

"THE PALE."

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THE word Pale is one of very frequent occurrence in the later mediæval portion of Irish history. The word is derived from the Latin, *palus*, a stake, which is pointed to be thrust into the ground for supporting a hedge or vines, to which a criminal would be tied when he was about to be scourged, or on which his body would be put when left to be devoured by the birds of the air. The English derivatives are a pale, paling, impaled, a heraldic term, and so forth.

Boate, an Englishman who came to Ireland in 1645, and wrote a work bearing the title of the "Natural History of Ireland," speaking of the various divisions of Ireland says:—"There is yet another division of Ireland whereby the whole land is divided into two parts, the English Pale and the land of the mere Irish; the original of which division is this:—The English at the first conquest, under the reign of Henry II., having within a little time conquered great parts of Ireland, did afterwards in the space of not very many years, make themselves masters of almost all the rest, having expelled the natives (called the Wild Irish because that in all manner of wildness they may be compared with the most barbarous nations of the earth) into the desert, woods, and mountains; but afterwards having fallen on odds among themselves, and making several great wars, the one upon the other, the Irish thereby got the opportunity to recover now this, and then that part of the land, whereby and through the degenerating of a great many, from time to time, who, joining themselves with the Irish, took upon them their wild fashions and their language, the English, in length of time, came to be so much weakened, that at last nothing remained to them of the whole kingdom worth the speaking of but the great cities and four counties; to whom the name of Pale was given, because that the authority and greatness of the kings of England, and the English colonies or plantations, which before had been spread over the whole land, now were reduced to so small a compass, and as it were empaled within the same. And, although, since the beginning of the present age, and since King James' coming to the Crown of England, the whole island was reduced under the obedience

and government of the English laws, and replenished with English and Scotch colonies, nevertheless, the name of English Pale, which in the old signification was now out of reason, remained in use, and is so still, even since this last bloody rebellion, wherein the inhabitants of almost all the Pale, although all of them of English descent, have conspired with the native Irish."

Campion, who wrote his "History of Ireland" in 1571, gives a slightly different meaning for the name:—"An old distinction," he says, "there is of Ireland into Irish and English pales; for when the Irish had raised continued tumults against the English planted here with the conquest, at last they coursed them into a narrow circuit of certain shires in Leinster, which the English did choose as the fattest soyle, most defensible, their proper right, and most open to receive help from England. Hereupon it was determined 'their Pale,' as whereout they durst not peepe. But now, within this Pale, uncivil Irish and some rebels do dwell, and without countries and cities are well governed."

Sir John Davis too states that when the English Pale was first planted, "all the natives were clearly expelled; not so much as one Irish family had so much as an acre of freehold in all the Pale." If he means thereby that at an early date, soon after the coming of the Anglo-Normans, the territory, afterwards called the Pale, was entirely cleared of the natives, he is quite wrong.

We must bear in mind that many of the original Anglo-Normans separated themselves in a great measure from their companions in arms, and settling down in various parts of the country, assumed the position and authority of the Irish chiefs, whom in part or wholly they dispossessed. So it was with the Fitzgeralds of Desmond, the De Burgos of Connaught, the D'Exeters, the Birminghams, of some of whom it was said that they were "*Hibernis ipsis Hiberniores*," more Irish than the Irish themselves; but at no time and nowhere was any great part of the country so cleared of its original inhabitants, for the very good reason that the settlers could not do without them, even if they wished to be rid of them.

The English who lived up and down throughout the country without being incorporated with the people, as those whom I have mentioned, seem to have withdrawn into the portion of Leinster nearest to the metropolis, towards the end of the reign of Edward I.; that is, about the year 1300, no doubt because this district was "most open to receive help from England." This was called "The English land," and those who dwelt

