Richard III and Ireland

GWEN WATERS

'Richard, by the Grace of God, King of England and France, Lord of Ireland.'

WITH THE CROWN OF ENGLAND, Richard III acquired also the lordship of Ireland and set about attending to matters Irish with his customary despatch. He sent 'his trusty welbeloved Maister William Lacy . . . unto his said lande of Irland' with letters to the Council in general and to individual members of it, Lacy being instructed to show that the King 'after the stablisshing of this his Realme of England principally afore othere thinges entendethe for the wele of this lande of Irland to set and advise suche good Rule and politique guyding there as any of his noble progenitors . . .'.[1] He was taking on no easy task.

As lords of Ireland, the Plantagenet kings had been fulfilling this role with varying lack of success since Adrian IV, the only English Pope, had given Henry II a mandate to over-run the neighbouring country and reform 'the evil customs of the Irish people.'[2] When Prince John, made 'Lord of Ireland' by his father, ascended the throne, the dominion became linked with English sovereignty but the monarch was not termed 'King of Ireland' until Henry VIII so designated himself. Among the barons who accompanied John to Ireland and, like land-pirates, carved out territories for themselves, was William de Burgo who, despite being one of the conquering race, seems to have established himself successfully among the native people and, in 1193, married an Irish princess, the daughter of Donal Mor O'Brien, King of Thomond. In the fifteenth century the descendants of this union included the members of the House of York and the Clanrickard Burkes who feature in Richard III's charter of incorporation to Galway. De Burgo may well have had the gift of keeping on good terms with the inhabitants of the land in which he settled but, generally, this was a situation fraught with problems — and the first of these was the geographical one of inaccessibility.

Apart from the perils of a sea crossing, the land itself, especially in the north and west, was inhospitable, much of it being mountain, moor or bog, and, as the rainfall in Ireland is even heavier than it is in England, roads must often have been impassable. These physical conditions made intercourse between the two

countries difficult and tended to segregate the population of Ireland into separate communities of an almost tribal nature, ruled over by local dynasties, and nurturing the time-honoured customs and deep-rooted animosities of their traditional way of life. The Roman system of laws and communication had by-passed Ireland and from those early days onwards unification has always been a problem. Among the English monarchs who did venture to Ireland and actually sojourn there were Henry II (as a retreat from the furore caused by the murder of Thomas Becket), King John, and, on two occasions, Richard II. During the second visit of the latter in 1399, Henry Bolinbroke took the opportunity afforded by the King's absence to land in England and, later, make his successful bid for the throne; thus establishing the Lancastrian dynasty.

The ruling powers in Ireland were usually anxious that the sovereign should come in person to the province. Edward IV was solicited, 'that it wold please the kynges gode grace to come personally unto his said land for the relief of the same, or to send his derrest brodyr of Clarence his lieutenant of the same land or some other of his moost noble blode . . .'.[3] It was hoped he would come accompanied by a thousand bowmen or more, and money sufficient to pay them, as an invasion of Ulster by the Scots was feared. It was a forlorn hope — there was no chance of Edward coming 'in his hedonistic middle age.'[4]

The suggestion is made by at least two historians writing about Ireland in the late medieval period that Richard III meant to visit the country himself as soon as he was free to do so.[5] It is possible that a statement in the letter conveyed by William Lacy has been interpreted to mean this. The rather cryptic message reads: 'And the cause is why that the king wolle alwey be at his libertee/to thentent the Relief of that lande by his immediat auctorite whensoever he may have furst leiser thereunto . . .'. It is certainly not improbable that Richard intended to go over to Ireland for he was a most energetic monarch.

Another problem was that of ethnic confrontation. The Irish are a Celtic people, (with a Viking strain handed down from the settlers left after the Danish invasions) and their native language is a form of Gaelic. The twelfth century invaders from this island were, in actual fact, partly akin being mostly Norman/Welsh, and therefore Viking/Celtic, but to the Irish they were 'Saxon', and even by the fifteenth century they were still convinced of this, calling the English king the 'Rí Saxán' — the 'Saxon Lord of Ireland.'[6] The English were seen as aliens, invading foreigners like the Danes before them. The English for their part regarded the Irish as barbarians speaking a strange, uncouth language, (uncouth, that is, to 'Saxon' ears), and having outlandish ways of dressing, riding their horses and wearing their hair. The Irishman's habit of being full-bearded always seems to have been an especial bone of contention.'

