

Marmyon, Aylard Flandrensis, Robert Avenel, Elyas Giffard, Maurice of Windsor, and Milo Basset, which are common to both charters. The other witnesses of the Queen's charter are Milo of Gloucester, Humphrey de Bohun, and Robert Musard; while the King's charter is attested by Richard de Luci, William de Ipra, William Martel, and Reginald of Windsor. The presence of Milo of Gloucester makes it difficult to assign a date later than February 1139, and the name of Richard de Luci makes it unlikely that it is earlier than January 1139. We learn from Orderic (968 A, B) that William de Ipra and Richard de Luci were in Normandy in 1138 and the latter was fighting there for the king as late as November; but it seems that war ceased at the season of Advent and William de Ipra and Richard de Luci crossed to England. The former remained in England; the latter perhaps returned to Normandy.

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The Clan System among English Settlers in Ireland

THE following document is copied from a transcript headed 'pro electione capitanei des Harolds' in the *Harris Collectanea*,¹ in the National Library at Dublin, ii. 223. These manuscripts contain materials gathered together by Archbishop King in the first quarter of the eighteenth century to serve for an Ecclesiastical History of Ireland, a work which he never executed. The materials were added to by Walter Harris, the continuator of Ware, who drew up the valuable manuscript catalogue which forms part of the collection. The original of the present document has disappeared, and there is no mention of it in the published *Rotulorum Patentium et Clausorum Cancellariae Hiberniae*.

Irrot. in Canc. Hiberniae.

Memorandum quod Iohannes filius Henrici Harold, Mauritius filius Alexandri Harold, Iohannes filius Alexandri Harold, Willelmus filius Roberti Harold, Hugh filius Roberti laghless, Petrus Howell, Richardus filius Michaelis Howell, Matthias Archbold, Elias filius Roberti Walsh, Robertus filius Galfridi Harold, et Rogerus filius Danielis Harold ibidem in praesentia Iusticiarii Hiberniae elegerunt super sacramentum suum Waltherum Harold capitaneum progeniei des Harolds; qui quidem Walterus die et anno supradicto in praesentia praefati Iusticiarii tactis sacrosanctis

¹ There are seventeen volumes of these *Collectanea*, reaching from the reign of Henry II to that of William III. They are neatly bound and in a good state of preservation. They have never been published either in part or whole, nor has any printed catalogue been made of them in spite of their importance for students of Irish history. The entries refer chiefly to ecclesiastical affairs, but the early volumes contain many copies of deeds, warrants, inquisitions and documents of general interest in Irish medieval history. The value of the collection is enhanced by the fact that many of the originals must have perished in the fire of 1711 which consumed the old Privy Council Chamber. A short description of the *Collectanea* is given in the Appendix to the *Report of Trustees of National Library of Ireland for 1899*, p. 12.

evangelii sacramentum praestitit corporale quod ipse in posterum bene et fideliter ad pacem domini Regis in omnibus se geret ut pacifice se habebit, et si contingat quod aliquis de eius progenie aut parentela aut sibi adhaerens aliquam feloniam seu roberiam super fidelem populum ipsius Domini regis de caetero faceret, ipse Walterus iurat et fideliter manutinet capere corpus praedicti felonis pro posse suo et ipsum prisonae Domini regis mancipare cum notitiam inde habuerit et legitime requisitus.

Aprilis 23^o Ed. 3, vicesimo quarto.

Iohannes OBryn eodem anno electus capitaneus de OBryns iuratus etc. ut ante in memorando A.D. 1350. Mattheus Archbold eodem modo electus capitaneus de Archbolds. A.D. 1350.

This writ for 'the election of the Harolds' supplies an early instance of the growth of Irish customs among the Norman-English landholders in Ireland. From the invasion of Edward Bruce onward the Irish Government found the feudal system of tenures breaking down and growing inadequate both from a military and a tenurial point of view. An alternative lay in legalising the clan system and ratifying the election of 'captains of nations' among the Norman-English and Old-Irish. The tide of Hibernicisation was too strong to be resisted, the clan system offered a tenure and an agricultural order better suited to the country, while in the weakness of the government it was inevitable that private families should organise themselves on a patriarchal basis for purposes of defence and security. In this case, where chieftains of both Norman and Irish blood have their titles and election confirmed by the head of the Irish administration, we find one of the earliest instances of the government ratifying and surrendering to the Irish Brehon system in its most characteristic form. In spite of the statute of Kilkenny this method of securing the loyalty of Irish and Anglo-Irish by ratifying tribal chieftainship was put into full practice in the sixteenth century. It was part of Henry VIII's policy of leaving the great Irish families undisturbed as long as they acknowledged the royal power in church and state. Under the Tudors there are frequent instances in which the government legalises the clan system generally in a treaty between the sovereign or lord deputy and the chief actual or claimant, the latter undertaking to act loyally, to pacify and Anglicise his country, and the government hoping to control the people through their native lord. Thus in 1538 we find a compact between Lord Leonard Grey, the king's deputy, and Remund *alias* Jenico Savage, one of the 'degenerate Englishry' of Eastern Ulster. The latter, 'having taken his oath of fealty, is to bear the name and have the honours of chief captain of his nation and of the country of the Savages otherwise Lecale.'² In the same reign, as in those of Edward VI and Mary, and in the early years of Elizabeth