outside were said to be "inter Hibernicos," dwelling among the Irish. About a century later, and only then, the name of "Pale" was given to it. In the "State Papers," relating to the beginning of the reign of Henry VIII., under the date 1515, we find it limited to four counties, viz.: Dublin, Kildare, Meath, and Uriel, now Louth. It is sometimes said to contain five counties; but then we must remember that it was only in the 34th of Henry VIII., *i.e.*, in 1543, Meath was divided into East Meath, which we now call Meath, and Westmeath, and that both were included within the Pale. Its exact limits are set down there: "The English Pale doth stretch and extend from the town of Dundalk to the town of Derver (4 miles N.W. of Castle Bellingham), to the town of Ardee, always on the left side leaving the march on the right side, and so to the town of Sydan (4 miles S.W. of Nobber), to the town of Kenlis (Kells), to the town of Dengele (Dangan), to Kilcocke, to the town of Clane, to the town of Naas, to the bridge of Kilcullen, to the town of Ballimore (Eustace), and so backward to the town of Ramore (Rathmore), and to the town of Rathcoule, to the town of Tallaght, and to the town of Dalkey, leaving always the marche on the right hand from the saide Dundalk, following the said course to the said town of Dalkye." From this enumeration it is clear that considerable districts of these four counties were not included in the Pale. Within this territory, and only within it, did the justices and judges hold assize, and the sheriff enforce English law. These may be considered the limits of the Pale in a general way; but at times it seems to have extended further; thus we read in the Records for the 37th of Edward III. (1364): "To such a height had the power of the Kavanaghs and others arisen that the more distant districts of the Pale were then relinquished and the rest retained, for the barrier from Carlow to Dublin was ordered to be removed." It was a common saying all this time that "they dwelt beyond the law that dwelt west of the Barrow." The Kavanaghs were paid an annual rent called "black rent," to protect the King's subjects when crossing the Barrow at Leighlin Bridge. So too the O'Neills, O'Connors, and others received a sort of tribute from the Crown or from the English settled on the borders of the Pale, and the practise seems to have lasted till the 24th of Henry VIII. (1533), when it was forbidden by Act of Parliament to pay such tax further to the Irish. Yet, even in 1599, the Irish Council complained to Elizabeth that the English subjects still paid most oppressive black rents.

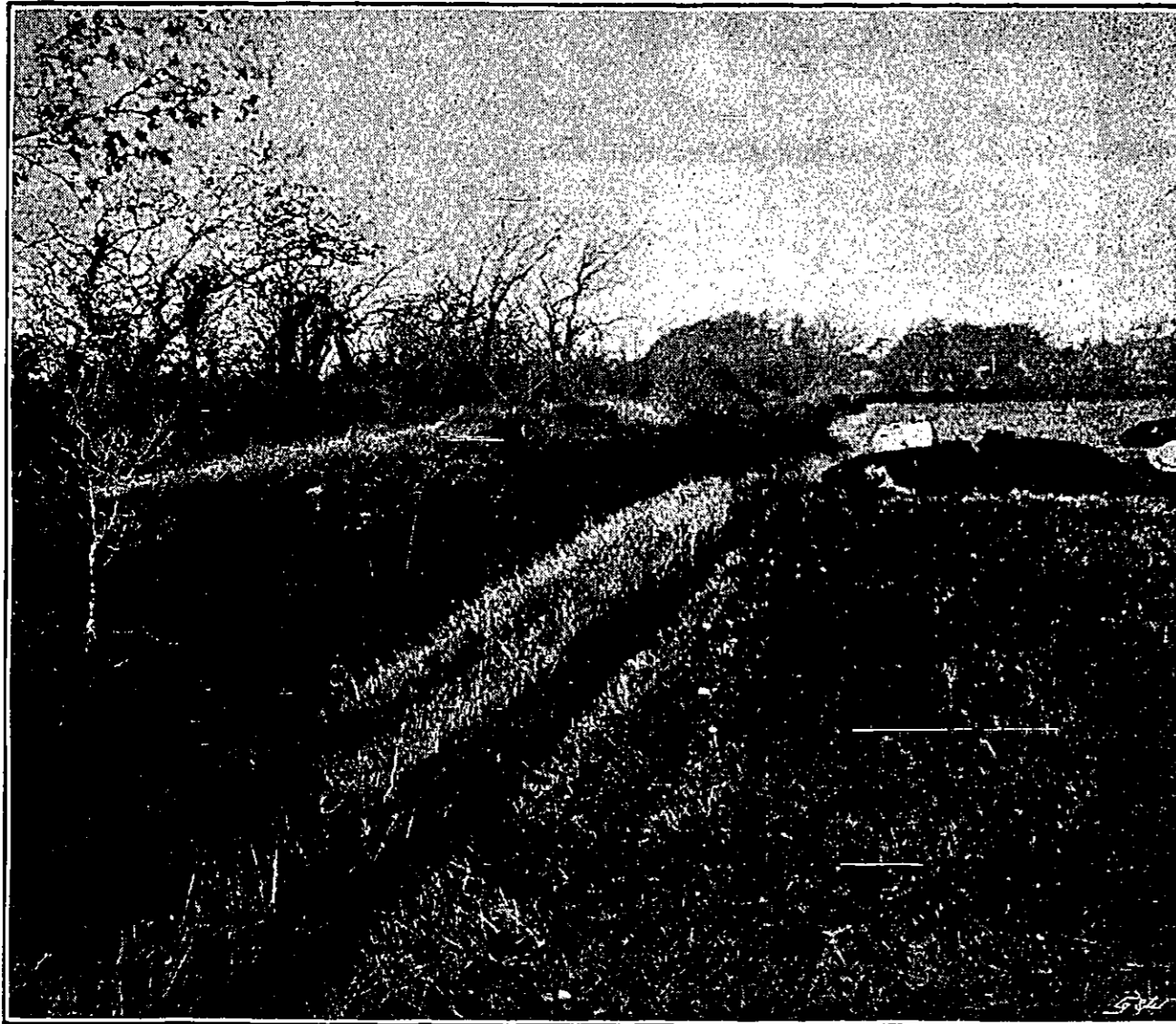
In 1494, a parliament was held at Drogheda, by Sir Edward