The natives were, therefore, always 'rebels of Ireland' or 'the Irish enemy' to the 'loyal English', that is those settlers who were strong adherents of the English crown and, above all, followed the approved fashion in the matter of beards, etc. Between these two opposed factions there was a third section of the populace — the 'degenerate English.' These were families of English stock who had adopted Irish customs, in many cases learned to speak Gaelic, married into the Celtic population and, enjoying the more relaxed way of life of the people among whom they now lived, had happily become 'more Irish than the Irish.' This last group posed an especial threat to English authority and Richard III, like all his

forebears, was anxious that the powerful Anglo-Irish lords should not 'go native.' Thus we find him writing to the Earl of Desmond:

> 'And over that utterly to dispose for many consideracions concernyng the kinges highe pleasur and entent/forto Renounce the wering and usage of the Irisshe arraye and fromthensfurthe to geve and applie him self to use the maner of thapparelle for his persone after the Englisshe guyse/and after the fasshon that the kinges grace sendethe unto him . . .'[8]

He was to be supplied with 'gownes, doublettes, hosen and bonettes,' and, in addition to these garments, a gold collar of the King's livery.

The towns, generally, were bastions of loyalty, the citizens speaking English and following English customs. This was particularly the case in Dublin where the authority of the English government was more absolute than anywhere else in Ireland, its jurisdiction extending over the area of the city and its hinterland which together formed what was known as 'the Pale' — a term which has survived into modern usage. To be 'beyond the Pale' epitomises the 'them' and 'us' attitude of social unacceptability. Richard III granted privileges to Dublin probably with the main aims of ensuring the adherence of its faithful burgesses and of strengthening its defence against the native population. The fee-farm was 'pardoned' by £49 6s. 8d. yearly and the money thus saved was to be expended on the upkeep of the walls and streets.'

Edward IV, finding 'no law, justice or government' around the city of Waterford which, it was claimed, had been in a state of impoverishment for six years because of 'ill success in trade and loss of goods of the citizens and the death and capture of divers merchants,' reversed an annuity in order to help the town's straitened circumstances.[9] He also made provision for the port of Youghal, Co. Cork, to collect customs as an alleviation of losses sustained 'on account of the frequent assaults by land and sea of the Irish and the English rebels.'[10]

Galway, being regarded as the 'key to Connaught,' had always received considerable attention in the form of letters patent and charters from the Plantagenet kings. One of the most important was that granted by Richard II which pictures the city as a haven for his 'faithful and liege people' and others who resorted thereto, but which contains the usual plea of defencelessness and refers to the repeated attacks upon its law-abiding citizens by the Irish enemies and English rebels without.[12] Richard's charters to both Galway and Youghal were boosts to civic pride and independence and a means of better resisting those alleged violaters of the peace who inhabited the surrounding countryside.[13] He decreed, with these ends in view, that no stranger of whatsoever degree should enter the city of Galway without licence from the mayor and corporation. It is obvious, however, that such rules had to be waived from time to time for, although trade undoubtedly flourishes better in a stable and ordered environment, it cannot prosper in a state of siege, and liaison between borough and hinterland was necessary even if disliked.

Richard III was probably in a better position than any of his predecessors to take on the problems inherent in the Irish situation, and this is a view that Donough Bryan appears to share when he says that had Richard's reign lasted longer 'it might have been of great importance in the history of Ireland.'[14] In common with his brother, Edward IV, he could claim some Irish blood and was a

son of Richard, Duke of York, who had been such a highly esteemed viceroy; but he was more diplomatic than Edward about maintaining a good working relationship with the two great Anglo-Irish magnates of the Fitzgerald family, headed in 1483 by James, Earl of Desmond, and Gerald, Earl of Kildare. The latter, a near-contemporary of Richard III, was one of the most powerful and charismatic personalities Ireland has ever produced. Richard managed to avoid any major confrontation with him although one threatened when Richard tried, it seems unsuccessfully, to enforce the ruling that all the official offices in Ireland, including that of the lord deputy, should be held at the King's pleasure instead of for long-extended periods of time.[15] Kildare had no intention of having his power so curtailed and it would appear that Richard had to waive the matter. Edward, on the other hand, had actually gone so far as to make Lord Grey Deputy of Ireland instead of Kildare in 1477, but, finding Kildare distinctly unco-operative about yielding office, was obliged to allow his reappointment.

