

TNA: PRO SP 63/147/16*Bill against Lord Roche, 12 October 1589***Headnote**

This document of 1589, one of the last dateable documents that we have in Spenser's hand, finds him an undertaker in County Cork, involved in local legal business (travelling back from the sessions at Limerick), and involved in a land dispute with Maurice Roche, Viscount Fermoy. Spenser had acquired his title to the lands of Kilcolman and Rossack by special grant from the commissioners of the Munster plantation, following the escheat of all of the Earl of Desmond's properties at his death in 1583. Lord Roche contested Spenser's right to the lands, claiming that he had come into possession 'by making of corrupt bargains with certain persons pretending falsely title to parcel of the Lord Roches lands', and had taken certain castles (presumably both Kilcolman and the bawn at Richardston) and ploughlands that belonged to him (see Heffner 1931). The cause of the dispute is straightforward: while the Queen and the Privy Council had taken careful steps to ensure the fair and accurate appraisal of the Earl of Desmond's lands after the end of the Munster rebellion, inevitably the Earl's title in some parcels of the estates was confused or contested, and in Kilcolman and Rossack Spenser inherited what appears to have been a long-running dispute (on Irish and Old English counter-claims for land in this period, see Sheehan 1983). In fact, the grant of the land to Spenser was probably a result of this very dispute: Andrew Reade, to whom the estates had at first been assigned, failed ever to take up possession, and the 'corrupt bargains' to which Roche alluded in his complaint – detailed in SP 63/144/70 (*supra*) – were those between Spenser and Reade, requiring Spenser to inhabit the lands on Reade's behalf (i.e. to keep Roche out) until Whitsunday 1589, and thereafter, Reade not showing, giving Spenser the right to take possession in his own name. It is clear that neither Reade, nor any one else in Munster, much desired to drink from the poisoned chalice of the Kilcolman estate, but Spenser – with his administrative and legal experience, access to the Vice President of Munster Thomas Norris, and gentlemanly aspirations – seems to have been willing to take the risk. The subsequent volleys on either side (of which this document represents one) were predictably tawdry: Roche wrote directly to Walsingham, detailing how Spenser had threatened and beaten Roche's tenants, stealing their cattle (SP 63/147/15 and 63/147/15/1), while Spenser accused Roche of treasonous and generally anti-social behaviours. The exact recipient of this document must remain uncertain, though it is possible either that Spenser sent it directly to London (perhaps, as in Roche's letter, to Walsingham), or to the Council of Munster, who may have sent it on to England.

The text of the allegations is, for the most part, in Spenser's characteristic secretary hand, here slightly hasty as appropriate for a draft of this kind. The two cursive signatures at the foot of the document may be autograph, while the names appended to each of the items are in a hasty, rounded italic, possibly Spenser's or Cuffe's (with some exceptions, e.g. 'Teig Olyues' at l. 48, which is in Spenser's secretary hand). At least some of the endorsement is in Spenser's regular secretary (the deletion and 'Kilballyewerye'), while the rest is in a very cursive, broad-nibbed, and fairly illegible italic. The list-like notes to

the left of the endorsement, smudged and blotted to illegibility, are in this same rough italic.

Endorsements

1588

byll against the
Lord Roche*

Kilballyewerye*

Text

Against the Lord Roche.

Imprimis the Lord Roche in Iuly 1586 and at sondry tymes before & after relieved & maynteyned one Keadagh Okelly a proclaymed Traitour being his fosterbrother & caused the Sessoures man, who had seized vpon a garran which the sayd Keadagh stole & brought into the countrey, to bee apprehended And when the sayd Kedagh was sought for he conuayed him away.

James birne

Item the said Lord secretly vpon the first report of the Spaniardes coming* towards this countrey caused powder & munition to bee made in a privy place of his house, from the knowledg of his owne seruauntes

mr Mc hendry

Item the said Lord vseth in his grace to pray* that god* would take away this heavy hand from them and speaketh ill of the gouernement, & hath vttered wordes of contempt of her Maiesties lawes calling them vniust.

mr Edmound Spencer*

Iames byrne

Item the sayd Lord hath imprisoned in his private house sondry persons videlicet a man of Mr Verdons a man of Mr Spencers* & sondry* others of the* freeholders of his countrey

mr Edmond Spencer

mr Iohn Vernon

Item the said Lord apprehended one Vllig Okief for stealing of ix kyne & after vpon* compositiion enlarged him, so as the sayd Vllig* would make to him a feoffement of his land which he presently did Therevpon the sayd Lord agreed to satisfy the stolen kyne to the parties which ought them which hetherto he hath not doen. Vllig* OKief

Item v kyne being stolen from were* followed to the Lord Roches house,
 where they were proved to have bene eaten & satisfaccion of the same was by him made
 accordingly.

Item the sayd Lord made proclamacion in his countrey that none of his people should
 have any trade or conference with Mr Spenser or Mr Piers or any of their tenants being
 english*

mr Edmond Spenser
 mr peers

Item the said Lord Roche tooke away & killed a fatt beof of Teig Olyues for that Mr
 Spenser lay in his house one night as he came from the Sessions at Limeric
 Teig Olyues

Item the said Lord Roche killed a beof of his Smithes for mending mr Perces plough
 yron.

mr peers

Item the sayd Lord Roche hath concealed from her Maiesty the Manour of Crogh being
 the freehold of one who* was a Rebell*
 yt shalbe proved /

Item the sayd Lord Roche hath also lately entred into the sayd Rebelles other land which
 he gave him in recompence thereof as he alleageth . /

All this is to bee verified by prooffe of the forenamed persons.