Poynings, the same in which the famous Poynings' Act was passed; in this parliament an Act was passed for the protection of those who dwelt within the Pale. It runs as follows:—

"As the marches of four shires lie open and not fensible in fastness of ditches and castles, by which Irishmen do great hurt in preying the same; it is enacted that every inhabitant, earth-tiller, and occupier in said marches, *i. e.* in the county of Dublin, from the water of Anliffy to the mountain in Kildare, from the water Anliffey to Trim, and so forth to Meath and Uriell, as said marches are made and limited by the Act of Parliament held by William, Bishop of Meath, do build and make a double ditch of six feet high above ground at one side or part which meareth next unto Irishmen, betwixt this and the next Lammas, the said ditches to be kept up and repaired as long as they shall occupy said land, under pain of 40s.; the lord of said lands to allow the old rent of said lands to the builder for one year, under said penalty. The Archbishop of Dublin, and the sheriff of the county of Dublin, the Bishop of Kildare, and the sheriff of the county of Kildare, the Bishop of Meath, and the sheriff of the county of Meath, the Primate of Armagh and the sheriff of the county of Uriel, be commissioners within their respective shires, with full power to call the inhabitants of said four shires to make ditches in the waste or Fasagh land without the said marches."

There are still several portions of this double ditch six feet high remaining, one part between Clane and Clongowes, close to the south-western angle of the garden wall of the college, another part from the college farmyard to the nearer end of the by-road that leads to Rathcoffy; both are locally known as "the Rampart," and are still of the original height, as some of our fox-hunting friends must know to their cost, and almost wide enough at the top for a cart to go along on them. There is a third portion near Kilcock, I have been told, and perhaps more in other parts along the line of division given above. Perhaps some of our members who reside in that part of the country may look them up and give us some information about them. This ditch would not be any great hindrance for an active person to cross it, such as an English writer who accompanied King Richard II., in his expedition to Ireland against Art M'Morrogh, describes the Irish to be, "so nimble and swift of foot that like unto stags, they ran over mountains and valleys," and could mount a horse going at full speed. But if we bear in mind that cattle constituted the great wealth of the English colonists, and that the lifting, or 'reeving' of them was the principal way in which their Irish neighbours could do them

harm and benefit themselves, we shall readily see what a protection such a barrier afforded. We find something of the kind done in other parts for the protection of the Pale. Thus in 1478, in the parliament held at Drogheda, an Act was passed empowering Andrew Tuite to make a trench a mile in length between Rathconyll and Queylan, in Meath, "where there is a common road for the Irish enemies of the king to come and enter," and he was allowed to raise a tax of one penny for every cow, and bullock, and every horsepack of merchandize and victuals coming



THE RAMPART (NORTH VIEW), BETWEEN CLANE AND CLONGOWES COLLEGE.
(From *The Clongowitan*, with the Editor's kind permission.)