In seeking to control Ireland in collaboration with the great Anglo-Irish lords, Richard was following the policy of his father. Richard, Duke of York, had allowed frequent Irish parliaments to be held and given the Irish control of their internal legal matters so that they enjoyed a period of what almost amounted to 'home rule.'[16] The Duke of York had been, in fact, an Anglo-Irish earl himself. He was the hereditary heir to the Irish lands of his uncle, Edmund Mortimer, (who had been Lord Lieutenant of Ireland) and thus he was Earl of Ulster and March and Lord of Trim and Leix. The Irish territories had come into the Plantagenet royal family when the heiress, Elizabeth De Burgo, married Edward III's son, Lionel, Duke of Clarence, in 1352. These passed to the House of York when their daughter, Philippa, married Edmund Mortimer, Earl of March, and their granddaughter, Anne, became the wife of Richard, Earl of Cambridge, son of Edmund, Duke of York, and father of Duke Richard.[17] When Richard of York marched into Ulster it is reported that, wishing to show the people that their hereditary lord had come, he displayed the 'Black Dragon' on his banner, for this was his cognisance as Earl. He was also motivated by the desire to 'spare Irish feelings any exhibition of English pride',[18] a sensitivity which won him many hearts in Ireland.

York's area of control was, however, complicated by the fact that the Clanrickard Burkes, descendants in a junior line of that same William De Burgo from whom Richard of York also derived his title, had staked their claim to the De Burgo possessions in Connaught, Galway and Ulster. In 1333 the then Earl of Ulster was murdered by one of his tenants and his widow fled to England with the heiress, Elizabeth, who was only a child at the time. The murdered Earl's cousin, known as 'William-Liath', promptly annexed the De Burgo lands in the west and his two sons, Ulick and Edmund McWilliam, carved out for themselves 'large areas of Connaught which they ruled over after the fashion of Gaelic chieftains.'[19] Ulick established himself in Galway as head of the Clanrickard branch and all attempts to dislodge him and his descendants failed. Richard III inserted a strong injunction into his charter to Galway that 'neither the lord M'William, lord of Clanrickard, nor his heirs, should have any rule or power within the said town of Galway,'[20] but whether or not this order was effective is not known. Clanrickard influence in the area as a whole does not seem to have diminished until Henry VIII made the Clanrickards surrender the lands, which were then re-granted to them on condition that they swore allegiance to him.

Richard III sought the aid of Kildare in recovering the lands of his Ulster lordship and wrote asking him to 'enduce by alle meanes possible such persones as deteigne and kepe from his grace his right and enheritaunce of his Erldom of Wolstre (Ulster)/and that it may be ordeyed and broughte to the kinges hands and possession as it hathe been in late days of his progenitors.' In this respect the King felt that no man could do more than Kildare, for his sister was married to the great O'Neill who was occupying much of the territory. If O'Neill was prepared to be co-operative Richard would accept him into his favour and give him his livery.[21]

It was Kildare's policy to make alliances with the Irish chiefs through marriages between members of his own family and the native lords, thus extending his own power and keeping control by establishing relationships rather than making war. It seems that Richard saw the usefulness and wisdom of this policy and hoped to gain the regard and confidence of the Gaelic lords as his father had done.[22] He, too, could claim descent from the almost legendary Brian Boru, the Celtic King who had defeated the Danes at Clontarf in 1014, and to the Anglo-Irish he represented the great names of De Burgo, Lacy and Mortimer, his ancestors. Being York's son, Richard could draw on a reservoir of goodwill for even the Tudor chronicler, Hall, writes of the 'sincere love and friendly affection' which York had engendered among the inhabitants of the country, a regard which 'could never be separated from him and his lineage.'[23]

Two acts of Edward IV, however, had jolted, if not breached, this favourable state of affairs. One of these was the execution of George, Duke of Clarence, whose birth in Dublin in 1449 had been a very popular event in Irish circles. The Earls of Desmond and Kildare had stood sponsors at his baptism, and it was in the conviction that Lambert Simnel was, in truth, the son of their 'own' prince, Clarence, that the Irish were, later, to give their support so wholeheartedly to him.

The second rift had also been caused by an execution — that of Thomas, Earl of Desmond. Edward had sent the ruthless John Tiptoft, Earl of Worcester, to Ireland in 1467 and, at the parliament of Drogheda, Thomas Fitzgerald, Earl of Desmond, and the seventh Earl of Kildare were attainted of 'horrible treasons and felonies as well in alliance, fosterage and alterage with the Irish enemies of the King as in giving them horses, harnesses and arms.'[24] Desmond was sentenced to death and beheaded in 1468; Kildare was pardoned. The Irish and English of Ireland were horror-struck and the result was the opposite of what had been intended — the Desmond clan and all their immediate supporters became very pro-Irish. Thomas of Desmond had been held in very high esteem both for his good works, such as his founding of the Collegiate Church of the Blessed Virgin Mary at Youghal, and for his cultural inclinations — he could speak several languages including Latin and Gaelic, and his death was regarded as something approaching martyrdom. He had served as Deputy under Clarence and during his term of office had 'set and put tranquilite, peix and rest' among the King's subjects in Ireland, although he was accused by his enemies of listening to the native Irish too much and of being 'councilled, ruled and governed by the king's great traitors and rebels.'[25] Tradition has it that there was another reason for his downfall — the vengeance of the Queen, Elizabeth Woodville, about whose marriage it is reported he had made tactless comment.[26]

