary's*, ii, p. 391.
[819] *Ibid.*, p. 362.
[820] Brooks, *Hospital of St. John the Baptist*, no. 405

also consisted of money rents. The charter that ratified these grants is detailed in its enumeration of the monies due from tenants. For instance, Thomas the Baker and his heirs were liable for a rent of 10 silver pennies per year, for seven acres at Drummenbethye. Henry, the son of Donald the Carpenter and his heirs were liable for a smaller rent of 3 silver pennies per year for an acre and a half, and so on.[821] Land or property of any kind was often a more stable gift, however.

The wealthy guild of St. Anne in Dublin benefited from the grant of a shop made in 1392 by Alica Gallane of Dublin, the widow of Nicholas Seriaunt, to six chaplains of the guild, including one named Robert Seriaunt. She also granted them a solar, all to be held forever.[822] The Seriaunts appear to have been a notable business family of late medieval Dublin.[823] Nicholas Seriaunt himself owned an inn in Dublin,[824] while John le Seriaunt was a mayor of Dublin on various occasions throughout the early fourteenth century.[825] Donating to a guild may also have been a preferred way for certain widows to express their piety. For example, after her death in 1474, Dame Margaret Nugent, the widow of Sir Thomas Newbert, a former mayor of Dublin, left the residue of her lands (after her debts were cleared) to the religious guild of the Blessed Virgin Mary and St. Sythe, which was based in St. Michan's church.[826] Christ Church Dublin was the beneficiary of the lands of Ballymore in 1484, when Joan Sueterby, a widow and the daughter and heiress of Reginald Sueterby, granted them away. This grant may have been an attempt by Joan to re-enforce a grant, which had already been made or to add to an existing one. In a deed from four years before, in 1480, a man named Thomas Bennett who identified himself as the son and heir of John Bennett and the son of Joan Sueterby, granted Ballymore to Christ Church for

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[821] J. H. Bernard and C. M. Butler (ed.), *The Charters of the Cistercian Abbey of Duiske, P.R.I.A.*, 35 C (1918-20), no. 63, p. 91.
[822] Berry, 'Guild St. Anne', no. 63.
[823] There is a reference to a Seriaunt mayor in 1301 and to a William Seriaunt, a citizen of Dublin in the first decade of the fourteenth century, see Robinson, 'Parish of St. John', nos 8, 15.
[824] The reference to an inn owned by Nicholas comes in the 1381 will of Joan Douce in which she left 12d to the cripple who lay opposite Nicholas le Seriaunt's inn, see Berry, 'Guild St. Anne', pp 47-8.
[825] T. W. Moody, F. X. Martin and F. J. Byrne (ed.), *A New History of Ireland IX – maps, genealogies and lists* (Oxford, 1984), p. 549.
[826] Clark and Refaussé (eds), *Dublin Guilds*, pp 39-40, note 4.

the purpose of sustaining four choristers. [827] In 1529 when Joan St. Leger died she bequeathed to Christ Church in Dublin, her lands of Blackstone in Uriel.[828]

As widows, women possessed the freedom to make unsupervised grants to the church. Donations of dower or jointure lands, however, were only for the lifetime of the widow unless the heir's consent was sought and obtained for a permanent alienation. Lands that widows had inherited were theirs to donate, as Matilda de Lacy demonstrated in 1301. In that year she donated forty acres of land on the Cooley peninsula as well as the advowson of the church of Carlingford to the Templars. All this was for the good of her soul, those of her husband (David, the Baron of Naas) and her parents.[829] Widows utilised their ability to donate to the church in a number of ways, some were made to benefit themselves by granting lands to the church while they received a money rent in return. At other times they donated to the church without any financial recompense or benefit to themselves, whether it was lands held in dower, in jointure or by inheritance. The motives behind the making of grants to the church by most of these women, however, could rarely be said to be purely financial. The benefits to be accrued from such grants could often not be measured in monetary terms. It must have been a source of great comfort to many widows that such grants meant years of masses and prayers said for the benefit of their or their loved one's eternal souls. Grants such as those were, in all likelihood, made all over colonised Ireland. However, the surviving evidence is weighted heavily in favour of Dublin churches, which is not entirely reflective of the nature of widows' donations in the country as a whole.

19b: Anglo-Irish widows' wills

Other evidence, which is also centred on Dublin, concerns the making of wills by widows. Wills in the middle ages consisted essentially of two parts, bequests for the good of the soul and arrangements for the descent of secular property, which could

[827] *Christ Church Deeds*, nos 338, 319.
[828] Archdall, *Monasticon*, ii, p. 12.
[829] *Ibid.*, pp 95-6.

be both land and chattels. The wills made by widows in late medieval Ireland followed this format. Usually a will begins by bequeathing the soul to God, then the place of burial is specified and then the arrangements for the funeral are made, as are masses that are to be said for the testator. What follows then is a list of legacies and bequests to loved ones and friends as well as to parish churches and religious houses, executors and witnesses were also named to ensure proper adherence to the testator's wishes. Usually, members of the family are also named but this may not always include children as they may well have been previously provided for. Therefore the lack of a mention of children does not necessarily mean that there were no children or that they were in some way excluded. According to the common law, widows and unmarried adults could dispose of their property, as they chose.[830] The church was very active in promoting the use of wills as a way to provide relief, through the provision of charity, for the testator's soul. Church courts were the ones that dealt with probate and any disputes concerning wills in late medieval Ireland

Widows generally had chattels to dispose of from the pre and post-marital home, even though the heir had first choice of all chattels. There were no restraints on how a widow distributed those chattels, which might include, jewellery, plate, weapons and books. Widows were unable to make bequests concerning dower or jointure lands, as these were life-grants. However, they could dispose of lands they might have acquired or inherited as they chose. There is, unfortunately, very little information in Ireland at this time on the distribution of chattels and relatively few wills survive. A study made of the wills included in the only surviving register of wills dating from the fifteenth century, *the Register of the wills and inventories of the diocese of Dublin in the time of Archbishops Tregury and Walton,* indicates that of the seventy-two testaments contained within it only three came from widows, while seven came from women of unknown status (possibly unmarried).[831] Another two

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[830] Michael M. Sheehan, 'The Influence of Canon Law on the Property Rights of Married Women in England' in James K. Farge (ed.), *Marriage, Family and the Law in Medieval Europe* (Toronto, 1996), pp 16-30.

[831] For that study see Conlon, 'Women in medieval Dublin', pp 180-181.

from other sources may definitely be added to that number. There are far more surviving wills attributed to married women which is curious considering the supposed legal incapacity of married women with regard to will-making but, as has been discussed previously, conditions in Dublin appear to have been exceptionally favourable to the making of wills by married women. Most of the widows surveyed, however, did take the opportunity in their wills to bequeath property.

The wills made by widows that survive from the later medieval era in Ireland date mainly from the fifteenth century and are concentrated in settled areas of the English Pale. They are therefore, unrepresentative, as they tend to reflect the concerns of Anglo-Irish townswomen.[832] Some rare earlier wills do survive, however, such as that of Joan Butler, the widow of Sir Theobald Butler, made in 1302-3 and in which the bequest of money sums to various women is a feature. Joan may have used her will to reward female family, friends and servants.[833] Joan was also an heiress, inheriting part of the lands in Ireland, which had belonged to her brother, Richard FitzJohn.[834] Her share consisted of lands in Thomond worth 26s 8d per year.[835] Generally, women were more likely than men to leave movables in their wills and many of the town-based widows whose wills do survive sometimes had a sizeable amount of goods to bequeath.

For example, in the 1456 will of Moldina Whitechurch, a widow living in Drogheda, she distributed her goods to her nearest and dearest as well as specifying where she wished to be buried. Her 1456 will was a new will, which was made to revoke a previous document in which she had granted all her goods to a Richard Walsh. This was now revoked and instead she left all her goods to Brother William Kynton, a Dominican of Drogheda, who was her grandson and also, as she stated, *'nearer and more apparent, and most confident to have her goods more swiftly after her decease in his*

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[832] Hall, *Women and the Church*, p. 33.
[833] Will of Joan Butler (NLI MS D 454).
[834] Lodge's *Peerage*, iv, p. 5.
[835] *C.D.I.*, 1293-1301, no. 690.

disposition, than other strangers'. These goods included the usual range of kitchen items, as well as valuable pieces such as five silver spoons and two girdles bound with silver. She also left him some skins. Moldina asked that she be buried in the church of St. Peter in Drogheda and she bequeathed money to all the religious orders in the town in order for them to pray for her soul.[836] Another fifteenth century will made by a widow, this time from Dublin city, follows that same pattern. In this document, which dates from 1476 Joan Stevyn, the widow of John Mastoke of Crumlin, set out to divide her goods, which were valued at 14l 16s 8d in all. Added to this was a considerable amount of gold and silver which she deposited with a woman in Dublin for safe keeping and which amounted to 26l 13s 4d. Her will was succinct in that she bequeathed all of her lands to her son John. Her movables were to be divided between John and her other son, Patrick. She made her religious donations by the bequest of a cup of silver overgilt to the monastery of St. Mary the Virgin near Dublin. She also requested that she be buried in Crumlin.[837]

A will was only a set of instructions, which the testator hoped would be carried out after her death and it is necessary to remember that the content of wills do not reflect what may actually have happened to property after death.[838] Widows recognised this and it may have caused some anxiety to them as they were dying. Shortly before her death in 1302, for example, Joan Butler extracted a grant from the king that, in the event of her death, the executors of her will were to have free administration of her goods.[839] Joan's anxiety concerning this matter would seem to indicate that she feared that her executors may somehow have been impeded in the carrying out of her wishes. A later case from 1505 also demonstrates the apprehension experienced by some widows when trying to settle their affairs. A notarial instrument was ordered to be made in that year concerning the lands of Katherine Owyn, a widow, while '*she was on her sick bed*' pertaining to the descent of her lands after her death.

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[836] Chart, *Reg. Swayne*, pp 200-202.
[837] Berry, *Reg. Wills*, pp 159-62.
[838] Hall, *Women and the Church*, p. 34.
[839] *C.P.R.*, 1301-07, p. 100.

Katherine had made over her lands to two trustees to hold for her daughter Roesia Wodloke. Katherine was troubled, as it appears that her husband might have enfeoffed another man of her lands. She swore that if he had done so, it was without her knowledge or consent, and she was leaving her property to her daughter subject to one condition. This was that after Katherine's death her daughter should provide a priest to celebrate mass for her parents for seven years. It was noted that the Instrument was made at the request of Robert Bath, Roesia's husband.[840]

If a woman did not identify herself as a widow in her last testament, yet bequeathed goods to her children, the inference is that she was married at one time. Alternatively she might have remained unmarried and borne children out of wedlock. Unless she came from a wealthy family background, however, she was unlikely to have accumulated enough possessions to warrant a will and, if she came from such a background, it is unlikely that she bore children out of wedlock. In the case of Giliana de Moenis she was probably a widow, even though this is not explicitly alluded to in the document. The Moenis family were prominent in Dublin; a Robert de Moenis was Mayor of Dublin from 1319-20, for example and so the family probably had quite a high social standing.[841] It is unlikely, that Giliana would not have been used in her family's marriage strategy amongst their fellow Dublin merchants and traders. Giliana's will was made in 1348, at a time of crisis for the English colony in Ireland when the Black Death was spreading and she herself may have been stricken by the plague. Her will pays close attention to the needs of her family, as well as public acts of charity. Her assets totalled 73s of which 12s 6d was owed. She donated 5s 6d for the feeding of the infirm at St. John's. She left 12d to her daughter Joan, as well as a dress and a coverlet with two linen cloths. Two other of her daughters received her tenement, which lay near the house of her brother, Richard de Moenis. Another daughter received a dress and her sister was granted an

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[840] *Ancient Deeds in the Pembroke Office*, no. 201.
[841] Smyly, 'Old Deeds II', *Hermathena*, lxvii (1946), no. 26

overtunic and a bed while her niece received a tunic and a toga. She also requested that she be buried in the Franciscan cemetery in Dublin.[842]