or going by or near that road. In 1553, the last year of the reign of Edward VI., a commission was issued to John Parker, Master of the Rolls, bidding him raise of every townland in Moyfenrath, Lune, Bermingham's country, the Bishop's and Lenagh's lands, Ferbill, and Fertullagh, six men for six days to repair a ditch that reacheth from the castle of Secrorghan (Teeroghan near Trim), to the Boyne which at times past was made for the defence of the country. At intervals above the

border line there were castles and "fenced houses," the constable of each of which should be an Englishman, for an Irishman "would by nature discover the secrets of the English." So we find an Act passed in the seventh year of Henry VI. (1429), ordering several castles to be built, as in county Louth, "that county being destroyed by default of castles and towers." In a parliament held at Naas in 1472, a castle was ordered to be built at Windgates, county Kildare, and a levy of £10 was ordered to be made in the county for the purpose; at the request of the Abbot of Baltinglas the same permission was given to Rowland Eustace, Lord Portlester, to build a castle at Bala-blaght, county Kildare; and so forth. Round each of these castles there was a bawn (bodun, a cow enclosure) into which the cattle were driven at the approach of the Irish on their raids.

But this was not all. It was desirable that all intercourse, so far as was possible, should be prevented between the English settlers and their Irish neighbours. "Lord," says Spenser, "how quickly doth that country alter men's natures!" and the same writer—remember he wrote at the end of Elizabeth's reign—in his "View of the State of Ireland," which in the form of a colloquy between Eudoxus and Irenæus, makes Eudoxus ask: "What! are not they that were once English, English still?" and Irenæus answers. "No, for some of them are degenerated and grown mere Irish, yea, and more malicious to the English, than the Irish themselves." "The English Pale," he says elsewhere, "hath preserved itself through nearness of the state in reasonable civility; but the rest that dwelt in Connaught and Munster, which is the sweetest soil in Ireland, and some in Leinster and Ulster, are degenerate; yea, and some of them have quite shaken off their English names and put on Irish; that they might be altogether Irish. . . . The like is reported of the old followers of the Earl of Desmond; who for some offence by the Queen against him conceived was brought to his death most unjustly at Drogheda in 1467, notwithstanding that he was a very good subject to the king. Thereupon all his kinsmen of the Geraldines, which was then a mighty family in Munster, in revenge of that huge wrong, rose into arms against the king, and utterly renounced and forsook all obedience to the Crown of England. . . . And with them all the people of Munster went out, and many other of them that were mere English thenceforth joined with the Irish against the king, and turned themselves very Irish, taking on them Irish habits and customs, which could never be clean wiped away." The reference here is to Thomas, eighth Earl of Desmond, who was attainted of treason in a parliament held at Drogheda in

1467, for alliance, fosterage, and alterage with the Irish, and executed. This was but a pretext; his real crime was his having spoken disparagingly of the Queen.

And elsewhere the same writer says: "There were Irish customs which the English colonies did embrace and use after they had rejected the civil and honourable laws and customs of England, whereby they became degenerate and metamorphosed like Nebuchadnezzar, who, though he had the face of a man, had the heart of a beast: in so much that within less time than the age of a man, they had no marks or differences left among them of that noble nation from which they were descended; for as they did not only forget the English language, and scorn the use thereof, but grew to be ashamed of their very English names, and took Irish surnames and nicknames. Namely, the two most potent families of the Burkes in Connaught, called their chiefs M^cWilliam Eighter and M^cWilliam Oughter. In the same province Bermingham, Baron of Athenry, called himself Mac Yoris. Dexeter was called Mac Jordan, Nangle, or de Angulo, took the name of Mac Costello, and so forth." Let me give one example of many, a domestic one, which will show you how these English settlers degenerated, or improved rather, as many think.

