

# Baron Lassberg

## Or, The Curious Case of The Wandering Plea Rolls

Aideen Ireland with Peter Crooks<sup>1</sup>

*'The entire occurrence was calculated to awaken government to the present disgraceful state of the public records in Ireland.'*

—Rev. James Graves

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The curious matter of the wandering Irish plea roll no. 162 — one of several medieval parchment records stolen from Dublin in the first half of the nineteenth century which found their way to the castle of a German baron on the northern shore of Lake Constance — was brought to the attention of the Kilkenny Archaeological Society at its meeting of 2 November 1853.

The hero of the tale was Mr James F. Ferguson, an active corresponding member of the Society, who had personally travelled to Germany to retrieve the medieval parchment rolls at his own expense. Ferguson was a 'conservator of the records of the court of exchequer, Dublin'. On his return to Dublin he transmitted to Kilkenny for exhibition before the members of the archaeological society 'a portion of the original roll of common pleas ..., 4 Edward III' — that is a parchment record in Latin of proceedings before the royal justices of the common bench in Ireland in the year 1330.<sup>2</sup>

James F. Ferguson was born in the United States in 1806 and moved to Dublin in 1821. His legal researches and assistance in arranging the Irish Records series, as well as his

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<sup>1</sup> **Image:** Joseph von Lassberg (1770–1855). Public Domain.

<sup>2</sup> 'Proceedings of the Kilkenny Archaeological Society', *Transactions of the Kilkenny Archaeological Society* [later *Journal of the Royal Society of Antiquaries of Ireland*, hereafter *JRSAI*], 2:2 (1853), 387–8.

private work in indexing the entire collection of exchequer records, led to his appointment as clerk and secretary to the commission arranging the records of the Irish courts between 1850 and 1852. He continued in charge of these records, at no remuneration, until his death. He contributed two important articles to the *Gentleman's Magazine* on the neglected state of Irish records between 1853 and 1854.<sup>3</sup>

The existence of medieval Irish plea rolls in Germany was brought to Ferguson's attention by his friend, the Reverend H.F. Ellacombe, rector of Clyst St George in Topsham, Devonshire, who was himself informed by his friend R. L. Pearsall, a resident at Château de Wartenau on the Swiss side of Lake Constance. The medieval Irish plea rolls were reported to be in the possession of Joseph von Lassberg (1770–1855), a famous German antiquary and bibliophile, whose vast Library at the Castle of Meersberg contained 12,000 books and nearly 300 rare manuscripts. Lassberg had purchased the Irish plea rolls from a dealer in Frankfurt in 1851.

Having discovered the existence of these medieval records, Ferguson immediately informed the Treasury in London, the Lord Chief Justice, and the Chief Baron of the Exchequer in Dublin; but the authorities showed themselves to be unwilling to do anything to effect their return, so he set out himself for Germany to acquire them and restore them to their rightful place among the public records of Ireland.<sup>4</sup>

Responding to the news of Ferguson's adventure in 1853, the Reverend James Graves, Hon. General Secretary and Hon. Treasurer of the Kilkenny Archaeological Association, referred to the 'supine' attitude of the government of the day to the recovery of these medieval treasures. His trenchant views bear quoting in full:

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<sup>3</sup> G.B. Smith / Aideen M. Ireland, 'Ferguson, James Frederic', *Oxford Dictionary of National Biography*, s.n.

<sup>4</sup> *JRSAI*, 2:2 (1853).

Mr Ferguson had laid the matter before the authorities in England, in order to give the nation the option of recovering its property. With a supineness perfectly unaccountable, however, no notice was taken of the matter; and Mr Ferguson, unwilling that such precious documents should be lost, proceeded, at his own expense, in the course of last summer, to the Baron de Lassberg's Swiss castle, and succeed in purchasing from him the manuscripts in question.<sup>5</sup>

The affair prompted Graves to reflect more widely on the dismal state of the public records in the decade before the foundation of the Public Record Office of Ireland in 1867:

The entire occurrence was calculated to awaken government to the present disgraceful state of the public records in Ireland. When such a fraud as caused the abstraction of such documents as those in question, was possible, how could we be sure that any of them were safe. Fire had done its work on some of the records; damp was and is, slowly but surely, working the defacement of others; and pecculation may be still at work, whilst one depository was until lately in the care of a common porter! Lord chancellors and lord chief justices, their *legal guardians*, recked little of their loss or gain – whilst *their* underlings again delegated their duty to inferior hands, until at last responsibility became so much divided that it was inoperative. Was such a state of things to last much longer?<sup>6</sup>

In fact, the purchase of the records was not so easily concluded. Baron Lassberg, having discovered that an officer of the courts was interested in the medieval rolls in his possession, proposed an inordinately high price for their retrieval. Ferguson was unable to afford the figure proposed, and so 'with characteristic devotion' stayed awake at the castle working through the night to make abstracts from the Irish records. The following