19c: Gaelic widows' wills

The surviving widows' wills in the Irish archives are unrepresentative of the island. Gaelic widow's wills barely figure but at least one survives from the latter part of this period. It is, however, the will of the widow of an Anglo-Irishman, who then became a nun, which may explain her making a will at all. The will was made by Renalda Ní Bhriain who ended her days as abbess of Killone after an eventful relationship history.[843] She was the daughter of O' Brien of Thomond and was born in c. 1447. By 1462 she had become the mistress of Sir John Ormond and bore him a son named James Dubh Butler. She later married another Butler this time it was Richard, the baron of Knockgraffon in co. Tipperary, and had at least one other son, Thomas. She retired to Killone after her son James' death at the hands of Piers Butler in 1496. The abbess of Killone was always chosen from a woman of the house of O' Brien.[844] As abbess, Renalda ruled over a network of convents spread over three dioceses. There was Killone in Killaloe diocese, St. Peter's Cell in Limerick diocese and Ballynagallagh in Emly. It is possible that she presided over a school for girls at Killone as at the St. Peter's Cell convent the nuns were said to have educated the daughters of Limerick's merchants. Her will made in 1509, was witnessed by a Catherine O' Brien, who was described as a nun and devotee of Renalda, as well as being a relative. In her will she appointed the murderer of her first son, Piers Butler, as her executor.[845] She requested that she be buried with her ancestors in the Franciscan Friary of Ennis thus indicating the strong bond of allegiance she felt to her own family, as well as her adherence to the tradition of being buried by her own kin.[846]

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[842] Smyly, 'Old Deeds III', *Hermathena*, lxix (1947), no. 69.
[843] For the following see Brian O' Dálaigh, 'Mistress, Mother and Abbess: Renalda Ni Bhriain (c. 1447-1510)', *North Munster Antiquarian Journal*, 32 (1990), pp 50-63.
[844] Nicholls, *Gaelic and Gaelicised Ireland*, p. 111.
[845] Will of Renalda O' Brien (NLI MS 1978).
[846] Hall, *Women and the Church*, p. 38.

Widows: Conclusions

The majority of widows in late medieval Ireland were not wealthy and as such, life as a widow in late medieval Ireland was very difficult for many women from both cultures on the island. Many widows faced economic deprivation, severe poverty and decline as widows, which could be exacerbated by the demands of looking after small children. Most widows from both the Anglo-Irish tradition and the Gaelic Irish must have chosen remarriage when possible, if only to secure an economic future and status again. The benefits accruing to widows under the common law were primarily those that gave both their persons and their activities as *femmes soles* protection under the law. They were free to make contracts, to enjoy their dowers and jointures and whatever land they had inherited or were granted. However the widow had a duty of care towards her dower lands and could be punished if they were allowed to fall into a neglected state. She was the custodian of those lands, which belonged to the heir and was fined if the lands were in a state of 'waste'. Some widows found it impossible either to obtain their dowers or administer them in a country which was often in a state of violent disruption at various times and were sometimes able to swap them for more amenable lands. They also attempted to do this if the lands they were granted were not to their liking and heirs often protested vociferously. Because of the fact that the widow of a man might not always be his children's mother, there was sometimes little love lost on either side in the battle to retain land.

Widows could also spend years in court trying to administer the affairs of their deceased husbands' estates as their chosen executors. They could be subject to threats and actual physical violence as, if they lived on their own, they were vulnerable members of society. Their often precarious financial position could also lead them to the courts as defendants in criminal cases where they tended to be charged more often with theft and receiving stolen goods than with acts of violence. It would appear that the pursuit of life as a widow was an option available only to

the wealthiest members of society. For most women, the state of widowhood was not welcome, leading as it often did, to both loneliness and poverty. For the women who did choose to stay as widows or could cope with the maintenance of dower and jointure lands, life as a widow could be a rewarding one. As widows, women were free to make donations to the church, to act as patrons, to pursue their debtors and to generally dispose of their affairs as they liked.

Under the Gaelic system, the widow was more circumscribed and it was not a life, which many would have freely chosen. The status and rights of the Gaelic widows of Anglo-Irishmen was one that caused tensions within the colony as the Gaelic Irish protested against the denial of dower rights to such women. The Gaelic requests made for the extension of the common law to them failed and so the developments of tradition and law in relation to women as single women, wives and widows continued to differ between the two devolved systems on the island of Ireland. However, the sixteenth century saw an end to the co-existence of these two systems of law and tradition with regard to women and huge changes followed which affected all women in Ireland, single women, nuns, wives and widows of the Gaelic, Anglo-Irish and English. [847] The long and painful end to the old divisions in Irish life ushered in many changes in women's lives specifically. The Reformation shut down their nunneries, changes in the law meant changes in the rights of married women regarding their own, separate property and the development of the Irish Chancery during the Elizabethan era saw the inheritance rights of Gaelic women defended. Widows also began to favour their often better-defined jointures over their dowers.[848] As the sixteenth century progressed the nature of lordship, landholding and the fabric of society, which had predominated in Ireland and which had

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[847] Steven G. Ellis sees Henry VIII's treatment of Kildare after 1534 along with his treatment of other powerful nobles in England as symbolic of a major shift in policy from a reliance on magnates governing outlying areas to more bureaucratic methods all aimed at the integration of outlying areas, see Ellis, *Tudor Ireland* (London and New York, 1985), pp 129-30.

[848] O' Dowd, 'Women and the Irish Chancery Court, pp 470-487; In 1536, thanks to new legislation, a widow had to choose one or the other but could not possess both a dower and a jointure. This statute was not passed in Ireland until 1634, see O' Sullivan, 'Women in County Louth', p. 346.

influenced and ordered the lives of its various women since the Anglo-Normans arrived, began to unravel until a new and very different society took its place.[849]

[849] Steven G. Ellis, 'The Collapse of the Gaelic World 1450-1650', *I. H. S.*, 31, no. 124 (1999), pp 449-469.

NUNS

Introduction

The medieval nunnery has been called, *'a career, a vocation, a prison, a refuge'* and it could fit all of these descriptions depending on the circumstances and desires of the women who became nuns.[850] For a woman who did not want to marry or was perhaps unable to do so, to become a nun could be an attractive option in which, as an abbess for example, she could lead a life of great responsibility with its many attendant duties. Life in a nunnery offered such women alternatives to marriage and childbearing, as well as providing them with some professional training in the arts of illumination, embroidery and vestment making.[851] Life as a nun, especially for upper class women, provided an outlet for women who were capable and ambitious enough to manage what sometimes amounted to large amounts of lands and goods and whose rank ordinarily did not allow them to expend such talents outside of marriage in the world outside the nunnery's walls.[852] Nunneries were often the major employer in a community and, in the person of the abbess, could be responsible for the livelihoods of many people. That there were many young women who freely chose to fulfil a religious vocation is unlikely, however. It is more likely that such a vocation developed late in life when the woman's marriage potential was limited.

A nunnery could also act as a prison for other women, as to send a woman to one could be a useful way, for the heads of families, of getting rid of superfluous females.[853] The behaviour of some nuns certainly indicates that they did not take the religious life too seriously perhaps because they had no real wish to pursue it. Finally, these houses also acted as refuges against the world and its many

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[850] Eileen Power, *Medieval English Nunneries* (New York, 1964), p. 25.

[851] Margaret MacCurtain, 'Women, Education and Learning in Early Modern Ireland' in MacCurtain and O' Dowd (eds), *Women in Early Modern Ireland*, p. 164.

[852] Power, *English Nunneries*, p. 5

[853] Barbara A. Hanawalt, 'At the Margin's of Women's Space in Medieval Europe' in Edwards and Ziegler (ed.), *Matrons and Marginal Women*, pp 12-13; Bennett and Froide, 'A Singular Past' in Bennett and Froide (ed.), *Single women*, p. 6.

imperfections, especially, perhaps, for women who had experienced the vicissitudes of life outside cloister walls. Widows, for example, often found it an attractive option to join a convent and live out their days as nuns, as did women who were suffering from mental or physical defects.[854] Despite the differences in culture and sometimes in behaviour experienced by Gaelic Irish and Anglo-Irish nuns, in this section they are viewed together and not separately in the light of the similar types of problems that they encountered as professed nuns. There were also, however, differences in the way that nuns and their convents were viewed and were sometimes treated between Gaelic and Anglo-Irish society.

Poorer women probably rarely became nuns, as even if they remained unmarried, they could always aid their families in trying to scrape together a living. Poorer women were also usually unable to provide a dowry if the nunnery they wished to join required one. The practice of demanding dowries from novices was forbidden by both monastic rule and canon law, but it was found to be impossible to end this custom. The dowry given to a nunnery was generally smaller than that given to a bridegroom but it could still be substantial.[855] The dowry could take various forms, as well as a lump sum of cash; novices could also take clothes and furniture with them to a convent.[856] The demand for dowries limited the type of women that nunneries took in. Poor women also did not often possess a rudimentary education and a nun was often required to possess a certain standard of education before admission. To become a nun was not an option for those women who possessed neither the dowry nor the education required to enter a nunnery. However there were also poorer nunneries, which perhaps did not attract novices from the most aristocratic or influential of families and may have accepted smaller dowries. Also there was always the possibility that convents that were once rich could lose their wealth and advantages. In such cases, the nuns could experience real hardship and poverty.

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[854] Power, *English Nunneries*, pp 25, 31.
[855] Shahar, *The fourth estate*, p. 39.
[856] Power, *English Nunneries*, pp 4, 9, 16-17, 20.

The backgrounds of the women who become nuns varied according to whether their convent was a Gaelic Irish foundation or Anglo-Irish. In Anglo-Irish areas nuns tended to come from prominent landholding families but in Gaelic Irish areas the composition of nunneries is less clear although abbesses do tend to originate in the ruling families.[857] However, as happened in England, by the fourteenth and fifteenth centuries these women may have mingled in their convents with daughters of the wealthy burgess and merchant classes whose families could also afford the dowry requirements. This intermingling is only likely to have occurred in houses run by Anglo-Irish nuns which were close to or within towns. In all nunneries, however, the leading figures came from the higher levels of society.

20: NUNNERIES IN IRELAND

20a: Anglo-Irish and Gaelic houses

In Ireland, according to Dianne Hall, there were four identifiable waves of foundation concerning female religious foundations during the later middle ages. The first wave came in the convents that survived the reform upheavals of the tenth-eleventh centuries and continued on. Most of these adopted the Augustinian or Arrouaisian rule by the late twelfth century. The majority of nuns in Ireland continued to live under the Augustinian rule throughout the later middle ages.[858] The second wave came as a result of the twelfth-century native reform movement, which was patronised by Gaelic kings. Next came the Anglo-Norman-led foundations and reforms. Last of all came the houses founded in Ireland during the fifteenth-century wave of reform that swept Gaelic Ireland and which mainly involved the mendicant orders. The great Gaelic Irish families were just as assiduous in their efforts at establishing nunneries in medieval Ireland as their Anglo-Irish counterparts. Women, of both the Gaelic and Anglo-Irish cultures, could be active in

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[857] Hall, *Women and the Church*, pp 178-9.

[858] Aubrey Gwynn and R. Neville Hadcock (ed.), *Medieval Religious Houses* of Ireland (Dublin, 1988), p. 309.

the establishment of nunneries. There are recorded instances of female founders of female houses in Ireland, even though they were a distinct minority. For example, a brother and sister, Richard and Avice de la Corner, a widow founded Lismullen in County Meath, in 1240. Lismullen eventually developed into a large and influential foundation with many buildings including a church, cloisters and dormitory.[859] Convents were generally established principally by the male head of a family but the impetus to found a religious house often came from its women, for example a wife or daughter. For example, convents situated in Gaelic areas could often be used to house the female relatives of their founders.

