

# **Law and Order in Ireland, Part 2**

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## II.—HOW THEY WERE ESTABLISHED—1172-1319.

HENRY's work in Ireland, referred to in the first section, was brought to an untimely close by a peremptory summons to answer for his share in Archbishop Becket's murder before all ecclesiastical council in Normandy. A summons to which he dared not reply, as he (lid in former years, with "By God's eye, I care not an egg for your councils." He feared to offend the Pope and thereby lose the clerical support in Ireland. He had therefore to rely on the colonists' instincts of self-preservation for the maintenance of their footing, and on their rapacity for the extension of their borders, As might be expected, the ships that bore him and his "ironclads" from Waterford harbor were scarce out of sight before the Irish renewed their attacks on the would-be colonists. But the primary result of Henry's visit had been a large influx of fresh adventurers (bearing better reputations, be it said, than the first batch), and every day brought reinforcements. So inch by inch the tribes were driven back by overwhelming numbers and forced to exchange the sea washed towns and fertile plains for mountain wilds and dreary bog-lands. The astute Norman barons had other methods than that of the sword for obtaining the acres they coveted. Strongbow, on the death of Dermot, had claimed the kingdom of Leinster by right of his wife Eva, although her brother was elected king by the popular voice. Strongbow asserted the brother had been born out of wedlock—a bar to succession according to Norman law, but none among the Irish, where the people's voice was all-sufficient. Whether legitimate or not, Dermot's son was forced to resign his patrimony and fly for safety to the mountains.

This success of Strongbow's was an example to be followed; and many a daughter purchased by a union with one of her country's foes a few years' peace for her father, at whose death the sons would be proclaimed bastards and either driven into exile or butchered, the alien taking possession of the land, whether the tribe accepted him or not.

Another method may be illustrated by the story of the dispute between O'Rorke of Breffni and Hugh De Lacy concerning West Meath. The king of Connaught, to heal the wounded honor of his kinsman O'Rorke, bestowed upon him West Meath, that from time immemorial had belonged to "the four great tribes of Tara," Henry II, with equal right and generosity, had granted the whole of Meath, East and West, to his constable De Lacy and his heirs for ever. Neither grantee would yield his claim. De Lacy invited O'Rorke to talk it over amicably, for which purpose they met on a hill-top, as was usual in such *tete-a-tetes*, to guard against treachery, with some armed retainers of each of the disputants in sight. During the interview O'Rorke became excited and raised his hand 'a a threatening gesture. This was the signal to lie Lacy's men, who rushed to the spot and slew O'Rorke before his followers could come to the rescue. A day or two later O'Rorke's head decorated the northern gate of Dublin city, his body being gibbeted on the adjoining wall, neck downward; and De Lacy assumed the titles of lord of Meath and Breffni De Lacy ruled Ireland, or as much as he could get at, for many years with a rod of iron. The Irish styled him "king of the foreigners," which occasioned his recall in 1184; but his unrivaled qualities—i.e., capacity for ruthless slaughter and wholesale eviction—necessitated his restoration after a few months. He was again recalled by King John, who also was obliged to reappoint him in default of a worse man. His genius for ruling was precious to his royal masters, not only for the purpose of rooting out the spirit of national independence, but also for the curbing of the Norman settlers, who at times forgot they were subject to English laws, and assumed the manners of the people they were sent to enthralled, in some cases becoming "more Irish than the Irish themselves." This did not suit

England's policy, so law after law, culminating in the infamous Statute of Kilkenny, was passed to prevent a friendly fusion of tire races.