Hugh Cuffe as I am Credeable Informed.

Edmund Spenser

Textual Notes

* **Endorsements below Lord Roche]** 'Kibarr' deleted.

†

* **Endorsements]** Against the left side of the endorsement is a long and illegible list, possibly of names. It appears to be in the same handwriting as the endorsement.

†

* **after Spaniardes coming]** 'into' deleted.

†

* **after to pray]** 'for' deleted.

†

* **after that god]** 'may' deleted.

†

* **before Spencer]** 'James burne' deleted. In **Spencer**, 's' deleted between 'n' and 'c'. Possibly the strangest thing about this document is this deletion: why Spenser should have spelled his name 'Spencer' in several instances here, and in this case taken the trouble to correct the 's' to a 'c', while thereafter signing the document with the s-form, is at first glance difficult to explain. It may be that he was experimenting with an affectation – likening the spelling of his own name to that of the courtly Spencers of Althrop – but he seems not yet, in this document, to have got the hang of it.

†

* **after Mr Spensers]** 'V' deleted.

†

* **sondry]** Inserted above the line.

†

* **the]** Spenser has written 'the' over an original 'his' here; it seems he originally intended to write 'others of his countrey', but changed it to 'sondry others of the freeholders of his countrey'.

†

* **vpon]** A single-stroke deletion appears at the end of this word.

†

* **Vllig]** 'h' deleted at the end of this name.

†

* **before Vllig]** A line has been inserted here to mark the break between item and signature.

†

* **from . . . were]** There is a gap in the text here, presumably left to be completed later.

†

* **being english]** 'being english' apparently added at the same time as the signatures below, as it appears to be in the same fresh, darker ink. It also appears to be in a much hastier secretary script, though probably still Spenser's—suggesting that Spenser signed the claim himself.

†

* **of one . . . who]** There is a gap in the text here, presumably left to be filled in later.

†

* **after Rebell]** '&' deleted.

Annotations

Lord Roche] Maurice Roche, Viscount Fermoy; see biographies.

relieved] Assisted with food, money or the like.

Keadagh Okelly] This name does not appear in other correspondence from the period, and Roche's precise relationship with him remains unclear. Irenius' account of the Irish custom of 'fostering' in *A view* (ll. 2101-33) closely links it with the practice of placing babies from Anglo-Norman families with Irish wet-nurses (one of their 'twoe evill customes'); whatever Roche's exact connection with O'Kelly, the bill seems to allege the same kind of natural corruption in Roche which had occupied Irenius in *A view*.

the Sessoures man] The servant of the cessor, or assessor: the official responsible for determining the cess, a local tax.

garran] Small horse bred and used chiefly in Ireland and Scotland (Gael. *gearran*).

James birne] Another fugitive name: nothing further is known of him, though Byrne's intimate knowledge of Roche's household (even down to the grace Roche said at his own table) suggests that he may have been a servant or local gentleman who turned on his former master or associate.

the Spaniardes ... countrey] Presumably the remnants of the Spanish Armada, many of whom were washed up onto the west coast of Ireland in the Autumn of 1588.

mr Mc hendry] Another name that remains a mystery (though see the 'Grant to McHenry', BL Add MS 19869, *infra*).

in his grace] In his prayers (see *OED*, 'Grace', *n.*, 20); here, probably that spoken at his table before a meal.

Mr Verdons] John Verdon. He may have been a merchant, and held a number of titles and lands around Counties Cork and Limerick, including Sovereign of Kilmallock (c. 1579), member of the Grand Jury of Cork (c. 1584), Bailiff of Cork (c. 1588/9), and sheriff in County Limerick (c. 1592). He was granted a commission in 1591 to enquire into lands in Cork belonging to Donogh McCormock.

freeholders of his countrey] Tenants holding land for the term of their lives.

Vllig Okief] Another obscure name.

kyne] Cattle.

composicion] Agreement of terms for a settlement.

enlarged] Set free.

make to him a feoffement of his land] Effectively to give the title in his land to Roche. Like many of the claims made in this bill, on the face of it this does not appear to be a particularly damning charge. As the pre-eminent lord in his area, Roche would have expected to administer justice between his tenants; appropriating the land of a felon – and then perhaps reassigning it to some favoured relative, or even keeping it – was neither unprecedented or particularly unjust.

Mr Piers] Another obscure name. Presumably not the old Captain William Pers, stationed at the time in Carrickfergus. Perhaps the 'Piers Purcell of Croghe' (see Crogh, below) mentioned in a draft report of commissioners, 1586 (SP 63/127/75).

beof] Cow.

Teig Olyues] Another obscure name.

the Sessions at Limeric] Meeting of the provincial court at Limerick.

Manour of Crogh] Or Croghe (see note on **Piers**, above).

Hugh Cuffe] An undertaker in the Munster plantation, possibly a merchant (MacCarthy-Morrogh, 50), or possibly brother to Henry Cuffe, the Earl of Essex's secretary. His seignory, in Kilmore, County Cork, was of 12,000 acres (roughly four times the size of Spenser's), and made him the immediate neighbour of Kilcolman.

as I am Credeable Informed] An obscure note, perhaps suggesting that Cuffe was not present at the signing of the document, but that Spenser was assured that he could vouch for his agreement. If this is the case, it must also remain unclear why Spenser felt that he needed to include Cuffe's name: perhaps Cuffe had contacts at court that Spenser was eager to exploit.