This type of strong female influence within the family can perhaps also be indicated when the first prioress of the foundation was a member of the founder's family. The convent of Kilcreevanty in Galway was founded in 1200 by Cathal Crobhdearg O' Connor and it appears to have had a tradition of O' Connor abbesses, for example, Finola who was the daughter of Felim O' Connor, died as its abbess in 1301.[860] Slaney, the daughter of Donogh Cairbreach the King of Thomond, was the abbess of the nunnery of Killone in Clare which was founded by the O' Briens. When she died in 1260 she was lauded as being *'pre-eminent in devotions, alms, deed and hospitality to all the women then in Munster'*.[861] One of the most influential nunneries of late medieval Ireland was Clonard, which was established by St. Malachy in 1139-40, under the patronage of Murchad O' Melaghlin whose granddaughter, Agnes, was the first abbess.[862] Other members of the family also acted as abbess; in 1284 for instance, 'Finola Ny Melaghlen, arch abbess of Meath died'.[863] Clonard became the head house in Ireland for all the Augustinian canonesses in the congregation of Arrouaise until 1223-4 when Kilcreevanty became the head house in Connacht. Clonard began to decline in the fourteenth century and the abbatial rank was transferred to Odder around 1383.

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[859]Elizabeth Hickey, *Skryne and the Early Normans* (Tara, 1994), p. 112.
[860] Archdall, *Monasticon*, ii, pp 20-21.
[861] Archdall, *Monasticon*, i, pp 88-89.
[862] Gwynn and Hadcock (ed.), *Medieval Religious Houses*, pp 307-8, 314
[863] Rev. John Brady, 'The Nunnery of Clonard', *Riocht na Mide*, ii, no. 2 (1960), p. 4

Some families chose to make the connection between their religious foundations and their women more explicit. An Inquisition into lands owned by Cong Abbey in 1606 stated that the abbey owned

'one quarter of land called Any which Walter Bourke FitzThomas fitzEdmond Albenagh gave to the said abbey upon condition that if any women of his race should take the vow of chastity she should be supported and maintained by the abbey of Cong'.

Walter FitzThomas Bourke was McWilliam of Clan McWilliam and he died in 1440.[864] This donation by him provided a means of support for women of his family who were unwilling or unable to marry. A foundation from Galway in 1511 also makes it clear that the religious donation in question is to benefit a female relative. Walter Lynch is said to have granted his daughter a house near the church of St. Nicholas, which was afterwards known as the *'house of the poor nuns of St. Francis'* and was likely used to house sisters of the Third Order of St. Francis.[865] Other convents founded in part to benefit a female family member include Timolin (Kildare) which was said to have been founded by Robert, the son of Richard Lord of Norragh, who placed his granddaughter Lescelina there as abbess sometime between the late twelfth century to the beginning of the thirteenth century.[866]

Such family-run institutions could act as useful repositories of excess, perhaps illegitimate, young women from prominent Gaelic Irish families or of women whose marital potential had ended. For example, the retirement of the widowed Finola, the daughter of Calvach O' Conor Faly and his wife, Margaret O' Carroll, to the nunnery of Killeigh was noted by the annalists in 1447. Her marriages to O' Donnell and to O' Neill were listed in the entry.[867] The death of a woman who was not a fully professed nun but was a Franciscan Tertiary was also noted in the annals in an extensive entry concerning the death of Finnguala, the daughter of Conchobar O'

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[864] Martin J. Blake, 'An Old Rental of Cong Abbey', *J.R.S.A.I.*, 35, (1905) pp 130-1.
[865] Gwynn and Hadcock (ed.), *Medieval Religious Houses*, p. 317.
[866] Hall, *Women and the Church*, p. 60.
[867] *A.L.C.*, 1447.

Brien described as, *'the woman who won most fame of all her contemporaries for [the beauties of] her body and soul, died, having spent her youthful years in charity and twenty-one years in the robe of the Third Order, practising piety and charity and good works towards God and the world'*.[868] She was attached to the Observant friary in Donegal, which she had founded along with her husband, Aedh Rua O' Donnell.[869] There may have been communities of female tertiaries all over medieval Ireland and especially in Gaelic areas however they have long since disappeared from the available sources. There is one reference to a community of such women in Galway. The reference to a community of Poor nuns of St. Francis is contained within a grant made by Walter Lynch of a house to his daughter who was a member of that community.[870]

20b: Estate Management

The arrival of the Anglo-Normans at the end of the twelfth century heralded the intensive importation of continental religious orders to Ireland and a subsequent rise in the number of nunneries in the country. Large tracts of land were donated to these institutions by the new settlers, which then required their abbesses and senior staff to take on the mantle of feudal landlords. However, rich convents were also subject to forces such as plague and war, which could badly affect their fortunes. The Augustinian convent of Lismullen in county Meath provides a vivid picture of the vagaries of fortune, which even wealthy nunneries were subject to.

The nunnery at Lismullen managed to acquire a large amount of property from its foundation onwards. An Inquisition taken in 1367 lists some of the landed possessions of the convent as well as indicating the devastating effect that the recent visitation of plague had on the convent.

'Avice de la Corner founded the priory of Lysmolyn in honour of the Holy Trinity and St. Mary and established there a prioress and certain nuns to whom she then gave in pure alms a messuage, 2 mills, 3 carucates and 76 s 1d of rent in Lysmolyn and 2 ½ carucates in Belgrove

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[868] *A. F. M.*, 1528.2
[869] O' Clabaigh, *The Franciscans*, p. 62.
[870] *Ibid.*, p. 94.

whereof she was seised in her desmesne as of fee. Richard de la Corner gave to the same prioress and nuns in pure alms three messuages 3 ½ carucates and 68 s rent in Dunsink, a messuage and two carucates in Balygodeman, a messuage, a mill and a carucate in Normanclatre and a messuage and five carucates in Balyogary whereof he was seised in his desmesne as of fee. All this was in the time of King Henry III before the Statute of Mortmain. These premises are worth 68l yearly, wherewith at different times there have been sustained in the priory before the time of the great pestilences in Ireland a prioress, thirteen nuns and a household of forty including priests, stewards, bailiffs and other servants. But since the pestilences that are maintained there a prioress, 7 nuns and five young girls trained up in the priory and destined to that order or another and intended to remain there with other servants to the number of 32 persons. The priory includes a yearly expense of 30l for fees of clerks as advocates, wages of servants, procurations, subsidies for war, repairs of the church and building etc. The king can without damage to himself or to any other person confirm the writings, which the said prioress and nuns have concerning the premises. No fixed number of inmates has been established in the priory by its foundation'.[871]

Lismullen also maintained interest in other possessions, which it was quick to defend and lay claim to. For instance in 1322 Alienora, the prioress, sued the bishop of Meath for the advowsons of the churches of Paynston-Dullard and Ardmulchan. It was claimed that a former prioress, Alicia, was seised of them in the reign of Henry III. Like other convents, its agents represented Lismullen in the wider community.[872] This was necessary as it was an enclosed foundation and so needed to use intermediaries to deal with the outside world. Being an enclosed order meant that the administration of their lands was made more difficult but not insurmountable, as the nuns therefore had to appoint bailiffs, attorneys and other officers to aid them. This meant that when the convent was in court the prioress could not appear but was represented there. She was expected to defend the convents' interests actively despite being cloistered.

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[871] *Cal. Inq. Miscellaneous, 1348-77*, p. 636.
[872] Cogan, *The Diocese of Meath*, pp 220-221.

However exceptions were made to the general rule, as on certain occasions abbesses had to go outside the convent to conduct business and this was allowed. Perhaps this was the case when, on 14th December 1523, Elizabeth [Wale] the prioress of Grane granted the tithes from the vill of Donabate to Thomas Porswyke, the rector of Lyonys and John FitzSimon of Dublin, she may have had to meet them to discuss terms and conclude the arrangement. The terms were that the lands were to be let for a term of years from 1526 on for 10 marks per annum. She also granted the next presentation to St. Patrick's Church, Donabate, to John FitzSimon and the parish church at Kylmahud, co. Dublin, with all the tithes to Walter Cruce chaplain, Patrick Boyce merchant and Alison his wife for 20l.[873] Convent superiors were also allowed to go in person to do homage for land.[874]

To lease lands out for profit, as Elizabeth Wale did, may have been quite a common practice for nunneries. In 1462 Juliana Loghlyn, a widow, hired from the nuns of Hogges, an empty plot of ground, which lay beside her land.

'Juliana Loghlyn, wife of the late John Bicoll, hired in farm of the nuns of Hogges, a void plot of ground, lying between the said Juliana's land on the west and the house of Holy Trinity on the east and the king's street on the south and the wall of the said house towards the north in Skinner's Street'.[875]

Sometimes it is clear that an agreement took place between a nunnery and an individual concerning land but the terms are not always explicit. For example, in 1395 the Cistercian nunnery of the Blessed Virgin in Downpatrick granted two messuages and one carucate of land in Nuntown to Janico Dartas, the terms of the agreement are not listed, however.[876] Convents also rented lands, some of which lay in towns and were perhaps used for commercial purposes or were sub-let. The Manor of St. Sepulchre in Dublin in the fourteenth century had various abbesses as tenants of the lands. In Patrick Street the prioress of Graney had a holding worth 2s.

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[873]Griffith, *Cal. Inq. Ireland*, p. 53.
[874] Hall, *Women and the Church*, p. 162.
[875] McNeill, *Reg. Alen*, p. 242.
[876] Archdall, *Monasticon*, i, pp 262-3.

The prioress of Timolin was a free tenant and only rendered suit of court and in New Street, the abbess of Hogges held one holding worth 12d. She also paid 3s 6d for a cell in Nicholas Street.[877] A 1437 grant from the archbishop of Dublin to a goldsmith revealed that the messuage in question was held from the archbishop by the nuns of Hogges for which they annually paid him four shillings in rent.[878]

20c: Donations

After the statute of mortmain was adopted in Ireland donations made to religious houses had to be licenced.[879] The earliest mortmain licence in Ireland was issued in 1289 and the statute was formally extended to Ireland in 1302.[880] In that same year a licence in mortmain was given to William de Barry, John de Barry, John FitzGilbert and Philip FitzRobert to donate lands and advowsons in Cork to establish the nunnery of St. John the Baptist, which was founded, for the hermit Agnes de Hereford.[881] Convents received donations and aid from a variety of sources. At the beginning of the fourteenth century, for example, Grace Dieu received a confirmation of previous donations from the archbishop of Dublin. These were of two churches, one at Newcastle and one at Kildrenan.[882] In 1490 Margareta, the prioress of Grace Dieu, and the nuns were confirmed by the archbishop of their possession of *'a manse or glebe with appurtenances in Porttatyn from time immemorial as in right of the rectory of their parish church of St. Canice, confessor there'*.[883]

Grants were necessary for both the foundation of convents and also as a means to sustain them when times were hard. Sometimes these grants were extensive, depending on the varying levels of fortune and piety of the people involved. The

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[877] James Mills, 'Notices of the Manor of St. Sepulchre Dublin in the fourteenth century part II', *J.R.S.A.I.*, 9 (1889), pp 119, 120, 125.
[878] Smyly, 'Old Deeds', *Hermathena*, lxx (1947), no. 149.
[879] Paul A. Brand, 'King, Church and Property: Mortmain in the Lordship of Ireland', *Peritia*, 3 (1984), p. 483.
[880] Brand, *Common Law*, pp 248-50, 256.
[881] *C.D.I. 1302-07*, no. 98
[882] G. T. Stokes, 'Liber Niger Alani, part III', *J.R.S.A.I.*, 7 (1897), nos 1076, 1079.
[883] McNeill, *Reg. Alen*, p. 251.

convent at Kilculliheen was favoured in the early thirteenth century, for example, by David FitzMilo. On 10th June 1239 a charter was issued at Westminster confirming to the abbess and nuns of St. Mary of Kylkelchin (Kilculliheen) a gift in frankalmoign made to them by Prince John and also a substantial gift made to them by David FitzMilo that consisted of,

'Tristelmochan (Disertmoon) Tolechan (Tullagher?), Seskananisse, Reilancarfin, Sumbochol, Clanlechet (Licketstown?), Baliomlie and the lands of Gortedro Godelli to found a religious house of nuns on honour of the Blessed Virgin, St. David, St. Machan and all the saints; further a gist of a tenth of all David's profits, rents and pleas, a tenth of the bread, drink, meat and fish of his household, the fishery of Choloth and a net to fish with in the waters of Clone (Clonmore), the chapels of the castle of Polsculi (Portnascully) and of the new castel of Clone, the church of Seneboth Carmina (Shambogh?) and all the vill and chapel of Illech (Ullid), thechapel of Ballymolgum (Ballygurrim), the chapel of Balilemli, the chapels of Ballired and Kilgrellan and the tenth of his mills of Posculi and Clone'.[884]

It was originally a Gaelic foundation; founded by Dermot MacMurrough as a dependency of Hogges, but was quickly adopted by the arriving Anglo-Normans. The names of some of its later abbesses bear witness to the changeover of power and personnel in the convent. For example surviving names of abbesses include that of Matilda de Cursy (d. 1257), Desiderata le Poer (d. 1287) and Matilda Comyn (d. 1291).[885] Over a century later the nuns' prospects had changed substantially. In 1392 Isabella Wolfe, abbess of Kilculliheen, asked the king to grant a licence to John Fylle, chaplain, so that he could grant the advowson of the church of Balitarstan to the abbess and her convent. This was due to the poverty of the house and he was duly granted a licence for a total of 13 shillings and 4 pence.[886]

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[884]George James Burtchaell, 'The Geraldines of the county Kilkenny part 2: The Barons of Overk and the Barons of Knocktopher', *J.R.S.A.I.*, 3 (1893), p. 180.
[885] Gwynn and Hadcock (ed.), *Medieval Religious Houses*, p. 319.
[886] Graves, *King's Council in Ireland*, no. 130.