In 1331 William de Burgo, known as the Dun Earl, 5th in descent from William Fitzadelm, who came to Ireland with Henry II., and grandson and heir of Richard, the 2nd Earl, known as the Red Earl, who became Earl of Ulster by his marriage with the heiress of De Lacy, and Lord of Connaught by the grant of Henry II. to his ancestor, was killed by Robert de Mandeville and other English settlers, near Carrickfergus, at the instigation of Gyle de Burgo, wife of Sir Richard Mandeville, in revenge for his having imprisoned her brother Walter. There are those who think that it was only the Irish that quarrelled among themselves in those times. Here is what the author of the "Annals of Clonmacnoise" remarks on this subject: "There reigned more discentions, strifes, warres, and debates between the Englishmen themselves in the beginning of the Conquest of this kingdom than between the Irishmen, as by perusing the warres between the Lasies of Meath, John Coursey, Earl of Ulster, William Marshal, and the English of Meath and Munster, Mac Gerald, the Burkes, Butlers, and Cogann may appear." Be that as it may, Earl William's wife, after her husband was slain, fled to England, taking with her their only daughter Maud, then only a year old. The De Burgos of Connaught, descended from William, second son of Richard, son of William Fitzadelm, fearing that the lands

which they held would be transferred to some royal favourite, to whom the king would give this wealthy heiress in marriage—for the tastes and affections of young ladies were not consulted then so much as now, especially if they were wealthy heiresses—declared themselves independent of English law, renouncing at the same time the English language and costume. Sir William, eldest son of Sir William Liagh, who died in 1324, ancestor of the Earls of Clanricarde, took the title of M^cWilliam Oughter or Upper, and Sir Edward Albanagh, his second son, ancestor of the Earls of Mayo, took that of M^cWilliam Eighter, or the Lower, the lands of the former being in the south of Galway, those of the latter in Mayo, and we find that the two chiefs were for the three centuries following duly chosen and inaugurated chiefs of their respective "nations" after the Irish fashion. I may remark that Lionel, Duke of Clarence, third son of Edward III., got the young lady in marriage, and though he came over with the authority of Viceroy three several times to take possession of his lands in Connaught, he returned home to England none the richer.

The De Burgos did not agree among themselves about the division of the spoil, for we read in the "Annals of the Four Masters" under the date 1366: "A great war broke out between the English of Connaught; Mac Moris was banished from his territory by Mac William, and fled for protection to the Clan Rickard. Mac William, Hugh O'Connor, King of Connaught, and O'Kelly, lord of Hymany, marched with an army to Upper Connaught against the Clan Rickard, and remained there nearly three months engaged in hostilities, until at the last M^cWilliam subdued the Clan Rickard; whereupon the hostages of these latter were delivered up to him, and he returned to his country in triumph." Lionel hoped to come by his estates, owing to the wranglings of the present possessors. But however much they might quarrel among themselves, they were always ready to unite and present a firm and undivided front against him.

In 1367 Lionel called together a parliament at Kilkenny, and had passed there the famous statute known as the Statute of Kilkenny. "It was," says a writer on constitutional law, "nothing more than a peevish and revengeful expression of the Duke's resentment for the opposition he had met with, and the loss of the lands to which he laid a claim. It was not to have any obedience paid to it outside the English Pale. It was in reality a declaration of perpetual war against those of the English race who were settled up and down the country, and had been, more or less, necessitated to adopt the Irish customs

and laws." Sir John Davis remarks that the preamble of this Act shows how degenerate the English living in Ireland had become.

The Act runs as follows:—

"Whereas at the conquest of Ireland, and for a long time after, the English of the said land used the English language, made of riding, and apparel . . . but now many English of the said land, forsaking the English language, manners, mode of riding, laws, and usages, live and govern themselves according to the manners, fashion, and language of the Irish enemies, and make marriages and alliances between themselves and the Irish enemies aforesaid, whereby the allegiance due to our Lord the King and the English laws there are put in subjection and decayed, and the Irish enemies are exalted and raised up, contrary to reason, our Lord the King called a parliament, to be held at Kilkenny by his well-beloved son, Lionel, Duke of Clarence, his lieutenant.

"II. It is ordained and established that no alliance by marriage, gossipred, fostering of children . . . be henceforth made between the English and Irish."

I have already stated that in a Parliament held in Drogheda in 1467, an Act was passed for attainting of treason the Earl of Desmond, the Earl of Kildare, and Edward Plunket, for alliance, fosterage, and alterage with the Irish enemies. It was enacted that they should forfeit all their lands. A dispensation was some times granted with this law, as when Richard II. allowed the Earl of Desmond to send his son to be fostered to Conor O'Brien of Thomond, an Irishman.

"III. That every Englishman was to use the English language, be named by an English name, use the English manner of riding and apparel; and every Englishman, or Irishman living among the English, could be attainted, and his lands seized by his immediate lord till he found sufficient security that he would use the English language. And if he had not lands, his body could be taken by the officers of the king and committed to the next gaol.