Richard tried to heal this situation and wrote at length to James, the eighth Earl, 'remembring the manyfold notable service and kyndnesse' shown to his own father by the late Earl who had been 'extorciously slayne and murdred,' the King himself being of 'yong Age' at the time (and so quite innocent of any part in the crime?). 'This outrage,' he continued, had been committed 'by certain persones than havying the governaunce and Rule there ayenst alle manhode Reason & good conscience.' Richard then makes what seems to be a cryptic and startling analogy between Desmond's bereavement and similar troubles of his own when he says:

> 'Yet notwithstanding that/the semblable chaunce was & hapned sithen within this Royaulme of England/aswele of his Brother the duc of Clarence As other his nighe kynnesmen and gret Frendes/the kinges grace alweys contynuethe and hathe inward compassion of the death of his said Fadre And is content that his said Cousyne now Erle by alle ordinate meanes and due course of the lawes when it shalle lust him at any tyme hereafter to sue or attempt for the punyssement thereof.'[27]

It seems remarkable that Richard should bring up the matter of his brother's death in this way. Eager as Richard may have been to cement a common bond with Desmond based on sympathetically-shared personal experience of tragic and traumatic events, the Earl was no longer in a position to be his main ally in Ireland for he was fast 'going Irish' — a point which has already been made above with regard to the gift of clothes sent with this same letter. Desmond's star was waning; it was Kildare's co-operation that it was essential for Richard to win. By 1483-5, Gerald Fitzgerald, 'Garret Mor' as he was called in the Gaelic, had virtually become King of Ireland. All the English kings who had to deal with him were uneasy, but all had to settle for power-sharing with him.

Richard's first clash with the Great Earl came over the appointment of the chancellor of Ireland. The King had sent Lord Howth to take this office but to the King's 'grete merveille and displesure' he found that Kildare had already placed his own brother in this position. Kildare claimed that by royal privileges granted in times past he had the right to do this and had, accordingly, sent the King copies of the relevant documents. These Richard had 'seene and by thadvise of our Counsaille here wele conceyved and understande,' but had determined, after studying the legal aspects of the case, that the Earl, albeit he was Justice of Ireland, had no right to award this office, or any other 'to oure Corone apperteynyng/but only during oure pleasure.' Richard trusted that Kildare would honour this command but, if he did not, the King would 'provide for suche a governaunce there as shal not presume to deroge argue or dymynyssh oure power Royal or prerogative with godes grace . . .'[28] Brave words!

As can be imagined, the Great Earl did not take kindly to this injunction and so, Richard, who wished Kildare to accept the post of Lord Deputy under the titular authority of his young son, Prince Edward, realised that he must adopt a conciliatory approach. Accordingly, Lacy was to express the King's appreciation of the Earl's 'good fame and noble disposicione' and signify to him that the King wished him to accept this office. Lacy was, however, to first broach the matter with Kildare in private, to 'practice to have speche with him afore any othere,'[29] so that the Earl could make his decision free from public pressure. In other words, tact and diplomacy had to be the order of the day.

The deputyship was accepted, under Prince Edward and later the Earl of Lincoln; Kildare was still master of the situation and continued to govern Ireland as only he could. Richard gave his attention to such matters as the changing of the royal seals of Ireland, the administration and control of the mint and the state of the Irish revenues. One of his earliest enactments, of July 1483, was with regard to the reform of the Irish coinage which, from then on, was to be distinct in design from that in use in England.[29] This ruling was passed in the first parliament of the new reign, which met at Dublin in mid-March 1484 and, after an adjournment, reassembled at the end of August in the same year.[31] Donough Bryan is of the opinion that Kildare visited England to make his indenture with the King personally during this interim period between the two sessions, for Richard had expressly asked, in the letter conveyed by Lacy, that the Earl or his representative should do this ('Upon thacceptacion of the said Commissions and office the said Maister William shalle insist that the said Erle come or send in al possible hast to the king in England to endent with his grace . . .').[32] Bryan believes that Kildare did not at first make the journey in person but sent John Estrete, the King's Sergeant-at-Law in Ireland, to make his excuses for him — probably to the effect that it was not advisable for the Lord Deputy himself to leave the country at that time — for there exists an interesting document which may be the King's reply to this matter. Bryan and the cataloguer of the Cottonian Manuscripts ascribe the date 1484 to this letter, but James Gairdner prefers the year as 1486 and makes the writer Henry VII because the content is 'much more in accordance with the politic character of Henry than that of Richard.'[33]