Some foundations benefited from the favour of kings and high officials. In 1279 the abbess and nuns of Lismullen were granted free warren in their desmesne lands by the king.[887] In 1473 King Edward IV granted a licence to the prioress of Timolin to purchase lands to the value of 20l yearly notwithstanding the statute of mortmain.[888] In 1448 the Treasurer of Ireland granted to Margaret Doille, who was described as a nun of the order of St. Bridget and the builder of a house and chapel near the castle of Wicklow, 100s yearly from the fee farm of the city of Dublin.[889] Some nuns were valued and honoured members of their communities in general. The abbess of an important convent was often an influential and powerful local figure. For example, the abbess of Kilculliheen attended the wedding of James Butler and Sadhbh Kavanagh in 1470. Thirty years later her testimony was an important element in the enquiries as to the legitimacy of the marriage.[890] As abbess she was deemed a trustworthy and accurate witness. It does not appear to have been particularly common for laywomen to donate to nunneries. There are some exceptions, however. The will of Joan Douce of Dublin, who died in 1381, provided for a specific bequest to nuns. She donated one mark to the abbess and nuns of Hogges for their works.[891]

20d: Nuns Behaving Badly

Apart from their sometimes-controversial actions nuns' personal lives could be the subject of speculation and gossip, which was not always without some foundation. In Gaelic Irish and Gaelicised areas especially the attitude of both priests and nuns to celibacy could be casual at times. In 1427, for example, the convent of Kilculliheen found itself facing censure over the behaviour of its nuns. The earl of Ormond, the patron of the convent, complained of the type of life the nuns were leading at the monastery. He alleged that they were immoral and led irreligious lives. The Pope's response was to order an investigation and recommend a course of action to take, if the allegations were true:

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[887] *C.D.I.* 1252-84, no. 1605
[888] Archdall, *Monasticon, iii*, p. 85.
[889] *C.P.R*, 1446-52, p. 150.
[890] Hall, *Women and the Church*, p. 163.
[891]. Berry, 'Guild of St. Anne', pp 47-8.

'Mandate to the bishop of Ossory at the recent petition of James earl Ormond containing that on account of the dissolute, unreligious and immodest life of the nuns of the Augustinian monastery of St. Mary the Virgin alias Kylkylchan in the diocese of Ossory of which he is one of the founders, very many inconveniences and scandals have arisen and worse are feared; and praying for the suppression of the dignity of abbess and of the said order in the said monastery; the creation and endowment of secular benefices and the perpetual reservation, for alternate turns, of the patronage to the said earl and his successors and heirs - to summon those concerned and if he finds the facts to be as stated and if the consent of those interested be forthcoming; he is to decree that no one henceforth is to be received as a nun but to suppress the dignity of abbess and said order, erect the monastery church into a secular church and if he think good into a collegiate church'.[892]

Kilculliheen was not suppressed at that stage and women of the Butler family continued to be strongly identified with the convent, despite the continuing scandal attaching to it (or perhaps because of it). An abbess of the convent in the sixteenth century, Elicia Butler, was the illegitimate sister of Piers Butler, eventual earl of Ormond.[893] The Bishop of Ossory who convicted her of various offences deprived her of her office in 1531. These included, squandering the resources of the convent, striking her nuns hard enough to draw blood, having a liaison with a monk of a neighbouring house that resulted in the birth of a child, consorting with powerful lay friends and also with ordering the assault of a young man. She was alleged to have lived like a secular lady and to have been the subject of public notoriety.[894] Conditions became so bad that the nuns claimed that they were forced to leave the convent to find food and clothing at the houses of local families until their circumstances forced them to make an official complaint about their abbess' behaviour.[895] Elicia did not attend her trial and was convicted in her absence and so

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[892] *C.P.L., 1417-31*, p. 522.
[893] George Butler, 'Red Piers of Ormond', *Journal of the Butler Society*, 1 (1968), p. 39.
[894] Hall, 'Women and violence' in Meek and Lawless (eds), *Pawns or Players?* pp 131-40.
[895] Hall, *Women and the Church*, pp 191-2; the list of her transgressions and the accusations against her are in White (ed.), *Irish Monastic and Episcopal Deeds*, pp 178-85.

her version of events is not recorded.[896] It is also possible that she did not willingly become a nun. When she entered the convent in 1478 she was probably quite young, perhaps in her late teens or early twenties, but she had passed her usefulness in the marriage alliances of her family. Her only route to influence now was as abbess and she acquired powerful family backing to succeed as abbess.[897] She was perhaps not fully inclined to the religious life, but lived and ruled as she did before she went into the convent.

Elicia's behaviour was certainly shocking to her Anglo-Irish contemporaries and hers is the only known case of a religious woman being deposed by a bishop in Ireland.[898] It is possible that it would have been less so had she inhabited a purely Gaelic world. As it was she was subject to a mixture of both Gaelic and Anglo-Irish influences. Her mother was Sadhbh Kavanagh and her father was James Butler.[899] Sadhbh and James contracted an irregular marriage around 1455 and had two sons and a daughter, Elicia. The papal dispensation they applied for did not arrive until 1469 and they were subsequently married in a church ceremony in 1470. [900] As an illegitimate girl and one whose marital worth was not utilised to the advantage of her family, a career as a powerful abbess was probably the only way Elicia could exert any lasting power and influence.

There is no doubt from reading the available records that sexual incontinence among nuns was not unknown in late medieval Ireland in both Gaelic and Anglo-Irish religious houses. It was an acknowledged part of life and was satirised among contemporaries. The Gaelic Irish convent of Molough was included in the satire 'The

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[896] Hall, 'Women and violence' in Meek and Lawless (eds), *Pawns or Players?* p. 132.
[897] Hall, *Women and the Church*, pp 191-200.
[898] Hall, 'Women and violence' in Meek and Lawless (eds), *Pawns or Players?* p. 133.
[899] Reference to her first marriage to an O' Nolan can be found in Nicholls, 'The Kavanaghs 1400-1700', pp 435-447.
[900] Butler, Butler family history (NLI MS 12025, p. 1); Kehoe 'Margaret FitzGerald', pp 831-2.

land of Cokaygne' which was directed against the Cistercian monastery of Inislounaght.[901]

'Another abbey is nearby, in truth a big beautiful nunnery, upon a river of sweet milk, where there is great abundance of silk.
When the summer day is hot, the young nuns take a boat, and take themselves out on that river both with oars and with rudder.
When they are far from the abbey, they make themselves naked in order to play, and leap down into the water and devote themselves skilfully to swimming.
The young monks who see them take themselves upwards and out they fly, and come to the nuns at once, and each monk takes one for himself and quickly carries forth his prey to the great grey abbey, and teaches the nuns a prayer with legs uplifted thoroughly'.[902]

The fascination with nuns' sexual lives is not unique to the Irish situation as the sexual life of nuns was the subject of much innuendo and explicit stories all over Europe where male ecclesiastics were very concerned with keeping nuns enclosed. In Gaelic Ireland there are no explicit mentions of cloistering amongst nuns and it is within Gaelic areas that there is most evidence of nuns engaging in sexual relationships.[903] The bad behaviour of nuns could have serious consequences for their convents, however. In December 1432 the Pope was informed on behalf of James, the earl of Desmond, who was the patron of the nunnery of St. Catherine de O'Conyl that the prioress and nuns or several of them at least were leading a dissolute life. He also accused them of having converted to unlawful uses the goods of the convent. The Pope instructed the bishop of Limerick to suppress the convent if he found the facts as stated. The convent, however, appears to have survived into the sixteenth century.[904] To curb the sexual behaviour of nuns, bishops and sometimes the archbishop would make visitations of their convents and take appropriate action where they saw abuses. Thus on 16 March 1463, after a visitation

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[901] P.L. Henry, 'The Land of Cokaygne: Cultures in Contact in Medieval Ireland', *Studia Hibernica*, 12 (1972), p. 140.
[902] Angela Lucas, *Anglo-Irish Poems of the Middle Ages*, p. 53.
[903] Hall, *Women and the church*, p. 163.
[904] Gwynn and Hadcock (ed.), *Medieval Religious Houses*, pp 323-4.

by the archbishop of Armagh of the diocese of Down, Alice the prioress of the nunnery of Downpatrick was deprived of her office for the crime of incontinence. She was denounced by various people including the bishop of Down and Connor, although she was allowed to remain in the nunnery at the discretion of her successor, Christiana of Sodor diocese.[905] Alice was demoted and became an ordinary nun again.[906] This was not the first time that an archbishop of Armagh had cause to criticise the proclivities of the nuns at Down. In 1368 the archbishop of Armagh gave dispensation to a priest, named Sir Roger Ogean, of Down, for having had carnal knowledge of Matilda Stokys, a professed nun of the Down nunnery.[907]

The Augustinian abbey of Killone also furnished plenty of evidence of nuns' sexual impropriety. This was a Gaelic Irish foundation in Clare. It was founded in 1197 by Donal More O' Brien, the king of Limerick, and dedicated to John the Baptist.[908] The O' Briens furnished the abbey with its abbesses. Three dispensations given to clerics in the fifteenth century suggest that at least one and possibly two of the abbesses from Killone bore children from incestuous unions. Cornelius and Tatheus O Brien were clerics from Killaloe diocese who were granted dispensations in 1482 and 1485 respectively due to the defect of their births, which were as the result of fornication between their mother who was also their sister, the abbess of Killone, and the man who was both her and her sons' father. In 1501 Donald O' Brien was given a dispensation as the son of a bishop and an abbess, who were related in the second degree of consanguinity and the double second of affinity.[909]

Such improprieties in nuns' lives caused concern, as an important function of some nunneries was the provision of education to daughters of the aristocracy or the wealthy merchant class. The figures concerning the number of girls thus educated

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[905] Lynch, 'Calendar of Reg. Bole', p. 138.
[906] Primate Prene's Register (NLI MS 2689, p. 392).
[907] Hall, *Women and the Church*, p. 166.
[908] Westropp, *Monastic Notes, i* (TCD MS 971/1, p. 141).
[909] Hall, *Women and the Church*, pp 166-167.

cannot, however, be discovered from the remaining Irish sources.[910] As the sixteenth century wore on education for girls came to be seen as increasingly important and the novelty of learning spread amongst female lay society just as the disruption associated with the suppression of the monasteries began to make an impact on convents. Gaelic Irish women had traditionally supported learning in their own society and wealthy and powerful women had endowed monasteries as places of learning but they do not appear to have done this on the same scale for nunneries.

21: CRIME, WARFARE AND THE IMPACT ON NUNS.