² *Calendar of Patent and Close Rolls of Chancery in Ireland*, vol. i., Henry VIII-Eliz., p. 45.

grants of chieftaincy and tanistry to the purely Irish princes were frequent. In 1554-5 Dermot M'Chair [*i.e.* mac Cahir] Kavanagh was appointed captain and tanist of M'Amore's [*i.e.* mac Damor's] country with attendance of twelve swordsmen. The grant recited that Queen Mary by letters patent in the first year of her reign had promoted his father, Charles (Cahir) mac Art Kavanagh, to the state of baron of Ballian for life and nominated him captain of his nation.³

The Anglo-Irish names mentioned in our document are those of families which acquired estates in the marches of Dublin and Kildare in the original enfeofment of Leinster at the end of the twelfth century. The Harolds probably came into Ireland among the numerous immigrants of English burgess stock in the first fifty years after the invasion; although it is sometimes stated that they represent an original Scandinavian family. We find them holding the lands of Kilgobbin or Kilgobban south of Dundrum, co. Dublin, under the Hakets from the early years of the thirteenth century.⁴ In the fourteenth century the tract of border country about Saggard, lying towards the Dublin mountains, became known from this family as Harold's Grange, while it was also called Grange of the Marches or Balgeeth.⁵ As in the case of other Anglo-Irish families they could not always resist the temptation to join in with the Irish against the colonists of their own blood. The annals of St. Mary's Abbey, Dublin, record one instance of their uniting with the Archbolds and the two great native clans against the settlers around Wicklow.⁶ These two English names already represented 'septs' as early as 1815. The Harolds became of great importance on the borders of the Pale, being, in that most disturbed part of the island, semi-official guardians of the king's peace. During the sixteenth and seventeenth centuries they suffered the common lot of forfeiture and dispossession along with many Anglo-Irish families whose religious sympathies led them into union with the Old-Irish. In 1586 Peter Talbot of Shankyll was made captain and governor of part of the marches of co. Dublin called Harold's County to hold during pleasure in place of John 'Harrold.' Among the forfeited proprietors of 1649 we find John Harold of Kilmakeoge in the half-barony of Rathdown, co. Dublin.⁸ The village of Harold's Cross, a few miles south of Dublin, keeps in memory this ancient Norman-Irish family.

³ *Cal. of Pat. and Close Rolls of Chancery in Ireland*, i. 342.

⁴ See James Mills, 'Norman Settlement in Leinster,' in *Journal of the Royal Soc. of Antiq. of Ireland*, 1894, p. 168.

⁵ See Dalton's *Hist. of the County of Dublin*, p. 722.

⁶ *Chart. of St. Mary's Abbey*, p. 349, *sub anno* 1315: 'Item Othouilles et Obrynnnes Archibauldes et Haroldes coniurati fuerint et villam de Wikelow cum tota patria devastaverunt.'

⁷ *Cal. of Pat. and Close Rolls of Chancery in Ireland*, i. 26.

⁸ O'Hart, *Irish Landed Gentry in 1649*, p. 428.

The family of Lawless or Laghles acquired this significant designation at the beginning of the fourteenth century. In 1347 Robert Lawless and others were appointed guardians of the peace in the marches with power to assess and array its military force.⁹ In 1389 the family of this name was seised of the neighbourhood of Saggard, while in the fourteenth and fifteenth century it was in possession of Shanganagh and Kilruddery near Dalkey.¹⁰ The Archbolds were, we have seen, a numerous race by 1315. At the end of the fifteenth century they held the manor and lands of Much Bray and Little Bray (Moche Bree and Little Bree) in the south of co. Dublin, which they retained in 1536-7.¹¹ In 1649 Morris Archbold of Kilmacud in the half-barony of Rathdown, co. Dublin, was one of the forfeiting proprietors, while a Rowland Archbold also was deprived of the lands of Cloghran.¹² The Walshes were a family of Welsh origin with other branches in the counties Kilkenny and Mayo. They appear as considerable landholders in the country west of Dalkey, as we find in an extent made by the king's orders in 1276. By this Elias le Waleys, deceased, was found to have possessed Villa Walensis, or Walshestown, with 99 acres *in capite* of the archbishop. Among the jurors appears one Philip Howel.¹³ In 1609 James Walsh was seised of a castle and land in Shanganagh and Kiltuc, from Peter Talbot in his manor of Rathdown, while in 1654 it was found that this townland had been the property of John Walsh, rebel.¹⁴ Howell, a name of Welsh origin, is early found among the settlers of the newer race who became so numerous in the district south of Dublin. Although persons of this surname do not appear as landowners of any importance, they meet us with the credibility of freeholders in lists of jurors and witnesses in this neighbourhood.¹⁵