"IV. That no Englishman having disputes with any other Englishman shall be governed by Brehon Law, which ought not to be called law but a bad custom (*Eins malveis custume*). And that no difference of allegiance shall be made between the English born in Ireland and the English born in England, by calling them 'English hobbe' (clown) or 'Irish dogge.'

"VI. And whereas a land which is at war requires that every person do render himself capable of defending himself, it is ordained that the commons of the said land of Ireland . . . do

not use henceforth the plays which men call horlings, with great sticks and a ball upon the ground, from which great evils and maims have arisen, but that they do accustom themselves to draw bows and throw lances, and other gentlemanlike games, whereby the Irish enemies may be the better checked . . . and if any do the contrary he shall be taken and imprisoned.

"XIII. No Irishman of the nations of the Irish is to be admitted into any cathedral or collegiate church by collation, presentation, or to any benefice of holy Church among the English of the land.

"XIV. No religious house situate among the English shall receive any Irishman to religious profession, but they may receive Englishmen, without taking into consideration whether they were born in England or in Ireland.

"XV. Also, whereas the Irish agents who come among the English spy out the secrets, plans, and policies of the English, it is forbidden that any Irish agents, that is, pipers, storytellers, babblers, rimers, shall come among the English, and that no English shall receive or make gift to them, and he that shall do so and be attainted, shall be taken and imprisoned as well the Irish agents as the English who receive them."

Fortunately this law, than which none could be made more calculated to excite the hatred, antipathy, and revenge of both nations, not only fell into disuse but was treated with contempt, as soon as Duke Lionel returned to England. Opinions vary as to whether the Act had any effect in preventing the evils which it was made to prevent. Here is what Finglas, Chief Justice of the King's Bench in Ireland in 1534, says of it in his Breviate:—

"As long as the aforesaid statute was kept, the land was in good prosperity and obeyed the king's laws, but soon after the departure of the said Duke, he left the same yeare into England, the great lords, as well of Munster as Leinster, then being in great wealth, and growing into great name and authority, as John Fitz Thomas, then created Earl of Kildare, James Butler, created Earl of Ormond, and Maurice Fitz-Thomas, created Earl of Desmond, having division amongst themselves, began to make alterage with Irishmen for their strength to resist (each) other, and disdained to take punishments of knights, being the Viceroys, Justices, or Deputies for the time; by reason of which division the Earls of Ormond and of Desmond, by strength of Irish on both sides, fought together in battle, in King Henry VII.'s days, in which battle the good men of the town of Kilkenny, with many others, were slain." The reference is, no doubt, to the battle

of Pilltown, Co. Kilkenny, in 1462, between the two Earls, in which the Earl of Ormond was defeated.

Elsewhere I have spoken of the Fraternity of St. George, established in 1472 for the defence of the Pale, a poor defence at best, showing the inability of the State to procure an adequate protection for the settlers.

The Wars of the Roses weakened still more the English power in Ireland, by withdrawing the chief men and the soldiers to support the rival combatants in England. These and the other subsequent events in connexion with this subject I need not dwell on. Those who care to pursue the subject further will find it treated of at length in Sir John Davis's "True Discovery of the Causes why Ireland was not entirely subdued."

I must not, however, omit to mention the attempt to transform into Englishmen the intruders into the Pale. By an Act passed in the fifth year of Edward IV., it was ordained that "Every Irishman dwelling amongst the English in the counties of Dublin, Meath, Uriel, or Kildare, shall go like an Englishman in apparel, and shaving of his beard above the mouth, and shall within one year take to him an English name of one town, as Sutton, Chester, Trym, Cork, Kinsale, or colour, as white, black, brown, or art or science, as smith, carpenter, or office, as cook, butler, and he and his issue shall use this name under penalty of forfeiting his goods yearly till the aforesaid be done, to be levied two times by the year for the King's wars."

In the 24th of Henry VIII., the Irish Privy Council wrote to Allen, Master of the Rolls, to instruct the king of the great decay of this land, that neither the English language, or order or habit hath been used, nor the king's laws obeyed within twenty miles in compass. This legislation was not successful then, and whether it produced the desired effects in later times, and whether these have extended to our own times, and if they have, how far, are matters of which you are capable of judging quite as well as I.