Despite their supposed seclusion from the outside world, nunneries could become involved in the various acts of war and violence that marked Irish life throughout this period. For example, in 1276-77 the nuns of Grace Dieu were paid 8l 1s 4d for corn taken from them and delivered to John le Blund to provision Newcastle McKinegan after it had been devastated by raids from the native Irish.[911] It is unlikely that the nuns had any choice in the matter of the provision of such supplies to the army but they may not have objected too much as it is possible that their own lands in the area were under threat. Some years after their corn was taken, the nuns of Grace Dieu were granted the church of Newcastle towards Wicklow, by the archbishop of Dublin. It is probable that this was a confirmation of holdings they already possessed in that area.[912] Nunneries and their inhabitants could be very vulnerable to theft and the misappropriation of goods from within the convent or from its holdings, which they sought to provide against.

There are many examples of attacks on nunneries and the theft of their possessions from Gaelic and Anglo-Irish accounts during the middle ages. In 1310, for example, in a case heard in Kildare David the Weaver, John Baynguard and Peter the Weaver were charged that over a period of time all three broke into the priory of Timolin

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[910] Simms, 'Women in Gaelic Society' in MacCurtain and O' Dowd (eds), *Women in Early Modern Ireland*, p. 32.
[911] Connolly, *Irish Exchequer Payments*, p. 17.
[912] Hall, *Women and the Church*, pp 155-6; Stokes, Liber Niger Alani, part III', no. 421.

each night and stole corn, wheat and malt and they also took goods worth 40 shillings. The jurors decided that David the Weaver was not guilty but that John Baynguard was to be hanged and the fate of Peter the Weaver is not mentioned.[913] Apart from having their goods stolen, nuns could also be impeded in the course of carrying out their official duties. In one instance, in 1430 the archbishop of Armagh had to order that the abbess Mary was officially recognised as abbess of Ferta in Armagh. She had held the post for years but was, at that stage, being blocked from it.[914] The leading female figures in religious houses had to be extremely strong willed and resourceful to protect their nuns and their property in the face of threats to both person and property. In Limerick in 1307 the Prioress of Occonyl (St Catherine De O' Conyl) sued Maurice son of Philip. It was found by the jury that Maurice had a horse on loan from the Prioress to go to Leinster to aid John FitzThomas, who was fighting. Maurice promised to restore the horse and in a good state. However, Maurice did not go to Leinster but kept the horse anyway despite the objections of the Prioress and he kept the animal and treated it very badly for about six months and only then gave the animal back to her. Also the jury found that Maurice, along with his kerne, used to take food and drink forcibly from the Prioress and her tenants, as a result of which her tenants wanted to abandon her. The judgement given was that the Prioress was to get damages of 17s 4d and Maurice was to be put in gaol.[915]

Similarly in 1308 the nuns of Kilcreevanty became involved in a serious dispute with another dangerous opponent when they sued the archbishop of Tuam for trespass. The abbess of Kilcreevanty, a woman named Orly, complained that despite that fact that the abbey was under the protection of the king and that the king had warned the archbishop not to trouble the nuns, she and her nuns were continually subject to excessive and expensive visitations and demands for goods by the archbishop. She alleged that he regularly entered the abbey with men and horses and had seized

[913] *C. J. R. I. 1308-14* p. 148
[914] Chart, *Reg. Swayne* , p. 128.
[915] *C.J.R.I. 1305-07* p. 453

goods to the value of 100l.[916] The reasons for the dispute may be deeper-seated than they appear, however. The archbishop may have been trying to enforce stricter controls on the nuns, in a rather heavy-handed way, which he was required to do after the promulgation of the bull *Periculoso*.[917] At the same time, the nuns also appear to have wanted to change from the Arrouasian rule to the Cistercian and this may have contributed to the tense relationship between them and the archbishop. A dispute over the election of the abbess may also have contributed to the rise in hostilities. In 1307 the abbess was Mora, who was fined ten marks for being unlawfully elected abbess (a move which the archbishop approved of because he confirmed her election).[918] She may have been dismissed and been succeeded by Orly who was not the archbishop's choice. However, in the final settlement of the matter the convent eventually had to change back to Arrouasian rule to pacify the archbishop.[919] The archbishop's viewpoint dictated the rule that the nuns had to follow, because no matter how influential the convent or how powerful its abbess, nuns wishing to make any changes to their lives were always dependant upon the approval of a male ecclesiastic. If that was not forthcoming then relations between them could get very unpleasant.

Like lay landowners, abbesses often had to resort to litigation to solve problems concerning their lands. In 1440 the archbishop of Armagh's court heard a complaint from Elina the prioress of St. Mary's in Termonfeckin. She alleged that her tenants of Clogher hid their goods from her and did not pay the proper tithes. They also carried away her crops without her permission and damaged her and other tenants' crops.[920] Some of her tenants may have viewed a female religious landlord as a non-threatening one; however Elina protested vigorously against their treatment of her

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[916] *C.J.R.I. 1308-14*, pp 28, 31, 48, 66, 113, 114, 128.
[917] Francesca Medioli, 'An unequal law: the enforcement of clausura before and after the Council of Trent' in Meek (ed.), *Women in Renaissance and Early Modern Europe*, pp 136-152 for a treatment of the prescribed restrictions on nuns' lives across Europe after 1298.
[918] *C. J. R. I. 1305-07*, p. 357
[919] Gwynn and Hadcock, *Medieval Religious Houses*, pp 318-19.
[920] Chart, *Reg. Swayne* , p. 183.

lands. Some years later the nuns of Termonfeckin found themselves in court again, but this time they were the defendants. A lawsuit was taken against them in 1520-1, when Alison Plunkett was prioress. The suit concerned the chaplain in Termonfeckin, who was supported by both the convent and also by the vicar of Termonfeckin, as he assisted in parochial work. Archbishop Octavian of Armagh had appointed his Italian nephew to this vicarage and trouble ensued a few years later when the nuns moved to Calliaghstown (near Kellystown) where they had an estate and their chaplain went with them so that he was no longer available to assist the vicar. Octavian died in 1513, his nephew died soon afterwards, and the vicarage remained vacant until 1517. The custom of the chaplain assisting in parochial work lapsed and when the nuns returned to Termonfeckin they refused to bear the whole cost of his maintenance.[921] In 1520 the procurator of the parochial church of Termonfeckin, with the consent of the parishioners, sued the vicar of the church and the prioress of the nuns of Termonfeckin for the support of the chapel of the Blessed Virgin in the church at Termonfeckin. Master James White, vicar, who appeared both for himself and the prioress, denied the obligation. The case was heard twenty one times in all and the eventual judgement was given in 1520. This judgement stated that the vicar was to support the Chaplain one day a week, whilst the chaplain was to assist the vicar and curate in confessions, baptisms, purifications and other Sacraments. The vicar and the parishioners were held to be responsible, half and half, for the last two years arrears. The prioress was to support the chaplain one day a week and the chaplain had to celebrate mass in the convent four times a year. Lastly the prioress and the parishioners were to be equally responsible for the arrears.[922]

Some nuns appeared in court on serious criminal charges. The nuns at Clonard, for instance, became involved (perhaps unwittingly) in crime. In 1470 three of the nuns from their house at Odder were accused of harbouring Richard, son of Shane

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[921] Gwynn and Hadcock, *Medieval Religious Houses*, p. 324.
[922] Murray, 'Reg. Cromer', *J.C.L.A.S.*, 8, pp 176-8

McThomas, who was accused of theft. The nuns claimed that they did not know he was a felon, but they still had to petition Parliament to stop proceedings against them.[923] The nuns of Odder also appear to have harboured fugitives from the law. In a parliamentary decision taken in 1487 the convent of Odder was discharged from paying all subsidies and impositions, because they claimed to be so impoverished, due to the taking of coign and livery as well as other demands, that they would have to close unless it was stopped. Parliament imposed terms, which were that the nuns had to stop receiving William Onely or any other enemies and rebels.[924] Perhaps an explanation for the nuns' apparent willingness to break the law and consort with rebels was that Clonard was originally a Gaelic Irish foundation, which may have continued to attract Gaelic Irish novices who were sympathetic to rebels.[925]

The state of warfare that was almost always a constant in parts of Ireland posed a risk to the personal safety of religious women. Long before the Anglo-Normans arrived in Ireland, the annals listed attacks on nuns and their property. In 1164 Rory O' Connor and Tiernan O' Rourke plundered the nuns of Inis Pádraig and burned a large part of it.[926] In 1236 the Annals of Connacht recorded the following incident. *'At this time the followers of Brian son of Toirrdelbach burned the church of Emlagh against the people of O Flainn, when it was full of women and children and nuns, among whom were three priests'*.[927] Nuns' holdings were not accorded any special respect either before or after the arrival of the Anglo-Normans. It comes as no surprise then that in 1456 Lady Fyna, the abbess of Clonard, asked to be allowed to exchange lands that lay in the barony of Fore on the frontiers of the march. She claimed that she was unable to go there to collect the rents due to the prevailing instability and so asked to exchange them for land further within the Pale at Kilmessan and Tara.[928]

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[923] Hall, *Women and the Church*, p. 154.
[924] Connolly, *Statute Rolls*, pp 331-2.
[925] Harris, *The Whole Works of Sir James Ware*, i, p. 269.
[926] *MacCarthy's Book*, 1164 in Seamus O' hInnse (ed.), *Miscellaneous Irish annals A. D. 1114-1437*, (Dublin, 1947).
[927] *A. Conn.*, 1236.14
[928] Berry, *Statute Rolls Henry VI*, pp 405-7.

The negative effects which warfare could have on the fortunes of female religious houses in Ireland can be seen in taxation records concerning them. A reference to the nuns of 'O' Konyl' is found in the Papal taxation rolls, where the taxation of the goods of *'the house of St. Katherine in O' Conyl'* is assessed at 40s and 4d, while the tithe was four shillings and one penny halfpenny. The list probably dates from 1291 and the various churches, which are mentioned as connected with the nunnery, are assessed as follows

Fig. 1.10 Papal taxation concerning nunnery of St. Catherine de O' Conyl

Deanery	Church	Valuation	Tithe
Ardagh	New Grange	9 mks	12s
Rathgel	Dunmolyn	2mks 8s 10 ½ d	3s 6 ¾ d
	Vicarage of same	1mk 4s 5 ¼ d	blank
	Chapel of Robert Guer	2 mks	2s 8d
	Vicarage of same	1 mk	blank

The next list that appears dates from sometime between 1302 and 1307 and it is apparent from this that in the meantime the district had suffered from one of the plundering wars of Irish history. The church of New Grange is returned as *'destroyed by war'*, while those of Lawnhull, Kilfarwes and Kilmorril in the deanery of Rathkeale are in like condition. The churches of Dunmolyn, Kilmolyn, Schengle (Shanagolden) and Disertmardun all in the more immediate neighbourhood of the convent would seem to have escaped but the convent itself was in a bad way: *'the revenue of the monastery of the Prioress of Oconyl does not suffice for maintenance of Prioress and*

convent'.[929] Within ten years, then, the fortunes of the convent had collapsed thanks to violent forces outside of the control of the abbess or her nuns.

Where convents were situated in warring areas and were subject to the attacks on their lands by Irish and English alike, it was very difficult for the women inside the convent walls actively to resist demands made on them by either party. In administering their lands nuns were subject to abuses and threats, which they often had to deal with by following the path of least resistance and by using diplomacy rather than the threat of force. In 1394 because of losses suffered by the priory of Graney, which were due to the native Irish, the king granted permission to the prioress to acquire and hold forever lands to the yearly value of 20 marks. The nuns at Graney, however, had to deal with their native Irish neighbours and so in 1409 the king granted full licence to the prioress and her tenants to communicate and deal with the native Irish.[930] The letter he sent to them stated that:

'on reflecting that the nunnery of Grane in the County of Kildare was so surrounded by Irish enemies and English rebels that neither the prioress Margery nor her tenants could there dwell without holding communication with them; and also reflecting that the said nunnery is a great comfort and support to his liege subjects of the said county, his Majesty grants full licence to the prioress and her tenants to hold full communication with the said enemies and rebels, and to afford them a safe conduct to come to the nunnery and the tenants of the house and there safely to abide and with safety return; to give and to sell bread, wine, ale and English and Irish clothing; and that the prioress and her tenants may lawfully pay all fines and ransoms necessary for the good and conveniency of themselves and their property'.[931]

However the attacks and threats directed against Graney were not always from the Gaelic side. In 1422 as part of the ongoing Talbot-Ormond feud in Ireland, the earl of Ormond accused lord Talbot and his men of taking money and food without

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[929] John Wardell, 'The History and antiquities of St. Catherine's old abbey, county Limerick', *J.R.S.A.I.*, 34 (1904), p. 44

[930] Walter FitzGerald, 'The Priory or Nunnery of Graney co. Kildare' *J.K.A.H.S.*, 7, no 1 (1912-14), p. 376.