These Norman-English families dwelt in the manors of Esker and Saggard on the borders between the city of Dublin and the independent Irish of the mountains. They had for neighbours the powerful fighting clan of the O'Byrnes—called OBroin by the Irish and by the English settlers OBryn—who had now become confined to the mountainous districts of the present counties of Dublin and Wicklow, where they held out till Tyrone's rising, 1594-1603. The John OBryn who makes his submission in this document is not mentioned in authentic O'Byrne genealogies as chief of that clan, nor indeed does the essentially Norman name John, in Irish Shane, Shaan, or Seaghan, appear among their leaders till the end of the fifteenth

⁹ Dalton, p. 25.

¹⁰ *Ibid.* pp. 772, 900.

¹¹ *Ibid.* p. 910, and *Cal. of Pat. and Close Rolls of Chancery in Ireland*, i. 28-9.

¹² Dalton, p. 910, and O'Hart, *Landed Gentry of Ireland*, 1649, p. 248.

¹³ *Cal. of Doc. Ireland*, ii. no. 1283.

¹⁴ Dalton, p. 900.

¹⁵ *Cal. of Doc. Ireland*, ii. 232, &c.

century.¹⁶ The Chancery Records however give a reference to one Shaan (John) OBryn who is almost certainly the same person with the John who is here elected 'capitaneus.' In the Irish *Close Rolls*, 29-30 Edw. III, there is recorded an affray between Adam Dodyng and other English, and the O'Byrnes, in which were killed or fatally wounded Ravenald McClorchan OBryn the elder and Mourth son of McConghir Ravenald OBryn, while Shaan son of Donald Mór OBryn was taken and brought prisoner to Dublin castle.¹⁷ The John who was captured in this fray of 1356 is not mentioned even in the most extensive genealogies. Donnchadh or Donogh Mór (here called Donald by a natural mistake) is given as chief of the race about the end of the thirteenth century, while his son Murchadh or Murkud surrendered to the government in 1329. A Lorean is also given as a son of Donoch Mór, while another son, Ragnall, is famous as having split the race in two and founded the Gavel Rannell or junior branch of the O'Byrnes.¹⁸

The John OBryn of our document gave little satisfaction to the government, for in 1359 this same John is mentioned as having been brought by James le Butler earl of Ormond before the justiciar, with whom he entered into terms of peace; he is described as 'captain of the OBryns and lately a rebel.'¹⁹ He was evidently the younger and unconsidered son of a ruling chief, and as such may have made pretensions to the chiefship and secured election by a section of the clan. The Irish government in ratifying his title and election was perhaps not accepting the general will of the tribe. But in later days it followed much the same policy in accepting Ferdorcha or Matthew O'Neill as representative of that family instead of the elder and more legitimate Shane. We have here perhaps an early instance of a policy similar to that which produced a 'Queen's O'Neill' and an 'Irish O'Neill.'

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¹⁶ See the O'Byrne pedigrees in *Ann. of the Four Masters*, ed. O'Donovan, note sub anno 1580, *Journal of the Hist. and Arch. Assoc. of Ireland*, 4th series, iii. pt. 2, and pp. 381 and 487.

¹⁷ *Rot. Canc. Hib. Cal.* p. 59 b: 'Regis thesaurario ad petitionem Ade Dodyng pro se et sociis monstrantem qualiter ipsi . . . congregati se de nocte armatos ad terram de les Bryns inter fortalicia eorum posuerunt . . . sequenti die venientem quandam coniunctivam de ipsis Bryns viriliter sunt aggressi . . . quosdam potentes de ipsis viz. Ravenald McClorchan OBryn seniore letaliter vulneraverunt, Mourth filium McConghir Ravenald OBryn occiderunt, et Shaan filium Donaldi Mór OBryn ceperunt, &c.' These confused names should be Ragnall son of Lorchan OBroin, Murchadh or Morogh son of Connor Ragnall OBroin, and Shane son of Donogh Mór OBroin. See *Chart. of St. Mary's, Dublin*, vol. ii. annals, p. 371.

¹⁸ *Journal of the Hist. and Arch. Assoc. of Ireland*, 4th series, iii. pt. 2, p. 487.

¹⁹ *Rot. Canc. Hib. Cal.* p. 66 a.