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<sup>5</sup> *JRSAI*, 2:2 (1853)

<sup>6</sup> *JRSAI*, 2:2 (1853).

morning, Lassberg proved more amenable to parting with the records and accepted the money Ferguson had on his person, which amounted to thirty pounds sterling.<sup>7</sup>

Ferguson made further attempts to discover how the medieval plea rolls had been stolen from their rightful repositories in Ireland. He was unable to trace the manuscript dealer, Guggenheim, from whom Lassberg had purchased the rolls, but details of his detective work survive in a letter he wrote in 1853 to the Wexford antiquary Herbert F. Hore:<sup>8</sup>

I have accordingly waited upon the Baron de Lassberg, an antiquary of much celebrity in Germany as his castle of Meersburg (which is the oldest Chateau in Germany having been built by King Dagobert) and prevailed upon him to transfer the records to me in consideration of a Sum of £30.

He then went on to describe the sorry state of the rolls he had purchased. All of them, he reported to Hore:

have been wantonly cut with some sharp instrument whenever (as it is probable) a strip of parchment was required for a tailor's measure or such like purpose. And now a question arises where and how has it been that these records have travelled from Dublin to Baden Duchy, and how did they get into the hands of this Wandering Jew who sold them to Mr de Lassberg. When in Switzerland I made enquiries for this Guggenheimer the Jew but could not discover him.

Ferguson's report continued:

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<sup>7</sup> Charles Haliday, *The Scandinavian kingdom of Dublin*, ed. John P. Prendergast (Dublin, 1991), pp xxvii-xxix

<sup>8</sup> National Archives Ireland, M 7091 (letter from James F. Ferguson to Herbert F. Hore, dated 1 June 1853).

It is likely that these Records were formerly deposited in Bermingham Tower and that they were stolen therefrom ... and they have not come under the notice of the Irish Record Commission at any time. With respect to their value I am not prepared at present to say anything as I have not as yet had an opportunity of reading them, but as numerous entries of ancient date are to be found upon them I cannot but come to the conclusion that some of them must be of interest. Their value as legal instruments is of course destroyed, but as historic documents their utility is not impaired save by the disgraceful condition in which they have been found.

It would appear that the rolls were still in the Bermingham Tower of Dublin Castle in the early part of the nineteenth century, later being transferred to the Record Tower, the move having been completed by March 1816. The roll of 1330 retrieved by Ferguson is listed in the inventory of the records by the Irish Record Commission, where it is assigned the number Plea Roll 162 in the appendix to the Commissioners' Eighth Report of 1819. The late Philomena Connolly, Senior Archivist of the National Archives, noted:

Unfortunately, we have no way of telling where Guggenheimer acquired them or who removed them from Dublin Castle. Between the compilation of the inventory and the transfer of the records from the Record Tower to the Public Record Office in the Four Courts in 1869, a total of 14 rolls, in addition to those recovered in Germany, had gone missing, and are still unlocated.<sup>9</sup>

It is not known where Ferguson kept the fragmentary records with which he returned to Dublin in 1853, but it may have been in the office of which he was the custodian, the Exchequer Record Office in the Four Courts in Dublin. It is unlikely that he held them in his own home. He was eager to publicize their contents and to make his peers in Ireland and Britain aware of the existence of further wandering records, yet to be retrieved, by

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<sup>9</sup> Philomena Connolly, 'The medieval Irish plea rolls – an introduction', *Irish Archives*, 2:1 (1995), 7.

placing notices in the journal *Notes and Queries*, which appeared in the year of his death.<sup>10</sup>

Ferguson died in 1855, the same year as Baron Lassberg. After his death, the medieval rolls in his possession, together with his abstracts from various records of the Irish exchequer, were purchased by the authorities and transferred to the new Public Record Office of Ireland after its foundation. Once housed in the new Public Record Office of Ireland in the Four Courts the returned medieval rolls enjoyed the same protection as the other records which had been gathered into the purpose-built repository.

While the Four Courts were occupied during the Easter Rebellion of 1916 only one document in the Public Record Office was destroyed.<sup>11</sup> Occupation of the Four Courts took place again in April 1922. This time the outcome was quite different.

On 30 June 1922, the fire in the Record Treasury of the Public Record Office of Ireland ensured that the wealth of records gathered in the repository was destroyed. Among them were the wandering plea rolls so gallantly returned to Dublin from Germany by Ferguson in 1853.

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<sup>10</sup> James F. Ferguson, *Notes and Queries*, 10 February 1855 and 28 July 1855. The authors are very grateful to Mr Randolph Jones for providing these references.

<sup>11</sup> *Forty-Ninth Report of the Deputy Keeper of the Public Records of Ireland* (1917), pp 3–4.