[931] Archdall, *Monasticon*, ii, pp 259-60.

payment from the nuns of Graney.[932] Ormond favoured the abbey and so Talbot appears to have misused it as part of his campaign against him. Graney appears to have been a bastion of the English interest in Ireland. So much so that in 1538 it was one of the religious houses which the Lord Deputy and Council tried to save from being suppressed because of the great services the house rendered in the area of education.[933] Other convents could become involved in the politics of the lordship. The abbey of Hogges, for example, was supposed to have been especially favoured by king John because during an uprising during his reign the nuns hid some of the English who were under threat and the King rewarded them lavishly.[934] Whether the acts of harbouring representatives of one side or another in the wars that were waged in Ireland were acts forced upon the nuns or were voluntary, thanks to political or family associations, remains a matter of conjecture.

Nuns: Conclusions

Like the greater church of which they were a part, nunneries in Ireland reflected the divisions within the country itself between the English and Irish church. This was reflected in the type of personnel they attracted and also, in some cases, the very different attitudes which prevailed towards issues such as cloistering and the consequent sexual freedoms, or lack of them, of nuns. However, despite these differences in sexual conduct, the lives of nuns were strikingly similar, as they had to deal with similar problems and issues regarding their convents and their administration. Nunneries carried out important functions in their communities, as landlords, employers and sometimes as places to obtain aid and refuge. The nuns, especially those with office, were often accorded a high level of respect and protection in their locality. Yet nuns were also the subjects of crude songs and poems and bawdy commentaries on their behaviour were common. Part of the problem was that nuns of the Gaelic areas do appear to have resisted cloistering

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[932] Margaret C. Griffith, 'The Talbot-Ormond struggle for control of the Anglo-Irish government 1414-47', *I.H.S.*, 2, no. 7 (1941), p. 394.
[933] Archdall, *Monasticon*, ii, note 19, pp 258-9.
[934] Gwynn and Hadcock (ed.), *Medieval Religious Houses*, pp 316-7; Archdall, *Monasticon*, i, pp 16-17

although this may have had as much to do with the aristocratic backgrounds of the nuns as any major religious conviction on the matter. These nuns were often housed in convents within their family's sphere of influence and probably kept up close relations with near relatives. Such close relations may explain the charges brought against the nuns of Clonard of hiding rebels, who may have been family members, of whose activities the nuns may have been unaware.

As single women, nuns were peculiarly restricted. They were always, nominally, under the direct control of a male ecclesiastic and they did not own any private property, which had to be dispensed with before joining the nunnery. They were part of a large organisation that would have preferred them not to have anything to do with the outside world, a move that was impractical for most nuns. Whether through their male agents or not, nuns conducted their business with the outside world. This involved selling and buying land, receiving and giving grants of land and selling produce. It also involved acts of charity as nuns were expected to provide aid to those suffering around them. For example, beside the convent at Ballynagailliagh in Sligo there was a hospital.[935] In running a hospital they could be aided by laywomen who chose to follow a religious life without taking the vows of nuns and who often worked in hospitals alongside nuns to relieve the suffering of the ill and poor.[936] Despite the work done by these women in administering lands, educating young girls and providing alms for the suffering, their influence and power in Irish society was soon to receive a setback. The 1530s saw the beginning of the Reformation of the Irish church which neither the Gaelic-Irish nor Anglo-Irish world were able to resist.[937] The era of a church that could harbour two traditions of female religious life that could sometimes differ widely but that could also co-exist was beginning to come to its end.

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[935] Gwynn and Hadcock (ed.), *Medieval Religious Houses*, p. 347.
[936] Hall, *Women and the Church*, p. 189.
[937] Ellis, *Tudor Ireland*, p. 191.

CONCLUSION

Life for women in medieval Ireland was influenced by many factors apart from their defining marital status, including their economic and social situations and whether they lived in a rural or an urban environment. For single women in Ireland a major influence on their freedoms and opportunities was whether they lived in a town or in the countryside. For the majority of women the relative freedoms of town life and the choices they engendered aided them in working towards the accumulation of a dowry as, for most women, being single was a temporary stage of life on the way to becoming a wife and mother. For those women who did not succeed in getting married life could become very difficult, as they got older. Despite their continuing possession of certain legal freedoms and protections as *femmes soles*, it must have been difficult to be part of a minority, which, as it grew older, grew poorer and was afforded little respect or affection. It is difficult to ascertain whether single women mentioned in the records were life-cycle or life-long single women when they are mentioned in the records. Outside of urban areas single women appear less often and, in common with the rest of western Europe, their numbers are likely to have less concentrated in rural areas. In Gaelic areas, the lives of single women are almost entirely hidden from view as very different attitudes, customs and laws influenced and ordered the lives of single women in the Gaelic world.

The move into marriage for the women of both Gaelic and Anglo-Ireland saw them affected by new rights and restrictions according to the secular and ecclesiastical laws by which they lived their lives. With regard to the preparations and organisation of marriage; the two societies were similar in that a marriage was often controlled by families as an act of political, social or economic aggrandisement and both families expected to profit in some way from the match. Fundamentally, especially at the higher levels of Gaelic and Gaelicised society, marriage was a secular act and the definition of a wife was somewhat looser than in the Anglo-Irish

areas. As wives, Anglo-Irish women were legally subject to their husbands and lost the legal abilities they enjoyed as single women. Gaelic Irish women were always under the legal sway of a man throughout their lives but, despite this, as wives they enjoyed certain rights regarding the administration of their own property which Anglo-Irishwomen effectively lost when they became wives. The continuing control of Gaelic wives over their property led to the emergence of some women as powerful patrons of the arts in medieval Ireland, particularly of poetry. The Church attempted to protect all women's rights to either consent or object to marriages and, after careful investigation, to either allow them to remain within marriage or to apply for a separation or annulment. However, in societies dominated on both sides by the need to make politically and/or economically astute marriages, the Church was often unable to protect young women whose families ordained the nature and sometimes the duration of their marriages. Women's motives for seeking an annulment could be complex but the church did provide a means for women, particularly Anglo-Irishwomen, to escape from abusive and unhappy relationships.

Those Gaelic Irishwomen who used the church courts were generally more concerned with forcing husbands who had abandoned them to return. The social and economic pressures of the two different societies could lead to very different reasons for utilising the Church courts. Wives could also become closely involved with the Church through acting as patrons in concert with their husbands. The suspicion in many cases has to be, though, that the impetus for patronage issued from the wives on many occasions and was agreed to by their husbands, although Gaelic wives may have enjoyed more freedom as patrons in this sphere also. The Church also supported and tried to enforce the right of wives to make wills, but it may be that this was only truly effective in Dublin where conditions more conducive to the right of wives to make their wills existed.

In both societies the church's strictures concerning the proper rituals for the making and breaking of marriages were often ignored as members of both societies often

strayed from the orthodox path. In Gaelic society in particular the widespread nature of more casual sexual unions and the effect these had on the legal rights and status of the women involved and of their children exist in contrast to the prevailing situation in Anglo-Irish society. However, the rise in Gaelicisation may have led to more acceptance for casual sexual relations amongst the Anglo-Irish aristocracy as well. Meanwhile the rise in religious adherence in both the Gaelic and Anglo-Irish worlds from the fifteenth century on witnessed a concomitant increase in applications to the Holy See to regularise existing unions or gain dispensations for planned ones that erred in the matters of consanguinity or affinity. The need for politically advantageous marriages saw the rise of intermarriage between the Gaelic and Anglo-Irish, a situation that could lead to legal confusion concerning the rights of the wives involved. Intermarriage was also conducive to the exposure of members of both societies to the ideas, laws and traditions of the other concerning women. It is also clear that certain wives of both societies were active in their own and their husband's interests in the political, economic spheres and even martial spheres when required.

In a country as war-torn as Ireland often was widowhood was not an unknown situation for many women. Again the women of both societies experienced considerable changes to the rules and codes that ostensibly governed their lives. Anglo-Irish widows were entitled to number of financial settlements on their husbands' deaths but, as widows, women could experience social and economic deprivation despite the fact that, once more under the common law, they were classed as *femmes soles* and could conduct their business without the guardianship of a man. This was an unacceptable and frightening situation for many widows who chose remarriage despite, or perhaps because of those legal freedoms. Life could be uncertain and poverty-stricken as a widow and it was no doubt easier for those women who could marry again to do so and to once again become part of the mainstream of medieval social life. Inevitably, it appears that wealthier widows found it easier to continue to survive as widows although they could face different

pressures to remarry. For those Anglo-Irishwomen who did remain as widows, they can be found engaged in land transactions, court cases and generally conducting their affairs much as their male counterparts did. Amongst the Gaelic Irish, widowhood was perhaps more problematic as guardianship of the widow had to be decided and this may have profoundly affected how she lived her life from then on. The lives of Gaelic widows are almost as obscure as those of Gaelic single women, but sometimes they do appear in the sources, most notably as the widows of Anglo-Irishmen or, rarely, as the benefactors of churches in their community. Certainly it could be said that Gaelic Irishwomen emerge most clearly from the shadows in their roles as wives and both before and after that time their historical traces are much more difficult to find.

Finally, traces of the lives and activities of nuns are also quite difficult to ascertain in the available historical records. All nuns were governed by the rules of their particular orders and yet they could live very different lives depending on whether they belonged to a Gaelic or an Anglo-Irish house. The major issue concerning nuns, but particularly Gaelic nuns, during this period was cloistering. Certainly it was not effective in Gaelic Ireland as the nuns continued to enjoy sometimes intimate relationships with outsiders. Nuns of both communities were, however, often badly affected economically by the ongoing warfare in Ireland. They were also victims of violence, intimidation, robbery and assault in the course of attending to their business as the landholders and administrators of sometimes large estates. Their value to their communities lay in their status as employers and dispensers of charity and of education. However, like all the women examined above, the role and status of nuns was soon to be profoundly affected by the events which were to unfold during the sixteenth century, as their lives and the lives of their female contemporaries, whether they were single women, wives or widows, were about to be profoundly altered as the sixteenth century progressed.

This dissertation has examined how women's legal, economic, social and political conditions were profoundly affected not only by their marital status but also whether they were living under common or Gaelic law and whether they were living in an area ruled by the church *inter Hibernicos* or *inter Anglicos*. The machinery of church and state whether it was that of the administration in Dublin or the dictates of Gaelic customary law ostensibly dominated and controlled how women conducted their lives. Within these strictures, however, women were able, to differing extents, to transmit and receive land and movables, to work for a living as tradeswomen, craftswomen or merchants, or to devote themselves to the religious life. Under the common law single women and widows were protected and their rights to exist independently were enshrined in law. When women married, however, those rights became restricted as they became legally subject to their husbands. Under the Gaelic system women were at all times legally subject to a nominated man, whether he was a husband, father, brother or son. However, it was as wives that Gaelic women were entitled to a degree of control over their goods, which could sometimes translate into political influence and even military power. Church law regarding marriage and the resulting issues of legitimacy and inheritance was universal but was interpreted and acted upon differently depending on whether the church lay in the realm of English or of Irish influence.