It would seem that Kildare, while instructing Estrete to make the necessary apologies on his behalf, wished him also to emphasise the power which the Earl could wield in order to further the King's interests in Ireland and to ask for a number of privileges in return. These included the grant of the manor of Leixlip and the constableship of Wicklow Castle, a salary of £1,000 and a guarantee of safe conduct signed by some of the great lords as well as the King should he, in fact, come to England himself.

In the 'Instruccions yeven by the kinges grace unto his counseillour and servant John Estrete' we find most of the Lord Deputy's requests granted, including the manor and constableship — awarded on the 6 August 1484 by Richard III to the Earl of Kildare and recorded in the patent rolls.[34] It is conceded that the King needs the Earl's help with the ruling of Ireland: 'he desireth in that partie to here thadvise of the said erl, considering that for the long rule that he hath borne there, ther can no man therin better counsaill his grace than he.' In the matter of the surety of safe conduct, however, there is a more trenchant note in his reply: 'the king marveilleth that he can desire any promises, seales, or writinges of any of his lordes more than of his grace oonly, considering not oonly that such a suretie can not stand with the kinges honour, *but also that neither the said earl ne any other hath seen that his grace hath broken promyse or assurance by him made unto any persone.*' Why does the King go out of his way to say this — whether the King is Richard or Henry? Is it just a common-place, to be taken at its face value or is there a hint of some deeper significance behind it?

It would appear that Richard was generally well satisfied with the way the Lord Deputy carried out his duties for, on the appointment of the Earl of Lincoln

as Lord Lieutenant, he asked Kildare to 'doo and continue as ye have doone for the good and wele of our said land.'[35] Donough Bryan says of the Earl:

> 'The striking thing is that he never attempted to impose English law or custom upon the Gael. He never treated the Gael as an inferior race. If he won their allegiance it was by methods such as inter-marriage and fosterage which implied their equality with him. His authority over them was Gaelic. The justice that he enforced was Gaelic justice . . . He was more than one of the Gael. He was more than one of the Normans. He was an Irishman.'[36]

The combination of a strong Deputy gifted with the common touch and a zealous King of the House of York was a happy one for Ireland.

Donough Bryan speculates that the news of Henry's victory at Bosworth must have been received by the Earl with intense disgust and, as Curtis says: 'Like most of the Anglo-Irish he could not believe that it would endure, for was there not much truer blood alive than Henry's — such as John, Earl of Lincoln, Edward, Earl of Warwick, son of George, Duke of Clarence — perhaps even the Princes of the Tower?'[37] When Lambert Simnel came to Ireland, therefore, posing as Clarence's son, his claim was believed and he received almost total support. Kildare was present at his 'coronation' in Dublin Cathedral and acknowledged him as 'Edward VI'.[38] It is reported that many Irishmen fell at the Battle of Stoke supporting his cause. Later, when Perkin Warbeck claimed to be the younger son of Edward IV he, too, was accepted by the Irish and hailed as 'Richard IV'.

Although Henry VII forgave Kildare for the part he had played in the Simnel affair, he removed him from office in 1492. Needless to say, the Great Earl was not prepared to retire into gentlemanly seclusion and two years later he was attainted for 'treason and rebellion' (perhaps because he was suspected of under-cover support of Warbeck) and was imprisoned in the Tower of London. By 1496, however, we find him back in Ireland as Deputy and, what is more, made a knight of the garter by Henry and married (he was by this time a widower) to the King's own first cousin, Elizabeth St. John.[39] Henry found Kildare just as essential for governing Ireland as Richard had done. The old order of things was irrevocably changed, however, for the new reigning house had already bridled the Irish parliament and was determined to go on to make the country completely subject to English rule and to stamp out for ever its fatal predilection for the House of York.[40]

The Charters of Richard III to Galway and Youghal

Richard III's two most important Irish grants were those to the ports of Galway and Youghal, the former on the far western coast and the latter on the eastern extremity of County Cork. Both were ancient, walled towns guarding the entrances to waterways, the Corrib and Blackwater respectively, and were places of some considerable importance in the fifteenth century; Galway was almost a small 'city-state' and Youghal was a port much used for the disembarkation of passengers and troops. At this time the two towns were enclaves of 'Englishness' and the governing authorities, both royal and Anglo-Irish, were anxious to keep them so.