It was by a strange irony of fate that John, of all the English monarchs, should have been the only one to mete out justice to the Irish, and this he did because he listened to their demands and settled their claims irrespective of the colonists with whom he happened to be at daggers drawn, because they had sheltered some of his recusant barons when they fled to Ireland to escape his fury. It is pitiful to think how long years of injustice must have broken and degraded the spirit of the Irish chieftains so as to make them sue at the feet of this vile king, who in his boyhood had plucked their beards and spat into their faces when he had come among them as his father's deputy. Lust for power, too, was strangling their nationalism, The splendid opportunity for revolt which came during the long minority of Henry III., was lost through the inability of the people to unite in the common cause. Henry's ministers contented themselves with following the lines marked out, and pursuing the "Divide and Conquer" policy, interfering only when the internal struggles of the chiefs had left them weak and defenseless. The kingdom of Munster at this time offers a striking example of this policy. Division was sown in the O'Brien family by confirming the younger son of the late king in the lordship of Thomond, the richest appanage of the Crown, thus leaving the eldest brother with but the barren title of king, Each was secretly flattered with promises of support against the other, and by alternately working on their hopes and fears both were for many years kept utterly dependent. A later generation of the Thomond O'Briens experienced a dastardly attempt to wrest from them their broad lands. Thomas de Clare had long coveted them, and desired by their possession to rival the famous Geraldines in Munster. He had not succeeded in espousing a possible heiress, but he had condescended to be gossip (i.e., godfather, a very sacred relationship in those days) to O'Brien Roe, the lord of Thomond. Backed by the Kildare Fitzgerald (an ancestor of the present Duke of Leinster), he marched into Munster at the head of a large force. O'Brien, unconscious of their mission, and innocent of all offense, went to meet his godpapa, with but a few followers. This lamb-like confidence was rewarded by his being tied between two horses and torn in pieces. Instead of being cowed by such an atrocious act all Munster rose in arms to avenge it, and the invaders were utterly defeated near Ennis (1277). Fitzgerald and De Clare took refuge in a neighboring church, which was promptly burned over their heads. They surrendered, and with a generosity almost incredible the son of the murdered prince permitted them to be ransomed in accordance to the ancient Keltic custom that forbade the shedding of blood for blood. The Do Clares persisted in their attempts on Thomond up to the year 1315, when after a series of failures this branch of the house of Gloucester became happily extinct in the land.

Ulster throughout had been the stronghold of the island. Here, from time to time, a hero stood up to make bold efforts for the resuscitation of his country's dying liberties. In the time of England's first sod second Edwards, the hero of the North was Donald O'Neil. For twenty years he defied the encroachments of Richard de Burgh, upon whom the earldom of Ulster had been conferred, but like so many others of his fellows the enjoyment of the dignities were somewhat delayed by the man in possession. O'Neil saw that the only hope lay in a union of the various kingdoms, and knew that the miserable jealousies of the chiefs would never let that union take place under one of themselves' putting aside his own rights to and abilities for the leadership, he proposed that Ed, Bruce should be offered the crown of Ireland on the condition of taking command of the combined forces. The recent victory of Robert Bruce over the English at Bannockburn invested his brother Edward with a halo of borrowed glory. Bruce came over with a

considerable following, was accepted, and was crowned at Dundalk with all the ancient honors. But he did not possess any of the qualities needful to his position. "His rashness in battle, intractability and total disregard of the prejudices of the people " who had invited him to reign over them soon quenched the ardent enthusiasm with which he had been received. His undisciplined soldiers were permitted to plunder friend and foe indiscriminately, and to lay waste the land through which they passed. Victory attended his arms at first, then came reverses, and a disastrous retreat through famine-stricken regions. For the first time the Irish peasants felt the horrors of famine and its twin-sister, pestilence, and curses on the Scot who brought these Dew Woes upon them filled the air. Edward Bruce fell in battle near Dundalk, the former scene of his triumphant coronation, and his death the old chroniclers tell us was regarded as a national benefit. Donald O'Neil was exiled for a time from his kingdom of Tyrone, but returned unopposed to end his days there- His fortunes were irretrievably shattered, and his name dimmed by association with that of Edward Bruce. Later on he took up his pen in behalf of his people. Alarmed by the temporary success of Bruce, the English king had obtained the influence of Pope John XXII. in his behalf with the Irish clergy. To the Papal rescripts the following pathetic reply of O'Neil's has been preserved : "They " (the English) " oblige us by open force to give up to them our houses and our lands, and to seek shelter like wild beasts upon the mountains, in woods, marshes, and eaves. Even there we are not secure against their fury, they even envy us those dreary and terrible abodes; they are incessant and unremitting in their pursuit after us, endeavoring to chase us front among them; they lay claim to every place in which they can discover us with unwarranted audacity And injustice; they allege that the whole kingdom belongs to them, and that an Irishman has no longer a right to remain in his own country." Such was the state of affairs outside English jurisdiction in Ireland in the beginning of the fourteenth century. Within the pale" no man of Irish origin could sue in an English court, no Irishman could make a legal will, his property was appropriated by his English neighbors, and the murder of an Irishman was not even a felony punishable by a fine.

**(TO BE CONTINUED.)**

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