The lives of women in both societies encompassed varying sets of freedoms and limitations depending on what marital stage they were at. How much or how little freedom women had in dealing with church and state was variable and depended upon how much or how little freedom was available to them in their diverse societies as single women, wives, widows and nuns. The complex interplay of cultures in late medieval Ireland, of which the role and status of women was an integral part, was soon to be swept away by an administration intent on fulfilling the partly achieved conquest and the women of both Gaelic and Anglo-Ireland found themselves having to adapt to immense political, social, legal and religious changes regarding their own lives and the lives of those around them as the sixteenth century progressed.

Appendix A: FitzMaurice Intermarriages

According to Lodge the marriages of the FitzMaurice lords of Kerry are as follows

Thomas 1st Lord fitzMaurice (d. 1280) m. Grace daughter MacMurrough Covenagh.

Maurice FitzThomas died in 1303 m. Mary daughter Sir John McLeod of Galway. She was an heiress.	Catherine m. Hugh de Lacy of ballingarry	Joan m. Sir Otho de Lacy of Browry

Nicholas knighted in 1312 m. Slany daughter Conor O' Brien Prince Thomond He died in 1324.	Grace m. Robt. Lord Perceval	Mary m. George Lord Roche of Coslea	Joan m. William Lord Barry of Olethan	Ellinor m. John lord Roche - mother of Blanche 1st Countess Kildare and mother of 1st Countess Carrick - mother 1st earl Ormond

Maurice m	John	Margaret	Ellinor	Joan	Elizabeth	Catherine	Margaret
Both Lords of Kerry		m. Robt de lacy	m. Maurice 1st earl Desmond	m. Maurice Fitz Gerald 1st Knight Kerry	m. Sir Otho de Lacy of Browry	M. John lord Barry of Hely	Donald Mor
	MacCarthy						

Maurice FitzNicholas 4th Lord died 1339 m. Honora daughter O' Connor Kerry - was succeeded by his brother.

John died 1348 - 5th Lord m (1) Honora daughter O' Brien of Thomond

Maurice 6th Lord d. 1398	Margaret m. Dermot MacCarthy Lord Carberry first to be called Maccarthy Reagh

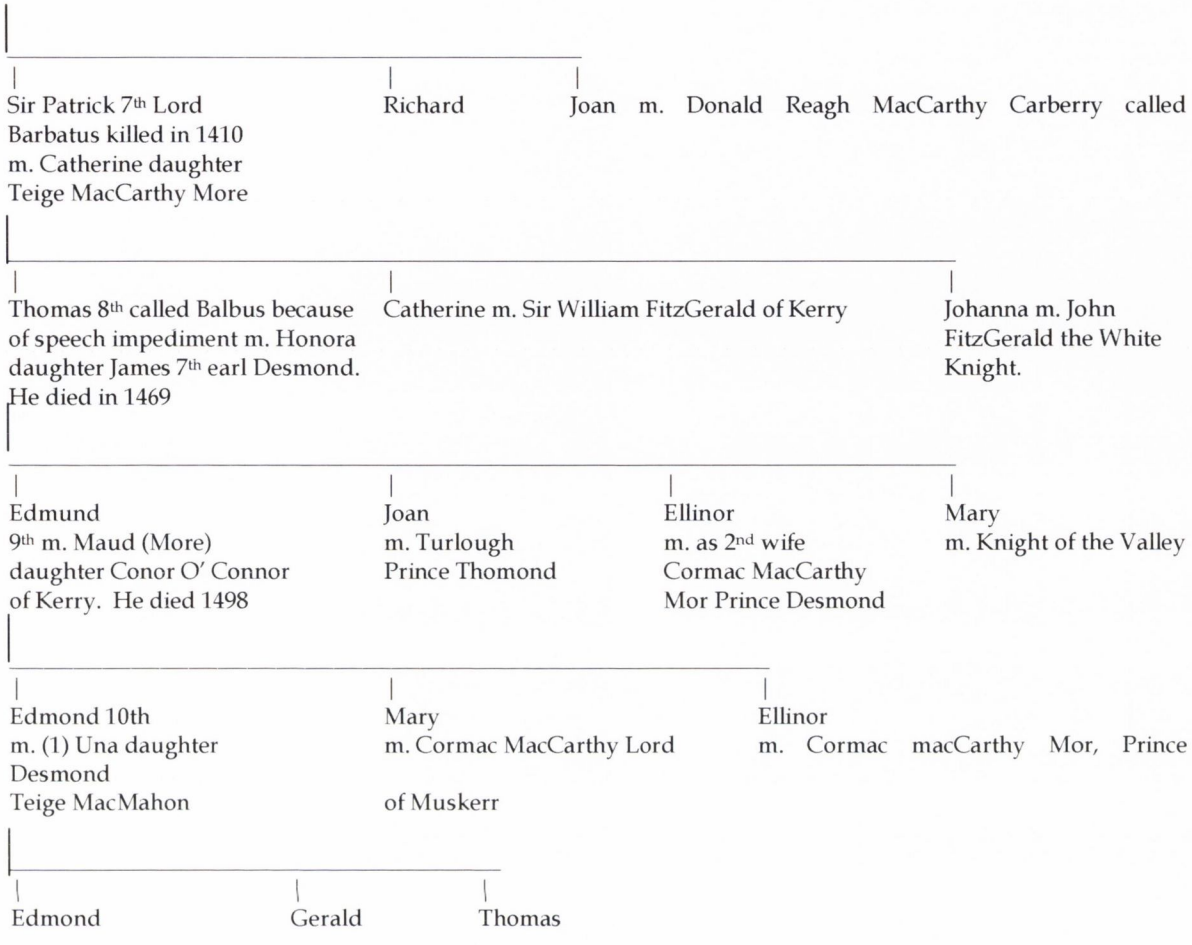
John 5th Lord m (2) Ellinor daughter Garret Fitz-Pierse

Garret	Robert	Ellinor m. White Knight

Maurice 6th Lord m (1) Elizabeth daughter Reymond Lord Canton (Condon) and the widow of Maurice 2nd Earl desmond.

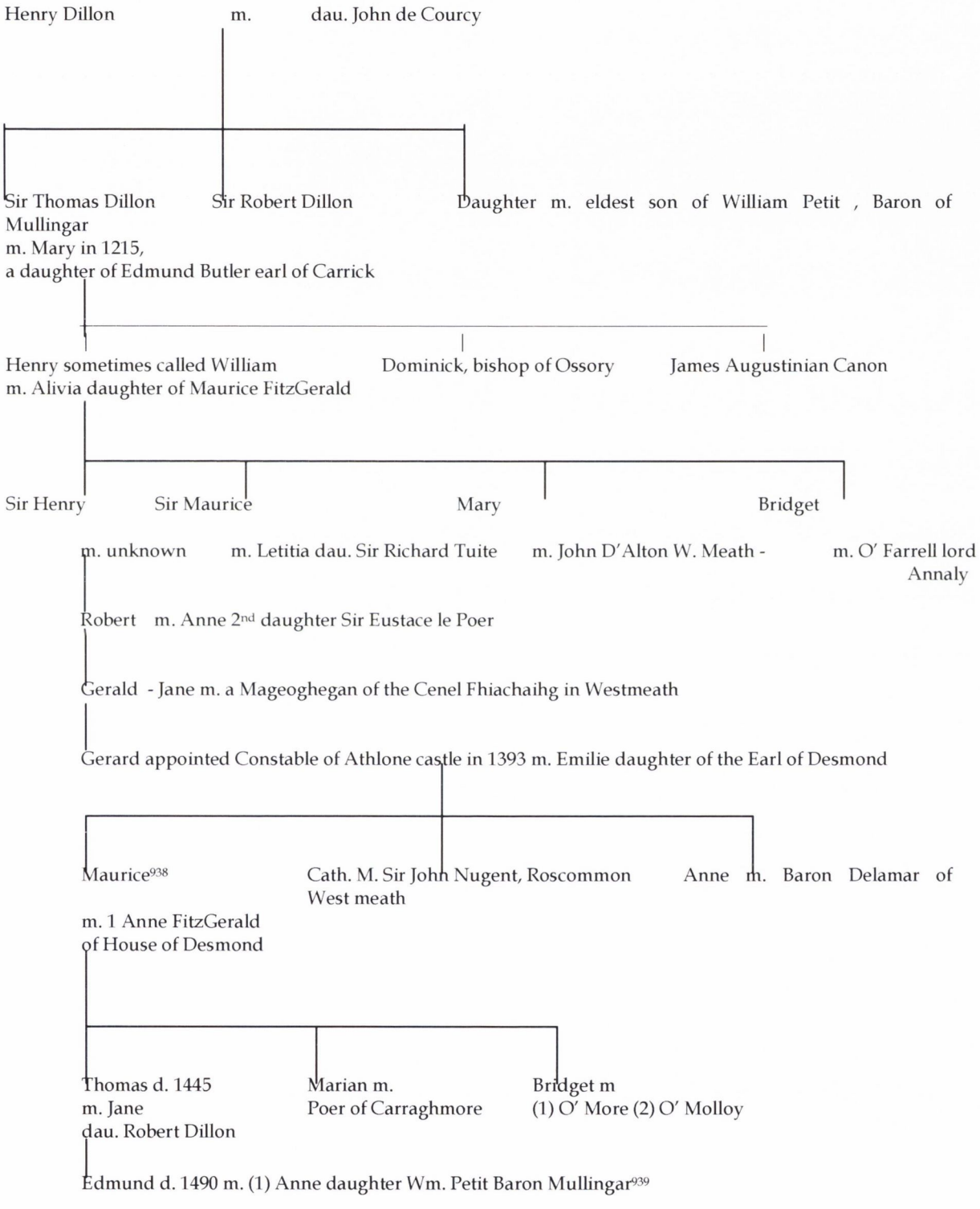
Honora m. Donald MacCarthy Mor Prince of Desmond

Maurice 6th lord m (2) Joan daughter Gerald 4th Earl Desmond



Edmond 10th lord m. (2) Amy daughter MacIbrien Arra and widow of James 11th Earl Desmond

Appendix B: Dillon Intermarriages



938 Maurice married as his second wife Margaret, the daughter of MacCoghlan. lord of Delvin Eathra in West Co. Offaly. Need a reference here.

Gerald m. daughter of Brian O' Connor Fahy

[939] Edmund married, as his second wife, a daughter of Sir Charles Plunket and they had a son, Gerald. Ref. here.

Appendix C: Examples of Anglo-Irish and Gaelic Intermarriages

wife surname	first name	husband	year married	father of wife	father of husband	source
	Sile	Eugenius Yseachnasayd	1438			*C.P.L.*, 1431-47 p. 32
Burke	Catherine	Turlough O' Brien	not known	Ulick FitzWalter Burke		Lodge's *Peerage*, II, p. 23.
Burke	Annabella	Teig O' Brien	not known		Turlough O' Brien d. 1460	Lodge' *Peerage* II, p. 23.
Burke	Margaret	Aed O' Connor	not known	William Burke		*A. Conn.*, 1364.7
Burke		Conor O' Brien	not known	Walter Burke		*A. Conn.*, 1421.18
Burke		Eoghan O' Dubda	not known	Walter Burke		A. Conn., 1536.18
Burke	Mary	Earl Desmond	not known		Maelsechlainn O' Kelly	*A. Conn.*,1419.33.
Burke	Honora	O' Meagher of Ikerrin	not known	William Burke		*A.F.M.*, 1383
Butler	Mor	John O' Carroll of Ely	not known	Richard Butler	Lord of Ely	Butler family history, II NLI MS 12023, p. 3.
Butler	Katherine	Gerald Kavanagh	not known		Donal Reagh Kavanagh	*Ormond Deeds*, III, p. 187.
Butler	Joan	Teig O' Carroll	not known	Earl Ormond		*A.F.M.*, 1383
de Burgh	Sadb	Odo MacDiarmada	1428			*C.P.L.*, 1417-31, p. 426.
de Burgh	Cathelina	Thady Yceallaig	1441/2		O' Kelly	*C.P.L.*, 1431-47, p. 182.
de Burgh	Sawina niece of Tebaldus de Burgo	Cormac Yheyn	1447		O' Hayne/Heyne	*C.P.L.*, 1447-55, p. 360.
de Burgh	Sabina	Odo Ylaharti	1428			*C.P.L.*, 1427-47, p. 18
de Burgh	Kathelina	Tomoltheus Miediar	1446			*C.P.L.*,1431-47 p. 564
de Burgh		Miladg MacGoisdelbh		Earl Ulster		*A.L.C.*, 1253
Desmond	Joan	Maurice FitzNicholas		Gerald 4th earl Desmond	John FitzNicholas	Lodge's *Peerage*, II, p. 188.
Desmond	Siban	(Tadgh) MacCarthy Mor		Earl Desmond		*A. Conn*, 1411.2.
d'Exeter	Anabla	William O'		MacJordan	Maelsechlai	*A. Conn.*, 1419.33