Galway, celebrating its quincentenary as a fully-incorporated borough in 1984, opens its commemorative brochure with the following statement:

> 'On December 15th, 1484, the ill-fated King of England, Richard III, granted the charter which raised this most Westerly city to what the late Professor M. D. O'Sullivan called: "The summit of Civic Independence under a Mayor." '

The actual charter given by the King no longer survives but its content is recited in the charter of Elizabeth I.[41] It opens, as is customary, with a confirmation of all former grants and, in particular, that regarding the levy of customs on goods coming in, the proceeds of which are to be used for the maintenance of the walls and streets. The really important clause is that empowering the 'sovereign, provost, bailiffs and commonalty' to elect yearly 'for ever, of their common assent . . . one mayor and two bailiffs within the said town of Galway, as is accustomed to be done in the town of Bristol.' The liberties of Bristol were a high honour for a non-English town to receive and, in this respect, Galway was now in the company of the other 'royal' cities of Dublin, Waterford, Cork and Limerick. It had been a 'royal' town from 1396 when Richard II awarded it the privileges of Drogheda and permitted the provost and burgesses to elect one of themselves 'sovereign' of the town (a lesser position than that of mayor). Official recognition was thus given to the town's independence from Clanrickard Burke influence. Richard III's prohibition of any entry into the city by this aberrant branch of his own De Burgo ancestors has already been referred to.

Power within the borough by the fifteenth century was mostly in the hands of leading merchant families known as the 'Tribes of Galway,' with non-Gaelic sounding names such as Deane, Morris, Butler, Bodkin, Blake, Browne and Lynch — evidence of the presence of 'loyal' Anglo-Irish whose faithful allegiance was rewarded by the granting of privileges. The first mayor of Galway was 'Pyerse Lynche' and the two bailiffs were of the same family.[42]

The office of mayor was lost to Galway in 1840 during the municipal reforms of that year but was re-established with accompanying corporate status, under, as the brochure says, 'a native government.'

The town and port of Youghal was, in the opinion of one of its local historians, 'fast becoming one of the great towns' of Ireland by the fifteenth century and 'ahead of it lay a hundred years of prosperity.'[43] The reign of Richard III falls within this period and during this time the borough was under the proprietorship of the Earls of Desmond; perhaps it was because of this connection that Richard gave the town the charter which he granted on 17 May 1485. An earlier charter, granted by him in March 1484 was merely a confirmation of privileges previously given by Edward IV.[44]

The 1485 document seems to be the charter of official incorporation for it states: 'all the inhabitants of the town who have been admitted to the franchise . . . shall elect from themselves a mayor and two bailiffs, and *incorporation* of them by the name of mayor and bailiffs, burgesses and commonalty of the said town.'[45] Youghal, however, unlike Galway, is not sure that its full municipal status dates from the time of this grant, although one authority on incorporation of boroughs considers that these letters patent of Richard III to Youghal form one of the earliest charters of incorporation granted for Ireland.[46] A Report of the Commissioners on Municipal Corporations of

Ireland opens its findings on Youghal by saying that the corporation of this town 'appears to have existed by prescription' but that King John was supposed to have granted a charter of incorporation.[1] This would have been remarkably early for a true incorporation charter and, anyway, all trace of the document, if it ever existed, seems to have disappeared. It is not uncommon, however, for ancient towns to have *assumed* incorporation, particularly so in the case of major cities — although Youghal hardly comes into this category.[2]

Apart from the 'incorporation' clause, there is little new in the 1485 grant. The real foundation of municipal status was laid in 1431 when Henry VI provided for customs dues to be kept by the town for repairing the walls, gave the right to hold internal courts, to exercise the assize of bread and ale, and to use the profits of the market and port for the town's benefit. Edward IV's charter of 1462 makes Youghal a cinque port and provides that 'whenever any of the burgesses is elected Sovereign he shall become Mayor of the town,'[3] but the Commissioners' Report favours the view that it is the 1485 charter which really makes the office of mayor official.[4]

By the award of these two charters, Richard III was following the general policy of his predecessors which was to gradually build up the independence of towns to eventual autonomy, as free as possible from outside interference. In this respect the two Irish grants are little different from the other charters of incorporation given by the King, but they lack the more personal note which is particularly apparent in his Gloucester charter of 1483.[1] The Gloucester grant was an exceptionally generous document given to a town with which he had been associated and which he had recently visited; it dates from those early, enthusiastic days when the King was newly come to the opportunities of his royal prerogative. Those to Galway and Youghal, on the other hand, were drawn up in the last few months of his reign by which time he must have realised that his formerly expressed wish to deal more directly with the affairs of his Lordship would have to be shelved. There would be no chance for Richard III to make the journey to Ireland while Henry Tudor was waiting across the English Channel.