		Kelly		d'Exeter	nn O' Kelly	
Dillon	Jane	a Mageoghegan of Cenel Fhiachaihg in Westmeath		Robert Dillon		Cox, *Riocht na Mide* 11, (2000), p. 72.
FitzMaurice	Margaret	Donald MacCarthy More		Nicholas FitzMaurice		Lodge' s *Peerage*, II, p. 187.
FitzMaurice	Ellinor	Cormac macCarthy More		Thomas FitzMaurice		Lodge's *Peerage*, II, p. 187.
FitzPierse	Eleanor	John FitzMaurice		Gerrot FitzPierse of Cosfeale		Nicholls, *JKAHS*, 3 (1970), p. 34.
Flaherty	Sabina ingi	Thomas de Burgo	1440	O' Flaherty		*C.P.L.*,1431-47, p. 122.
Glin	Aibhlin	O' Connor Kerry		Knight of Glin		*A. Conn.*, 1524.20
Kavanagh	Grace	Thomas 1st Lord fitzMaurice		MacMurrough Kavanagh		Lodge's *Peerage*, II, p. 186.
Kildare	Eleanor of Kildare	Donal MacCarthy Reagh	1513	Earl Kildare		Nicholls, *Gaelic and Gaelicised Ireland*, p. 89.
Kildare	Eleanora	Con O' Neill		Thomas Earl Kildare		*A.F.M.*, 1497.
Laartayd	Furola inge	Edmund de Burgo	1432			*C.P.L.*, 1427-47, p. 409.
MacCarthy	Joan	James Barry	1445	Thady McCarthy		*C.P.L.*, 1431-47, p. 497.
MacCarthy More	Catherine	Patrick FitzNicholas, barbatus		Teig MacCarthy More	Maurice FitzNicholas	Lodge's *Peerage*, II, p. 188.
MacCormack	Gilis Ny Cormak	Sir Thomas of Desmond				MacNiocaill, *Crown Surveys of lands*, p. 245.
MacCoughlan	Margaret	Maurice Dillon		MacCoghlan lord of Delvin Eathra Offaly	Gerard Dillon	Cox, *Riocht na Mide*, 11 (2000), p. 73.
MacMaolisa	Artesia	Peter de Repentenny	c. 1280s	Poss. Primate MacMaolisa		Harris, *Anal. Hib.*, 6, p. 318
Nangle	Morina	Magonius O' Connor	1432			*C.P.L.*, 1427-47, p. 402.
Nugent		Philip O' Reilly		Thomas Nugent		O' Connell, *Riocht na Mide*, 2 (1961), p. 24
O' Brien	Morina	Walter de Burgo	1414	Brian O' Brien		*C.P.L.*, 1404-15, p. 460.
O' Brien	Honora	John 5th lord Kerry		O' Brien of Thomond - by dispensation		Lodge's *Peerage*, II, p. 188.

O' Brien	More	William de Burgo		Brian Rua O' Brien		Gwynn, *PRIA* 37C 1924-7, p. 151.
O' Brien	Amy	Edmund FitzNicholas 10th lord Kerry		MacIbrien Ara	Edmund 9th lord Kerry	Lodge's *Peerage* I, p. 71.
O' Brien	Sadb	Walter Burke		Connor O' Brien		*A. Conn.*, 1410.10
O' Brien	Mor Muman	Walter Burke		Brian O' Brien		*A. Conn.*, 1421.15
O' Brien	Sadb	Walter Burke		Conner O' Brien		*A. Conn.*, 1410.10
O' Brien	Slaine	MacWilliam of Clanrickard		O' Briain		*A.F.M.*, 1481.
O' Connor	Una	Richard de Burgh son of FitzAldelm		Aedh O' Connor		Gilbert, *Viceroys*, p. 92.
O' Connor	Ben Midhe	Thomas Barrett		Donal son of Murtough [O' Connor].		*A. Conn.*, 1422.4
O' Connor	Onora	Maurice FitzNicholas		O' Connor Kerry		Nicholls, *JKAHS*, p. 33.
O' Connor		Ulick de Burgo	1397.9			*MacCarthy's Book*, 1397.9
O' Connor	Mary	Maurice 1st Earl Desmond				Lodge' s *Peerage*, I, p. 64.
O' Connor		Earl Desmond		Bro in law was Tadc O' Connor		*A. Conn.*,1466.12
O' Connor Fahy		Gerald Dillon		Brian O' Connor Fahy	Edmund Dillon	Cox *Riocht na Mide*, 11 (2000), p. 74.
O' Connor Kerry	Honora	John FitzNicholas		O' Connor Kerry		Lodge's *Peerage*, II, p. 188.
O' Connor Kerry	More	Edmund FitzNicholas		Conor O' Connor Kerry	Thomas FitzMaurice	Lodge's *Peerage*, II, p. 189.
O' Connor Kerry	Honora	John of Callan (ancestor of Earls Desmond)		Hugh O' Connor Kerry		Lee in Rynne (ed.), *Nth Munster Studies*, 253-4
O' Kelly	Mor	William de Burgo	1431	O' Kelly		*C.P.L.*, 1427-47, p. 462.
O' Madden	More	MacWilliam of Clanricarde		Murrough O' Madden		*A.F.M.*, 1383
O' Malley	Sadbh	Edmond Albanach de Burgo		Dermot O' Malley of the Owles		Martin Blake, *JGAHS*, 7, no 1 1911-12
O' Malley	Joan	Raymund de Burgh	1432			*C.P.L.*, 1427-47 p. 402.
O' Molloy	Owny	Edward Nugent	1531			Griffith, *Cal. Inq. Ireland* p. 35.
O' Neill	Sabia	John Bisset		Hugh O' Neill		*A.F.M.*, 1387
O' Reilly	Catherine	Richard Butler		Gildas O' Reilly		Butler Fam Hist II,

		b. 1395		lord east breifne		NLI MS 12023, p. 3.
O' Brien	Slany	William de Burgh	1453/4			*C.P.L.*, 1447-55 p. 622
Ormond	Joanna	Teig O' Carroll Lord of Ely		Earl Ormond		*A.F.M.*, 1383
Sweetman	Isabella	Thady McMorieth				White, *Irish Monastic and Episcopal deeds*, p. 68.
unknown	raghanilda	geoffrey de burgo-	1319-23			Pipe Rolls William Betham (NLI MS 760), p. 373.
unknown	Mariota	Ralph Burgess	c. 1280s			Harris, *Anal. Hib.*, 6, p. 318
unknown	Finnguala	Raymond de Burgo				*A.I.*, 1282.6
White	Alice	Roger Mccmahuna	1426			*Reg. Swayne* pp. 45-6
Wodestok	Isabella	William O' Dowyr		David Wodestok		*Ormond Deeds* II, no. 371
Ylachactayd (ie. Iny Lachactayd)	Margaret	Thomas de Burgo	1437			*C.P.L.*, 1427-47, p. 644.

Appendix D: Examples of Anglo-Irish marriages

wife surname	first name	husband	year married	father of wife	father of husband	source
	Elizabeth	Roger Damory	c. 1286			*Catalogue Ancient Deeds*, pp. 44-5
Avell	Matilda	Nicholas Cashel	1456	John Avell dell Newtown de Arnesbyn	William Cashel	*Reg. Swayne*, pp. 220-3.
Barnwall	Ann	Barnabas Nangle	1427			*Reg. Swayne*, p. 52
Barry	Elis	Thomas	1455	William lord Barry	earl of Desmond	*C.P.L.*, 1455-64 p. 232
Butler	Eleanor	Thomas FitzEdmund Butler	1525	Earl Ormond		*Ormond Deeds*, III, no. 119;
Cosyn	Margery	William de Preston	1307	John Cosyn		*Cal. Gor. Reg.* p. 64.
de Burgh	Joan	Henry Barret	1398			*C.P.L.*,1396-1404 p. 173.
de Burgh	Egidia	James seneschal of Scotland	1296	Richard de Burgh		*Ormond Deeds*, II, no. 427
de Burgh	Margery	Theobald Water	1242	Richard de Burgh		*Ormond Deeds*, I, no. 100.
de Burgh	Avelina	John de Bermingham	dispensation in 1320	Richard de Burgh earl of Ulster.		*C.P.L.*, 1305-42, p. 209.
de Preston	Elizabeth	Walter de la Hyde				*C.P.L.*,1417-31 pp. 504-5
de Werdon	Alice	Barnabas Gernon	dispensation in 1415			Lawlor, Reg. Fleming', *P.R.I.A.* 30 C no. 241.
Desmond	Joan	Maurice FitzMaurice		Gerald 4th earl Desmond	John FitzNicholas	Lodge's *Peerage*, II, p. 188.
Dillon	Emma	Nicholas Dowdall				Lawlor, Liber Niger' *J.C.L.A.S.*, 6, p. 153
FitzMaurice	Catherine	Hugh de Lacy of ballingarry		Thomas 1st Lord fitzMaurice		Lodge's *Peerage*, II, p. 186.
FitzMaurice	Joan	Sir Otho de Lacy of Browry		Thomas 1st Lord fitzMaurice		Lodge's *Peerage*, II, p. 186.
FitzSimon	Alison	Bartholomew Bath	early 16th century			Griffith, *Cal. Inq. Ireland* p. 28
Holiwode	Rose	Arlond Ussher	1521	Christopher		Griffith, *Cal.*

				Holiwode		*Inq. Ireland*, pp. 12-13
Jordan	Isabella	John Naptoun	1348			*C.P.L.*,1342-62, p. 265.
Lawless	Isota	David Wyntyr	mentioned in 1430s			*Reg. Swayne*, p. 154.
Plunket	Elizabeth	John Darcy	mid to late fifteenth century	Sir Christopher Plunket		Connolly *Stat. Rolls* p. 25.
Power	Joan	Sir Thomas Mandeville	c. 1378			Nicholls, *Anal. Hib.*, 32 (1985), p. 32.
Preston	Anne	Thomas Holiwode	1520s	Sir William Preston	Christopher Holiwode	*Cal. Inq.* Ireland, pp. 12-13
Russell	Katherine	Sir Walter de Mandeville	c. 1358			Nicholls, *Anal. Hib.*, 32 (1985), pp. 7-8.
Stanton	Anastasia	David Wogan	1400			*C.P.L.*,1396-1404, p. 300.
	Muriel	William de Prendergast	before 1305			*C.J.R.I.*, 1305-07, P. 286
	Matilda	John Gernoun	before 1336			Gernon Genealogy, (NLI MS 171).
	Rose	John Coterel	1339			*Ormond Deeds*, I no. 721
	Margery	Philip FitzWilliam	1442			*Pembroke Deeds*, nos. 119, 154, 155
	Ismannia	William FitzWilliam	c. 1413		John FitzWilliam	*Pembroke Deeds*, nos. 119, 154, 155
	Katherine	Robert de la Freynge	c. 1382			Robin Frame, *Past and Present*, 76 (1977), p. 14
	Joan	Silvester Bagod	c. 1363			*Christ Church Deeds* nos, 696, 697
	Gunnora	Walter de Lecton	late 13th centuy?			*C.J.R.I.*, 1305-07, P. 286
	Sybil	Maurice FitzThomas	late 13th century			Nicholls, *J.K.A.H.S.*, 3, pp. 29-30.
	Mariota	Ralph Burgess	c. 1280s			Harris, *Anal. Hib.*, 6, p. 318

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