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4. Bryan, *The Great Earl*, p.22.

5. A. J. Otway-Ruthven, *A History of Mediaeval Ireland* (London and New York 1968), pp.400-401; Donough Bryan, *The Great Earl*, p.64.
6. Donough Bryan, *The Great Earl*, p.263.
7. See also *Historical Manuscripts Commission, Tenth Report and Appendix Part 5* (London 1885), p.380, for Henry VIII's mandate to Galway instructing the men to 'shave their over lips,' let their hair grow till it covered their ears, wear English attire using no more than five standard ells of material in their shirts, adopt the English long bow, learn to speak English and 'use themselves after the English fashion.'
8. *Harl. MS. 433*, vol. 3, p.109.
9. *Calendar of Patent Rolls 1476-85*, p.537.
10. *Calendar of Patent Rolls 1467-77*, p.459.
11. *Calendar of Patent Rolls 1461-67*, p.225.
12. James Hardiman, *History of the Town and County of the Town of Galway* (Dublin 1820), p.62.
13. *ibid.*, Appendix p.xx; *Calendar of Patent Rolls 1476-85*, p.536.
14. Donough Bryan, *The Great Earl*, p.63.
15. *Harl. MS. 433*, vol. 3, pp.36-37.
16. Donough Bryan, *The Great Earl*, p.183. Henry VII clamped down on this freedom and, in 1494, sent Sir Edward Poynings to Ireland with instructions to restore Ireland to absolute royal control. He was not entirely successful in this but the Irish parliament did lose the right to pass their own statutes without first submitting them to Westminster for approval. Henry Deane, Prior of Lanthony by Gloucester and Bishop of Bangor (later Archbishop of Canterbury) was sent to Ireland at the same time as Chancellor (cf. *The Ricardian*, vol. 4, no. 56, pp.17-20).
17. As will be seen, the descent of the inheritance came mainly through the female line — perhaps a cause of the usurpation by the Clanrickards. Henry VII acquired the legal title to the lands through his marriage to Elizabeth of York; they thus passed by right of female inheritance yet again.
18. Edmund Curtis, *Richard, Duke of York as Viceroy of Ireland, 1447-60*, (with unpublished materials for his relations with the native chiefs), *Journal of the Royal Society of Antiquaries of Ireland*, vol. 62 (1932), pp.165, 173. York is reported to have stayed at the castle of Trim and on the steeple of the parish church the arms of Mortimer and York were carved.
19. Michael MacMahon, *Portumna Castle and its Lords* (1983), p.5.
20. Hardiman, *History of Galway*, Appendix, p.xx.
21. *Harl. MS. 433*, vol. 3, p.110.
22. Curtis, Richard, Duke of York, p.165: *The Annals of the Four Masters* say that the Duke was 'received with great honour, and the Earls of Ireland went into his house, as did also the Irish adjacent to Meath, and gave him as many beeves for the use of his kitchen as it pleased him to demand.'
23. Edward Hall's *Chronicle*, (London 1809), p.213 (spelling modernised).
24. Curtis, *History of Ireland*, pp.144-145.
25. Otway-Ruthven, *History of Mediaeval Ireland*, p.390.
26. *ibid.*, p.392: *Dictionary of National Biography*, vol. 19, (London 1889), p.147; Paul Murray Kendall, *Richard III*, (Sphere edition, London 1972), pp.70-71.
27. *Harl. MS. 433*, vol. 3, p.108: Charles Ross, *Richard III*, (London 1981) p.33, note 37, is of the opinion that 'the text of the letter . . . does not support the interpretation put upon it by Kendall (pp.255, 444), that Richard blamed the Woodvilles for the deaths of Desmond's father and his own brother, Clarence . . . At best this letter seems tongue-in-cheek: who were the other "nigh kinsmen and great friends" of Richard allegedly murdered (unless by himself?)'.
28. *Harl. MS. 433*, vol. 2 (Upminster 1980), pp.49-50.
29. *Harl. MS. 433*, vol. 3, p.36.
30. *Harl. MS. 433*, vol. 3, pp.21-22. The coins were to have on the one side the Arms of England and on the other three crowns. The distinction had to be made because Irish currency, illegal in England, was circulating to the detriment of English trade.
31. Donough Bryan, *The Great Earl*, pp.70 and 74.
32. *Harl. MS. 433*, vol. 3, p.36.

33. James Gairdner (ed.), *Letters and Papers Illustrative of the Reigns of Richard III and Henry VII*, vol. 1 (London 1861), pp.91-3. The manuscript reference given by Gairdner for this letter is MS.Cott. Titus B. xi. f.23.
34. *Calendar of Patent Rolls, 1476-1485*, p.475. Henry VII, on the other hand, made a 'Grant for life to the king's brother, George, Lord Straunge, of the office of constable of the castle of Wiklowe in Ireland with wages and fees out of the lordships of Leyxlyp and Chapell Esode in Ireland.' *Calendar of Patent Rolls, 1485-94*, p.79. Otway-Ruthven, in her *History of Mediaeval Ireland*, p.401, concurs with Donough Bryan in believing the instructions were given by Richard III. Bryan, in Appendix 6, pp.278-282, of *The Great Earl* argues convincingly that this was so, his main point being that there is proof that Richard did in fact grant the manor of Leixlip to Kildare.
35. *Harl. MS. 433*, vol. 3, p.111.
36. Bryan, *The Great Earl*, p.263.
37. Curtis, *Mediaeval Ireland*, p.344.
38. Bryan, *The Great Earl*, Appendix, p.284. A patent was made by Kildare in the name of 'King Edward VI' on 13 August, 'in the first year of our reign' and styling him as 'King of England, France and Ireland.'
39. *ibid.*, p.239. Bryan quotes 'Ware, p.48' where it says that when Henry made Kildare a knight of the garter he did not even 'froune a lytell with his countenance.'
40. The policies of the Tudors, early Stuarts and Cromwell, which ranged from being grossly insensitive to downright draconian (and in particular that of the plantation of Ulster by Scots/English settlers with the consequent displacement of the native Irish) were to sow the seeds of the bitter harvest which is being reaped today. Robert Kee in his *Ireland, a History* (London 1980) gives a comprehensive account of the plantation policy, the savage attacks on the native population under Elizabeth and the ruthlessness of Cromwell's regime.
41. Hardiman, *History of Galway*, Appendix, p.xx.
42. *Hist. MSS. Comm. Tenth Report and Appendix Part V*, p.384.
43. H. Wain, *Eochaill: The History of Youghal*, (Cork 1965), p.13.
44. Richard Caulfield, *Council Book of the Corporation of Youghal* (Guildford 1878), p. xxviii. The entry for '2 Edward IV, 28 Dec. 1462' says that the original charter is in the Corporation chest, that it has some beautiful illuminated initial letters and is the oldest document preserved. The entry for Richard's earlier charter reads: '1 Rich. III 20 March, 1483-4 (Orig. in Corp. Chest. The space for an illuminated initial R. was left in this charter blank). Recites the Charter of 2 Edw. IV.'
45. *Calendar of Patent Rolls, 1476-85*, p.536.
46. Merewether and Stephens, *History of the Boroughs and Municipal Corporations* (1835, reprint 1972), p.1040; Martin Weinbaum, *The Incorporation of Boroughs* (Manchester 1937), p.113. '. . . there is one express incorporation of the same reign (Richard III), Youghal. The Charter is on the well-known pattern of English incorporation charters.'
47. *Local Government in Southern Ireland*, 1835, p.105.
48. Weinbaum, *The Incorporation of Boroughs*, p.6, cites Robert Brady, *An Historical Treatise of Cities and Boroughs* (1704), p.iii, who denies the 'sweeping assumptions of contemporary writers' who suppose municipal privileges to be mainly or nearly always based on prescription and, thus indirectly, on incorporation by prescription. He stresses the importance of express royal grants and aptly points out that legal discussions ought to take into consideration the circumstances and differences of the periods of the charters. Weinbaum, p.xxiv, is of the opinion that a charter of incorporation 'raises an existing community to the rank of a legal personality and, in many cases, only expressed conditions that already were tantamount to fictitious corporate existence but lacked this solemn recognition.'
49. Caulfield, *Annals of Youghal*, p.xxviii.
50. *Local Government in Southern Ireland*, p.106.
51. Translation of Gloucester's Charter of Incorporation (1483) made by Dr. N. Herbert in 1981; cf. Gwen Waters, *King Richard's Gloucester* (London 1983), p.64, and G. Waters and P. W. Hammond, 'Gloucester's Charter of Incorporation and the Gloucester Civic Swords,' *The Ricardian*, vol. 3, no. 48, pp.11-16.